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**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 IN THE PHILIPPINES
OF A LIFELONG LEARNING CENTRE FOR SUSTAINABLE DEVELOPMENT
IN SOUTH-EAST ASIA AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

SUMMARY

Following a proposal by the Government of the Republic of the Philippines to establish a South-East Asian Center for Lifelong Learning for Sustainable Development (SEA-CLLSD) as a category 2 centre under the auspices of UNESCO, a technical mission was undertaken in March 2008 to assess the feasibility of establishing the proposed Centre. This was followed by further consultations and meetings between the UNESCO Secretariat and stakeholders in the Philippines in May 2008, September 2008 and June 2009. The evaluation of the Centre was carried out in conformity with the criteria approved by the Executive Board in 181 EX/Decision 16, pursuant to 34 C/Resolution 90, concerning the creation of institutes and centres under the auspices of UNESCO.

This document is based on the outcomes of the mission. It reviews the prerequisites for the establishment of the Centre, and provides the rationale behind the Philippines' proposal. It is supplemented by a Draft Agreement between UNESCO and the Philippines (Annex).

Financial and administrative implications are covered in paragraph 8.

Action expected of the Executive Board: proposed decision in paragraph 10.

INTRODUCTION

1. The Republic of the Philippines has proposed the establishment of a South-East Asian Center for Lifelong Learning for Sustainable Development (SEA-CLLSD) under the auspices of UNESCO (category 2), hereinafter referred to as the “Centre”. This document outlines and analyses 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, defined as the countries covered by the Bangkok and Jakarta cluster offices, and the Centre’s relevance to UNESCO’s programmes. In accordance with the requirements specified in document 181 EX/66 Add. Rev., Report by the Director-General on a draft integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO, approved by the Executive Board in 181 EX/Decision 16, pursuant to 34 C/Resolution 90, a decision from the Executive Board will be sought to continue the process to establish the Centre under the auspices of UNESCO.

2. A “UNESCO Center for Lifelong Learning for Sustainable Development (UCLLSD) of the Philippines” was established through Presidential Executive Order No. 483 in 2005 as a separate legal entity in the Philippines. UNESCO has not participated in the setting up of the Centre and has made no financial contribution to the execution of its activities. This Centre will be dissolved following the Joint Resolution No. 34 currently lying before the Fourteenth Congress of the House of Representatives of the Republic of the Philippines, which has passed its first reading and is anticipated to be approved by the end of the year. The South-East Asian Center for Lifelong Learning for Sustainable Development (SEA-CLLSD) will be established once the Joint Resolution is passed and does not have the name of UNESCO in the proposed title of the Centre.

3. Pursuant to the Executive Board’s request to the Director-General to prepare a feasibility study on the original proposal submitted to its 176th session (176 EX/55), a UNESCO mission (comprising representatives of UNESCO Bangkok and UNESCO Jakarta, a visiting professor of the United Nations University – Institute of Advanced Studies, and a board member of the UNESCO Institute for Lifelong Learning) was undertaken to the Philippines in March 2008 to assess the feasibility of the proposed subregional centre. Some of the main findings pertained to the following areas: consolidation of the centre’s status nationally; the use of UNESCO’s name in the existing centre’s name without authorization; recognition that establishing the centre as a category 2 centre could possibly contribute to securing its sustainability; the role of Operation Brotherhood Montessori Center, Inc. (OBMCI); identification of areas of comparative strengths and interests where participating Member States can contribute to the Centre’s work; and securing a balanced composition of the Governing Board that reflects the diversity of the South-East Asian subregion. As a result, and since the time of the feasibility mission, a number of important developments have taken place that include: a regional mapping of the development needs concerning lifelong learning and Education for Sustainable Development (ESD); the submission of letters of support from six Member States (including Indonesia, Lao People’s Democratic Republic, Malaysia, Singapore, Thailand and Viet Nam); identification of service providers from the subregion; and finally the qualification of the role of OBMCI as a service provider among several others.

4. Several decades after UNESCO’s International Commission on the Development of Education submitted its report *Learning to Be* (1972) highlighting the need for a learning society, lifelong learning re-emerged as a major international education movement of the 20th century, spanning over the new millennium. In 1996, UNESCO’s Delors Report emphasized the need for continuing learning through the life span to ensure economic, social and personal welfare in an era of consistent and ongoing change. It defined the goals of lifelong learning in terms of four pillars (principles) that extended the definition beyond the traditional emphasis on the formal acquisition of knowledge. These four pillars involve: (i) learning to know, (ii) learning to do, (iii) learning to live together, and (iv) learning to be. These principles highlight the importance of meeting learner needs and the development of competences. Along the same lines, the need for learning must be an essential part of living in plural and culturally diverse societies. Lifelong learning, however, does

not stop here; it means the integration of learning and living – within family and community, during study, work and leisure time, and from early childhood to old age. It extends across the full spectrum of formal, non-formal and informal learning settings and experiences across all levels, with literacy and basic education as the main foundation. Lifelong learning is the key organizing principle of contemporary and forward-looking education and learning systems, whereby great importance is given to the vertical interconnectedness of the system operating over the entire lifetime and horizontally across different sectors. It is in this context that the Commission discussed the need to advance towards a “learning society”.

5. Agenda 21, adopted in 1992 at the Rio Earth Summit, is a comprehensive plan for a variety of stakeholders to address our collective human impact on the environment. A programme of action concerning education and sustainability was initially captured in Chapter 36, “Promoting Education, Public Awareness and Training”. In December 2002, the United Nations General Assembly adopted resolution 57/254 to put in place a United Nations Decade of Education for Sustainable Development (DESD, 2005-2014). The overall goal of the DESD is to integrate the principles, values and practices of sustainable development into all aspects of education and learning. UNESCO was requested to lead the Decade and develop an International Implementation Scheme (IIS), which sets out a broad framework for all partners to contribute to the Decade.

OVERVIEW OF THE PROPOSAL

6. The proposal submitted by the Philippines has endeavoured to address the requirements specified in document 181 EX/66 Add. Rev., Report by the Director-General on a draft integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO, approved by the Executive Board in 181 EX/Decision 16, pursuant to 34 C/Resolution 90. The proposal has improved markedly since the feasibility study mission, and UNESCO has been given the opportunity to offer technical advice on subsequent versions.

- (a) **Functional definitions:** The centre interprets lifelong learning as education “from womb to tomb”. Furthermore, the centre conceptualizes human life as a continuum of 100 years divided into four periods. The first period is interpreted to be comprised of four phases, “Learning to Be”, “Learning to Learn”, “Learning to Work”, and “Learning to Live”, up until the age of 24. During the second period of a person’s life, from 26 to 50 years old, a person is expected to master the career; in the third period, 51 to 75 years old, one mentors others; and the fourth and final period, from 76 to 100, is about leaving a legacy behind. The centre uses the functional definition of ESD as standardized by UNESCO and links this to lifelong learning by citing UNESCO’s role as task manager of Chapter 36 of Agenda 21 and emphasizing that ESD is for everyone, at all stages of life and in all possible learning contexts.
- (b) **Objectives:** The centre’s vision statement refers to the “new man” (human being)¹ who has been empowered by quality education and lifelong learning for sustainable development. Further, its stated mission is to be a service provider, standard setter, and a research and resource management centre in the field of lifelong learning to reorient education in support of sustainable development in the South-East Asian subregion, encompassing the UNESCO Bangkok Cluster and the Jakarta Cluster.
- (c) **Functions:**
 - (i) The Centre’s functions are categorized as follows: (1) capacity-building and training (with an emphasis on teacher training) to re-orient existing education programmes towards sustainable development; (2) research and development to

¹ The expression ‘new man’ used in the proposal comes from the works of Maria Montessori (1870-1952).

improve the quality of basic education; and (3) advocacy and social mobilization to develop partnerships, public awareness and understanding of the important role of education as a tool to promote sustainable development.

- (ii) With respect to the Medium-Term Strategy 2008-2013 (34 C/4), and Strategic Programme Objective 2 in particular, as well as the four Education Sector Main Lines of Action proposed within the Draft Programme and Budget for 2010-2011 (Draft 35 C/5), the centre's proposal makes extensive reference to its functions. In addition, the proposal also makes extensive reference to the role of different service providers in terms of activities and target beneficiaries in order to refer explicitly to UNESCO's priorities in Education.
- (d) **Legal status and structure:** The Philippines Centre, established under Executive Order, functions as an autonomous entity within the framework of the UNESCO National Commission of the Philippines. As explained in paragraph 2, this centre will be dissolved once the Joint Resolution is passed. The SEACLLSD will submit periodic reports on the implementation of programmes and projects through Committees on Education, Culture and Arts to both Houses of Congress.

Its structure will involve:

- (i) **Governing Board:** a body in charge of supervising the centre's financial and thematic activities and supervising and advising the centre on matters of policy, directions, and priorities. It will be chaired by the Secretary of Foreign Affairs of the Philippines and vice-chaired by the Secretary General of the National Commission of the Philippines. Its composition will also include a UNESCO representative, designated by the Director-General of UNESCO, and it will be open to representatives of States that have sent to the Centre notification for support as set out in the Draft Agreement.
 - (ii) **Secretariat:** a body in charge of running daily operations of the centre. The secretariat has three units: Programme Unit; Administrative and Finance Unit; and the Service Providers Unit. The Director shall be appointed by the Chairperson of the Governing Board in consultation with the Director-General of UNESCO.
 - (iii) **The Advisory Council:** an expert body to be set up by the Governing Board.
- (e) **Financial matters:** The Government of the Philippines will provide the centre with an annual budget sufficient to cover expenses relating to the centre's activities, including Secretariat staff, infrastructure and maintenance, equipment and utilities.
- (f) **Areas of cooperation with UNESCO:** The centre hopes to contribute to the strengthening of UNESCO's global leadership in the areas of lifelong learning and education for sustainable development.
- (i) With regard to cooperation with UNESCO, the centre requests UNESCO to help to provide it with technical assistance for the programme activities in accordance with the strategic goals and objectives of UNESCO; undertake evaluations and reviews of the centre's performance; facilitate the recruitment of international experts as needed to work as consultants for the development of the centre's activities; assist the centre with establishing linkages with related institutions and agencies; and assume mission costs arising from UNESCO membership on the Governing Board.

- (ii) The centre offers to contribute to UNESCO's priorities by promoting DESD in the following ways: (a) assisting South-East Asian countries to make progress towards the Millennium Development Goals through ESD; (b) providing South-East Asian countries with new opportunities to incorporate ESD into their educational reform efforts; (c) promoting sustainable development through formal, non-formal and informal learning; (d) encouraging research on ESD; and (e) strengthening cooperation in ESD at all levels.

REGIONAL OR INTERNATIONAL IMPACT OF THE CENTRE

7. At the time of the proposal submission, out of the other 10 Member States of the UNESCO Bangkok and Jakarta clusters, the Philippines has received official letters of support from six other Member States (Indonesia, Lao People's Democratic Republic, Malaysia, Singapore, Thailand and Viet Nam). The centre has identified strong Philippine national support demonstrated through an extensive list of national partners and service providers.

- (a) The centre strives for regional impact by assisting all countries of the subregion in their efforts to promote ESD. The centre will make available their training programmes, research studies, advocacy plans and strategies to Member States of the subregion.
- (b) The centre will serve as a clearing house in the subregion for the transfer of experience, knowledge and best practices in the field of lifelong learning for sustainable development.
- (c) The centre will organize advocacy workshops and seminars to promote ESD in the subregion, instilling awareness of the role and contribution of indigenous peoples and their cultures.

FINANCIAL AND ADMINISTRATIVE IMPLICATIONS

8. In accordance with the guidelines and criteria for category 2 centres and institutes as set out in document 181 EX/66 Add. Rev, approved by the Executive Board in 181 EX/Decision 16, pursuant to 34 C/Resolution 90 UNESCO shall not provide financial support for administrative or institutional purposes. Although the centre has made no request for future financial support from UNESCO, it requests UNESCO's assistance in facilitating access to extrabudgetary funding and financial support from donors and international financing institutions. Future foreseen administrative costs for UNESCO linked to the operation of the centre, if established as a category 2 centre, correspond to the following areas: (1) liaising with the centre to provide technical assistance and enabling coordination between networks of related institutions and agencies; and (2) mission costs arising from UNESCO membership on the governing board of the centre (anticipated as once per year).

SUMMARY EVALUATION OF THE PROPOSAL SUBMITTED

9. Addressing lifelong learning and sustainable development in the context of the DESD is critically important for enhanced delivery of quality education for all. The proposal for the category 2 centre satisfactorily meets all criteria for category 2 centres as outlined in the guidelines and criteria for category 2 UNESCO institutes and centres in document 181 EX/66 Add. Rev, approved by the Executive Board in 181 EX/Decision 16, pursuant to 34 C/Resolution 90.

ACTION EXPECTED OF THE EXECUTIVE BOARD

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

The Executive Board,

1. Having examined document 182 EX/20 Part II providing the basic outline of the proposal to designate a South-East Asian Centre for Lifelong Learning for Sustainable Development (SEA-CLLSD) under the auspices of UNESCO (category 2),
2. Aware of the importance of international and regional cooperation and South-South cooperation in the fields of Lifelong Learning and Education for Sustainable Development,
3. Welcoming the proposal of the Philippines,
4. Recalling the importance of category 2 centres' positive contribution to UNESCO's priorities and potential international or regional impact,
5. Taking note of the observations and conclusions of the feasibility study,
6. Recommends that the General Conference at its 35th session approve the establishment of the South-East Asian Centre for Lifelong Learning for Sustainable Development (SEA-CLLSD), Philippines, under the auspices of UNESCO and t invite the Director-General to sign the corresponding agreement between UNESCO and the Government of the Republic of the Philippines contained in the Annex to document 182 EX/20 Part II.

ANNEX

DRAFT AGREEMENT BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

AND THE

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

**CONCERNING THE ESTABLISHMENT OF A SOUTH-EAST ASIAN CENTER FOR
LIFELONG LEARNING FOR SUSTAINABLE DEVELOPMENT IN THE REPUBLIC OF
THE PHILIPPINES AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO**

The Government of the Republic of the Philippines

and

The United Nations Educational, Scientific and Cultural Organization,

Having regard to the resolution whereby the UNESCO General Conference seeks to favour international cooperation in respect of education for lifelong learning and sustainable development,

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

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

HAVE AGREED AS FOLLOWS:

Article 1 – Definitions

1. In this Agreement, “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.
2. “Government” means the Government of the Republic of the Philippines.
3. “Centre” means South-East Asian Center for Lifelong Learning for Sustainable Development.

Article 2 – Establishment

The Government shall agree to take, in the course of the year 2010, any measures that may be required for the transformation of the South-East Asian Center for Lifelong Learning for Sustainable Development into a centre under the auspices of UNESCO, as provided for under this Agreement, hereinafter referred to as “the Centre”.

Article 3 – 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 4 – Legal status

4.1 The Centre shall be independent of UNESCO.

4.2 The Government shall ensure that the Centre enjoys within its territory the functional autonomy necessary for the execution of its activities and the legal capacity:

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

Article 5 – Constitutive Act

The constitutive act of the Centre must include provisions describing precisely:

- (a) legal status granting to the Centre, within the national legal system, the legal capacity necessary to exercise its functions and to receive funds, 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 6 – Functions/objectives

The functions/objectives of the Centre shall be:

Objectives

To be a service provider, standard setter, and a research and resource management centre in the field of lifelong learning for sustainable development in the South-East Asian subregion, defined as the countries covered by the Bangkok and Jakarta cluster offices,.

Functions

- (a) capacity-building and training to re-orient existing education programmes towards sustainable development;
- (b) research to improve the quality of basic education; and
- (c) advocacy and social mobilization to develop public awareness and understanding of the important role of education as a tool to promote sustainable development.

Article 7 – Governing Board

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

- (a) the Philippine Secretary of Foreign Affairs in his capacity as Chairman of the UNESCO National Commission of the Philippines, who will act as Chair;

- (b) the Secretary General of the UNESCO National Commission of the Philippines;
 - (c) a representative of the Director-General of UNESCO; and
 - (d) be open to Representatives of States that have sent to the Centre notification for support, in accordance with the stipulations of Article 10, paragraph 2.
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 requirements;
 - (c) examine the annual reports submitted by the Director of the Centre;
 - (d) adopt the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre in accordance with the laws of the country;
 - (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, once a year for the first two 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 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 8 – UNESCO's contribution

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 by:
- (a) providing the assistance of its experts in the specialized fields of the Centre; and
 - (b) seconding 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.
2. In both the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's programme and budget, and UNESCO will provide Member States with accounts relating to the use of its staff and associated costs.

Article 9 – Contribution by 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 with an annual budget sufficient to cover expenses relating to the Centre's activities, including the Secretariat staff, infrastructure, equipment and utilities;
 - (b) entirely assume the maintenance of the premises of the Centre; and
 - (c) contribute to the Centre an amount of Fifty million pesos (50,000,000) plus P2,500,000 annually for its operation and administrative expenses, which shall be included in the General Appropriations Act (GAA) as approved by Congress.
 - (d) make available to the Centre the administrative staff necessary for the performance of its functions, which shall comprise initially of six employees. The number of employees will be increased once the Centre becomes fully operational.

Article 10 – Participation

1. The Centre shall encourage the participation 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 and Associate Members 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 UNESCO and other Member States of the receipt of such notifications.

Article 11 – Responsibility

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

Article 12 – 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 16 and 17.

Article 13 – 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 14 – 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 the Philippines 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 15 – Duration

This Agreement is concluded for a period of six (6) years as from the date of its entry into force, and shall be deemed renewed unless otherwise expressly denounced by either party as provided for in Article 16.

Article 16 – Denunciation

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

Article 17 – Revision

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

Article 18 – 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 of the Republic of the Philippines, 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 two copies in the English language, on [DATE]

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

.....
For the Government of the
Republic of the Philippines



United Nations
Educational, Scientific and
Cultural Organization

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**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 AT THE
KOLOMENSKOYE MUSEUM IN MOSCOW OF A REGIONAL MUSEUM
CENTRE FOR CAPACITY-BUILDING IN MUSEUM STUDIES,
AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO**

SUMMARY

The Russian Federation proposed the establishment of the Moscow Regional Museum Centre as a centre under the auspices of UNESCO (category 2). In compliance with the principles and guidelines regarding the establishment and operation of UNESCO institutes and centres (category 1) and centres under the auspices of UNESCO (category 2) (34 C/Resolution 90 and 181 EX/Decision 16), a feasibility study has been conducted regarding this proposal.

The present document contains the report by the Director-General assessing the feasibility of the proposal and a draft agreement between UNESCO and the Government of the Russian Federation concerning the proposed centre.

Financial implications of this proposal are covered in paragraphs 8, 18 and 26 of the feasibility study, and Articles XIII and XIV of the draft agreement.

Action expected of the Executive Board: Decision in paragraph 30.

I. INTRODUCTION

1. The authorities of the Russian Federation proposed that part of an existing museum compound located within the Moscow State Integrated Art and Historical, Architectural and Natural Landscape Museum-Reserve (MSIMR) be granted the status of a regional centre under the auspices of UNESCO (category 2). The proposed regional centre would be named the Moscow Regional Museum Centre (hereafter "Centre"). The Secretariat undertook a feasibility study of this project. This document outlines the background and basis of the proposal, the objectives of the Centre, the advantages that the Centre will provide to regional Member States, and the Centre's relevance to UNESCO's programmes. In accordance with 34 C/Resolution 90 and 181 EX/Decision 16 (hereinafter "the UNESCO Principles and Guidelines"), a decision is sought from the Executive Board to recommend to the General Conference the establishment of the proposed Centre under the auspices of UNESCO.

II. BACKGROUND

2. Through its Culture Sector, UNESCO plays an important role in the areas of standard-setting, capacity-building and training for the protection of cultural heritage. UNESCO particularly welcomes the proposal to establish the Centre, because such a centre would respond to the need for training, research and conservation of museum collections in Central Asian and Eastern European Member States.

III. CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

3. The present feasibility study was undertaken by the Secretariat based on relevant documentation provided by the Russian Federation and the MSIMR regarding the proposed use and function of part of the MSIMR as a Centre, and the findings from a mission to Moscow from 20 to 24 October 2008, during which the ability of the MSIMR to host the Centre was evaluated in detail. This study endeavours to review the requirements specified in the UNESCO Principles and Guidelines.

(a) Legal status and physical structure of the Centre

4. The MSIMR was founded by the Moscow City Department for Economic Policy and Development as a research and educational cultural institution and state depository of tangible and cultural objects. The MSIMR is a fully operating legal entity. The Centre will be an independent organizational unit of the MSIMR, and will enjoy the status of an autonomous legal personality with the capacity necessary to exercise its functions pursuant to the following laws of the Russian Federation: Basic Legislation of the Russian Federation on Culture; Federal Law on Museum Stock of the Russian Federation and the Russian Federation Museums; Federal Law on Specially Protected Natural Sites; Federal Law on Cultural Heritage Sites and Cultural and Art Monuments of the Peoples of the Russian Federation; Decision by the Moscow Government on the Improvement of Public Administration in Moscow; and Articles 126 and 298 of the Russian Federation Civil Code.

5. The MSIMR is comprised of four large historical and architectural sites within Moscow's territory, namely:

- Kolomenskoye, the former summer residence of Tsars, including the World Heritage site of the Church of the Ascension;
- Lefortovo Park and the Palace Site;
- the Russian Tsars' country residence Izmaylovo; and
- the Lyublino family estate.

The aggregate area of these four sites approaches 450 hectares. At present, all of the four sites are full-scale museum institutions that are open to the public and carry out wide-range promotional, research, educational and recreational activities.

6. The historical and cultural sites of the museum complex are comprised of architectural ensembles from the sixteenth to the nineteenth centuries. Their unique historical landscapes are classified as landscape architecture monuments, and are protected by the Russian Federation. The Tsar's Court on Izmaylovo Island, the historic centre of the whole ensemble, has also been preserved. This island was created in 1667 by order of Tsar Alexey Mikhailovich.

7. Kolomenskoye is comprised of 49 buildings and structures, including 22 architectural monuments, a three-star hotel with a 75-person capacity (where future training course participants will be hosted), a restaurant with a 50-person seating capacity, and three conference halls that will each have a 240-person seating capacity. It also includes architectural monuments dating back to the sixteenth to nineteenth centuries, including the Ascension Church (1532) that was inscribed on the UNESCO World Heritage List in 1994. The total area of Kolomenskoye is 255 hectares.

8. The Centre will be supported by the infrastructure and personnel of all four MSIMR constituent territories, and will be located in a separate two-story stone building from the early twentieth century (currently the "MELZ building"). The MELZ building has a floor area of 10,576m². The structure of the building will be restored. In addition, modern offices, communication equipment, and four conference rooms, each with the capacity of 10 to 20 people, will be installed. The government of the City of Moscow, through the MSIMR, will finance and carry out the entire restoration and adaptation of the MELZ building in 2009.

(b) Direction and management of the Centre

9. The Centre will be governed by a Governing Board, and shall include a representative of the Director-General of UNESCO; the Russian Federation Government, represented by the National Commission for UNESCO; the Moscow city government; the Ministry of Culture; the MSIMR; the Grabar Conservation Centre and a representative of each of the other Member States that shall send to the Director-General of UNESCO a notification of interest. The International Council of Museums shall also be a Board member. The Chairperson of the Board shall be appointed for a three-year term.

The Grabar Conservation Centre is a renowned Russian institution, specialized in the restoration and conservation of moveable cultural property. It has a deep, long-term working relationship with MSIMR in the analysis and conservation of museum collections. The expertise of the Grabar Centre shall also be available to the category 2 centre.

10. The Director, appointed for three years by the Chairperson of the Governing Board in consultation with the Director-General of UNESCO, shall assure the daily management of the Centre and report to the Governing Board. The Centre's personnel will be seconded by MSIMR, as necessary. The list of staff shall be comprised of training specialists, administrators and translators. The Centre and its personnel shall become operational from 1 January 2010. External personnel could be temporarily seconded to the Centre, namely from MSIMR's partner organizations and from the Grabar Restoration Centre, the Russian State Humanitarian University (the key museologist's training centre in Russia), Moscow State University, Saint Petersburg State University and various Russian museums. International experts could also be utilized.

(c) Capability of the MSIMR to host the Centre

11. The Director of the MSIMR oversees 595 staff members, including 420 trained museum staff (among them, 309 professionals with a higher education, 2 Doctors of Science and 11 Candidates of Science); 19 office staff; 80 support staff (security, firemen, keepers); and 76 technical staff.

Fifteen restoration experts specializing in tempera paintings, graphics, ceramics, china, glass, white stone, tissue, wood and furniture, are also part of the museum staff.

12. The currently existing Museum Objects Restoration Department is divided into three sections: tempera painting and graphics, decorative and applied arts; and research. The museum serves as a training base for tempera-painting restoration for two specialized art schools. The tempera painting section is situated in the depository built for this purpose, which includes special premises for the storage of restoration material. The applied arts and graphics sections are situated in a separate building on the museum's territory adapted for restoration purposes. The research section analyses the ground paint, the body paint coat and the protective paint coat. The restoration workshops have the equipment and materials necessary to carry out restoration work in all of the mentioned fields, including x-ray units, distillers and binocular microscopes. The x-ray unit is physically located at All-Russia Grabar Art Restoration Centre in Moscow, which is situated not far from Kolomenskoye, and used under the cooperation agreement.

13. On 1 October 2008, the MSIMR collection incorporated 165,813 museum objects, including 109,345 main storage items, 3,468 auxiliary storage items and 53,000 photos. The museum library includes 12,000 specialized book titles in nine European languages.

14. The museum reaches its target audience and the museum professionals via the Internet and through its publications. The museum's website (www.mgomz.ru) is in Russian with some materials available in English. The official and working languages of the Centre shall be Russian and English.

(d) Centre objectives and functions

15. The Centre will function as a regional research, training and methodology support institution. Its objectives shall include the study, research and conservation of museum collections; museum management training; and assistance with the capacity-building of museums in developing Member States. It will also promote gender equality and empowerment of women, both in the museum field and within its target audience that will include local and community populations who have not been exposed to museum attendance.

16. To meet the above-mentioned objectives, the Centre shall provide training and research assistance in the restoration of cultural heritage, and organize international conferences. In addition, it will promote the museum's educational and recreational functions, which may include tourist programmes involving local communities and participation in international tourist exchanges and fairs. Moreover, it will aid the production of expositions and travelling exhibitions from the MSIMR collections at locations that will include UNESCO Headquarters.

(e) Regional impact of the Centre

17. The Museum Centre will maintain extensive international professional contacts with museums, research institutions, private foundations and renowned experts from many countries, particularly from Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan), the Baltic States (Latvia, Lithuania, Estonia) and Eastern Europe (Belarus, Slovakia, Moldova). The Museum Centre will be an institutional member of the International Council of Museums (ICOM) and participate in ICOM International Committees.

(f) Financial arrangements

18. The Centre shall be fully financed by the Government of the Russian Federation. Its estimated 2010 operating budget will be RUR 24,202,500, which is approximately US \$783,300. Like the MSIMR, its costs shall be covered by the regular Moscow City budget on a long-term basis. According to Russian Federation law, the Centre shall have the right to get financial support from other resources for purposes provided by statute: to receive voluntary contributions,

donations, endowments, devised property and carry out commercial activities. All funding sources shall respect UNESCO's ethical values.

(g) Areas of cooperation with UNESCO

19. The Centre will substantially contribute to UNESCO's strategic objectives and programme priorities by providing research and training to UNESCO Member States at UNESCO's request. The Centre will also participate in UNESCO's work under its conventions, and in UNESCO events relevant to the Centre's activities.

20. The Centre will provide technical and scientific expertise on UNESCO projects, when requested, temporarily exchange staff with the UNESCO Secretariat and Member States, promote knowledge sharing by linking websites, and circulate relevant documentation on forthcoming events.

21. The Centre will use UNESCO's name and logo in accordance with conditions and procedures established by UNESCO.

22. UNESCO shall draft and submit to the MSIMR for its approval the text of an Agreement between the MSIMR and UNESCO defining the terms and conditions, and rights and obligations, governing the proposed collaboration detailed herein. UNESCO will also provide methodological support in the development of the Centre's prospective and biennial plans.

23. UNESCO and the Centre will participate in joint information and publication activities.

IV. RELATIONSHIP BETWEEN THE CENTRE'S ACTIVITIES AND UNESCO'S OBJECTIVES AND PROGRAMMES

(a) Role of the Centre

24. Capacity-building in the fields of museum management and conservation of museum objects is one of UNESCO's main concerns. The objectives of enhancing the protection of cultural objects, fighting against their illicit trafficking, and the development of museums, particularly in developing and post-conflict countries, are emphasized. UNESCO's implementation of the museums programme showed that basic training in all museum fields is in urgent need, particularly in Central Asian Member States. In these Member States, there is presently a lack of trained staff in the fields of conservation and museum management.

(b) Potential impact of UNESCO's contributions on the Centre's activities

25. UNESCO will act as a catalyst in the Centre's beginning phase by lending its technical and organizational expertise. The Organization's role should also be to bridge Member States, governmental and non-governmental organizations, and international experts specializing in the protection of cultural heritage in order to maximize the Centre's impact. Due consideration will also be given to other relevant institutions in the region.

(c) Impact of the Centre on UNESCO

26. Acting through its Culture Sector, UNESCO is particularly favourable to international cooperation as a means of scientific exchange and technology transfer; therefore, this proposal is in line with its objectives. The risks that UNESCO could incur in the establishment of the Centre would be low, considering the Government of the Russian Federation's full political and financial support of the Centre. UNESCO will not provide any financial support to the Centre.

27. The Centre will contribute to the fulfilment of expected results by providing training, particularly to Member States in Central Asia and Eastern Europe.

(d) Summary evaluation of the submitted proposal

28. Based on the conducted feasibility study, it may be concluded that the Centre has the location, technical equipment, qualified staff, funding and political support to contribute to the execution of the Organization's cultural heritage protection programme. There are also regional development components supporting the Russian Federation and City of Moscow's proposal to grant the Centre the status of a regional centre under the auspices of UNESCO.

29. The Director-General welcomes the proposed establishment, in the Russian Federation, of the Moscow Regional Museum Centre as a centre under the auspices of UNESCO (category 2). He recognizes that the establishment of such a regional centre could only be of benefit to UNESCO and the Russian Federation. It would be in line with the strategy for institutes and centres under the auspices of UNESCO (category 2) as presented in document 181 EX/66 Add. Rev.

V. ACTION EXPECTED OF THE EXECUTIVE BOARD

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

The Executive Board,

1. Recalling 34 C/Resolution 90 and 181 EX/Decision 16,
2. Having examined document 182 EX/20 Part III,
3. Welcomes the proposal of the Russian Federation to establish a regional museum centre in Moscow as a centre under the auspices of UNESCO (category 2) in conformity with the requirements for the creation of centres under the auspices of UNESCO (category 2) as approved by the Executive Board in 181 EX/Decision 16 and by the General Conference in 34 C/Resolution 90;
4. Aware of the importance of regional cooperation for the protection and preservation of cultural heritage;
5. Recommends that the General Conference approve, at its 35th session, the establishment of the Moscow Regional Museum Centre as a regional centre under the auspices of UNESCO (category 2), and that it authorize the Director-General to sign the Agreement annexed to document 182 EX/20 Part III.

ANNEX

DRAFT AGREEMENT

BETWEEN

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

AND

THE GOVERNMENT OF THE RUSSIAN FEDERATION

**REGARDING THE ESTABLISHMENT OF THE MOSCOW REGIONAL MUSEUM
CENTRE IN THE RUSSIAN FEDERATION AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

The Russian Federation on the one hand, and

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

Considering that the Director-General has been authorized by the General Conference to conclude with the Russian Federation an agreement in conformity with the draft which was submitted to the General Conference in document 182 EX/20 Part III,

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

Have agreed as follows:

ARTICLE I

Purpose of this Agreement

The purpose of this Agreement is to define the terms and conditions governing collaboration between UNESCO and the Russian Federation, as well as the rights and obligations stemming therefrom.

ARTICLE II

Interpretation

In the Agreement, unless the context requires a different meaning,

1. "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization;
2. "Centre" means the Moscow Regional Museum Centre;
3. "Government" means the Government of the Russian Federation;
4. "MSIMR" means the Moscow State Integrated Art and Historical, Architectural and Natural Landscape Museum-Reserve;

5. “Ministry of Culture” means the Ministry of Culture of the Russian Federation;
6. “The Agreement” means this contract; and
7. “The Parties” means UNESCO and the Government.

ARTICLE III

Establishment

The Government agrees to take any measures that may be required to establish and assure the functioning of the Centre, as provided for under this Agreement. The restoration of the building will be completed by October 2009 and the staff recruited by January 2010. The first session of the Governing Board will be organized in spring 2010.

ARTICLE IV

Participation

1. The Centre shall be an independent entity within the MSIMR. It shall have the juridical personality specified under Article V.
2. The Centre shall be managed by a Director as specified in Articles X and XI. Its activities shall be supervised by a Governing Board as specified in Article VIII.
3. The Centre shall be at the service of Member States and Associate Members of UNESCO that desire to cooperate with it based on their common interest in the objectives of the Centre.
4. 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 Director of the Centre and the Member States mentioned above of the receipt of such notifications.

ARTICLE V

Legal status

The Centre shall be independent from UNESCO and enjoy functional autonomy, the juridical personality and legal capacity in the territory of the Russian Federation and City of Moscow, 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; and
- to undertake commercial activities in line with UNESCO’s ethics.

ARTICLE VI

Constitution

The Governing Board of the Centre, as specified in Article VIII, shall adopt a Constitution. The Constitution 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 payment for services rendered, and carry out the acquisition of all means required; and
- (b) a governing structure for the Centre allowing UNESCO representation within its governing bodies.

ARTICLE VII

Functions and objectives

The functions and objectives of the Centre shall be:

- to foster and facilitate the conservation and safeguarding of cultural heritage, which shall include providing museum management training; assisting with the capacity-building of museums in developing countries that are Member States of UNESCO; and promoting gender equality and empowerment of women, both in the museum field and within its target audience that will include local and community populations who have not been exposed to museum attendance;
- to organize international conferences and workshops;
- to study, research and conserve museum collections; and
- to educate the public at large in order to raise the awareness of cultural heritage conservation.

ARTICLE VIII

Governing Board

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

- (a) a representative of the Government, represented by the National Commission for UNESCO;
- (b) a representative of the Moscow City government (as observer);
- (c) a representative of the Ministry of Culture;
- (d) a representative of MSIMR;
- (e) a representative of the Grabar Conservation Centre (as observer);
- (f) a representative of the Director-General of UNESCO;
- (g) a representative of the International Council of Museums (as observer);
- (h) a representative of each of the other Member States that shall send to the Director-General of UNESCO a notification, in accordance with the stipulations of Article IV, paragraph 4, above.

The Chairperson of the Board shall be appointed for a three-year term.

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; and
 - (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 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 IX

Executive Committee

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

ARTICLE X

Secretariat

1. The Centre's Secretariat shall consist of a Director and such staff as is necessary for the proper functioning of the Centre.
2. The daily management of the Centre shall be assured by the Director, who shall be appointed by the Chairperson of the Governing Board in consultation with the Director-General of UNESCO, for a term of three years. The Director shall be university-trained and have recognized professional experience in the field of the protection of cultural heritage.
3. The other members of the Direction may include:
 - (a) members of UNESCO's staff who would be temporarily detached and made available to the Centre, as provided for by UNESCO's regulations and by the decisions of its governing bodies;
 - (b) any person appointed by the Director, in accordance with the procedures laid down by the Governing Board; and
 - (c) Government officials who would be made available to the Centre, as provided by Government regulations.

ARTICLE XI
Duties of the Director

The Director shall discharge the following duties:

- (a) direct the work of the 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 annually to the Governing Board and biennially to UNESCO. The reports to UNESCO shall include information on activities performed under the scope of the agreement, including those in collaboration with field offices or offices in whose geographical area they are active, as well as with National Commissions of UNESCO;
- (e) represent the Centre in law and in all civil acts; and
- (f) appoint staff members in accordance with the staff regulations approved by the Governing Board.

ARTICLE XII
Contribution of UNESCO

1. UNESCO shall provide assistance in the form of technical and scientific advice concerning the activities of the Centre in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO agrees to:
 - (a) provide scientific and technical advice in the specialized fields of the Centre;
 - (b) detach temporarily members of its staff. Such detachment may be decided by the Director-General on an exceptional basis if justified by the implementation of a joint activity/project within a priority area as approved by UNESCO's governing bodies; and
 - (c) include the Centre in various programmes which it implements and in which the participation of the latter seems necessary.
3. In all of the cases listed above, this contribution shall be provided for in UNESCO's Programme and Budget.

ARTICLE XIII
Contribution of the Government

1. The Government of the Russian Federation will provide the Centre with all necessary funds for its functioning, all construction and/or renovation work of the Centre's complex in Moscow, the costs for the administrative and scientific staff, and the endowment of equipment on the Centre's premises. It will provide all resources necessary for the establishment, administration and proper functioning of the Centre. It entirely assumes responsibility for the maintenance of the Centre's premises and technical equipment, as well as the provision of resources for the Centre's activities.

2. The Government of the Russian Federation shall:
 - entirely assume the operating and maintenance costs of the Centre, including the costs for administrative and scientific staff necessary for the performance of its functions, and shall examine the use of these resources annually;
 - provide the employment budget for at least six experts, who will start working at the Centre from 1 January 2010;
 - make available to the Centre the administrative staff necessary for the performance of its functions; and
 - provide annually to the Centre a minimum amount of \$761,723. The budget shall be provided to the account of the Centre.

ARTICLE XIV **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 XV **Evaluation**

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

ARTICLE XVI **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 letterhead and documents, and in accordance with the conditions established by the governing bodies of UNESCO.

ARTICLE XVII

Duration of the Agreement

The present Agreement is fixed for a period of 3 years as from its entry into force and may be renewed by tacit agreement.

ARTICLE XVIII

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 the Russian Federation 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 the Agreement.

ARTICLE XIX

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 Parties to the other.

ARTICLE XX

Revision

The present Agreement may be revised by consent between the Parties.

ARTICLE XXI

Settlement of disputes

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if it is not settled by negotiation or any other appropriate method agreed to by the Parties, shall be submitted for final decision to an arbitration tribunal composed of three members, one of whom shall be appointed by the Government, another by UNESCO, and a 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 hereby sign this Agreement.

DONE in six copies in English, on [...]

For the United Nations Educational,
Scientific and Cultural Organization

For the Russian Federation



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-second session

182 EX/20
Part IV

PARIS, 19 August 2009
Original: English

Item 20 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 AN INTERNATIONAL CENTRE FOR
INTEGRATED WATER RESOURCES MANAGEMENT (ICIWaRM) HOSTED BY THE
INSTITUTE FOR WATER RESOURCES (IWR) OF THE UNITED STATES ARMY
CORPS OF ENGINEERS, ALEXANDRIA (VIRGINIA), UNITED STATES OF AMERICA,
AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO**

SUMMARY

The Government of the United States of America submitted to UNESCO in February 2008 a proposal for the establishment of an International Centre for Integrated Water Resources Management (ICIWaRM) at the United States Army Corps of Engineers Institute for Water Resources (IWR) in Alexandria, Virginia, as a centre under the auspices of UNESCO (category 2). The 41st session of the Bureau of the Intergovernmental Council of the International Hydrological Programme (IHP) (Paris, March 2008) and the 18th session of the IHP Intergovernmental Council (Paris, June 2008) reviewed and endorsed the centre. The IHP Council adopted Resolution XVIII-3 welcoming the establishment of the centre and requesting UNESCO's assistance in preparing the necessary documentation to be submitted to UNESCO's governing bodies. A UNESCO mission was undertaken to the United States of America (hereinafter U.S.) in November 2008 as part of the evaluation of the feasibility of establishing the proposed centre.

The present document consists of a report by the Director-General assessing the feasibility of the proposal, supplemented by annexes containing Resolution XVIII-3 of the IHP Council and the proposed draft agreement of the centre. The evaluation of the centre was done in conformity with 34 C/Resolution 90, 181 EX/Decision 16 and 181 EX/66 Add. Rev. on the integrated comprehensive strategy for category 2 institutes and centres. Divergences of the proposed draft agreement from the generic model agreement found in 181 EX/66 Rev. Add. due to legal constraints in the U.S. are noted. Financial and administrative implications of this proposal are covered in paragraph 9 but are not of a policy nature.

Action expected of the Executive Board: decision proposed in paragraph 15.

I. INTRODUCTION

1. The Government of the United States of America has proposed the establishment of the International Centre for Integrated Water Resources Management (ICIWaRM) hosted by the Institute of Water Resources (IWR) of the US Army Corps of Engineers (USACE) in Alexandria, Virginia, as a UNESCO category 2 centre. This document outlines the background and nature of the proposal and the foreseeable consequences of the setting up of this Centre, especially with regard to the benefits it will bring to Member States, and the Centre's relevance to UNESCO's programmes. The General Conference, in 34 C/Resolution 90, invited "the Director-General to submit an integrated comprehensive strategy for category 2 institutes and centres", and authorized "the Executive Board to adopt and apply the aforementioned integrated comprehensive strategy on a preliminary basis". The Executive Board, in 181 EX/Decision 16, approved the Proposed Integrated Comprehensive Strategy (181 EX/66 Add. Rev.) and requested the Director-General to apply it to all new proposals for the establishment of category 2 centres. Consequently, the feasibility study has observed the terms of 34 C/Resolution 90, 181 EX/Decision 16 and 181 EX/66 Add. Rev.

2. ICIWaRM has been proposed as a global water centre within the framework of UNESCO's network of water-related centres to address integrated water resources management (IWRM) issues. As a preparatory step towards this designation, ICIWaRM was established at the national level by IWR in 2007 to advance the science and practice of IWRM around the globe. In its current form, the centre has already initiated a number of actions that will enable it to operate effectively under the auspices of UNESCO from the beginning.

3. In its proposal, the United States of America highlighted the following:

- (a) Achieving rational and sustainable water use goes beyond the individual decisions involved in infrastructure implementation and water development projects. It requires the application of Integrated Water Resources Management (IWRM).
- (b) The core of IWRM consists of improving the effective delivery of water-related services in an economically efficient, socially equitable and environmentally sustainable manner. Doing this requires the integration of improved science, models and water data, with practical methods for comprehensive watershed planning and socio-economic evaluation – and aimed at the advancement, application and infusion of best management practices around the globe consistent with regional, national and local conditions.
- (c) The United States, upon its re-entry into UNESCO in 2003, and following the establishment of the U.S. National Commission for UNESCO and the U.S. National IHP Committee, recognized the absence of UNESCO category 2 water-related centres anywhere in North America. It requested proposals for such a centre, and ICIWaRM was selected for submission to UNESCO with the full endorsement of the Assistant Secretary of the Army, Civil Works, the USACE Civil Works Directorate, the U.S. National IHP Committee, and the Science & Engineering Subcommittee of the U.S. National Commission for UNESCO. Ultimately, the U.S. National Commission for UNESCO voted unanimously to endorse its nomination as a UNESCO category 2 centre.

4. In accordance with IHP's "Strategy for water-related UNESCO category 1 and category 2 centres" (177 EX/INF.9), in March 2008 the 41st session of the Bureau of International Hydrological Programme (IHP) endorsed the proposal and in June 2008 the 18th session of the Intergovernmental Council of IHP adopted IHP-IC Resolution XVIII-3 welcoming the establishment of the centre and requesting the Secretariat's assistance in preparing the documentation for UNESCO's governing bodies. In November 2008 a mission was undertaken to assess the feasibility of establishing the proposed centre.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

Overview of the proposal

5. The proposal presented by the Government of the United States of America initially considered the requirements of 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) and now those of the Integrated Comprehensive Strategy for Category 2 Centres (181 EX/66 Rev. Add.) recently approved by 181 EX/Decision 16. The most relevant aspects put forward in the proposal follow:

- (a) **Objectives:** The main objective of the Centre is to serve as a knowledge centre for transferring new ideas, science and technology developed both in the U.S. and through the various IHP programmes and initiatives, and integrate them with current “best management practices” for IWRM in order to achieve the objectives associated with IHP-VII (2008-2013), the United Nations Millennium Development Goals (MDGs), particularly to ensure environmental sustainability, and to advance the United Nations Commission on Sustainable Development’s (CSD’s) goals for integrating the social, economic and environmental dimensions of sustainable development in policy-making. This includes facilitating the adoption of integrated, cross-sectoral and participatory approaches to sustainable development through IWRM.
- (b) **Functions:** The programme of the Centre will address the science and research-driven IHP-VII programmatic goals within the IWRM framework, as well as the strategic water management implementation goals inherent in pursuing the aims of other relevant international water-related initiatives coupled with a robust capacity-building programme. The work programme supporting its goals and objectives will consist of joint research projects and study efforts on key issues related to the aims of the IHP-VII programme; support of international workshops related to implementation of IWRM objectives; technology transfer workshops and data-sharing with partners; and training and capacity-building in areas related to the principal goals and objectives that support the UNESCO-IHP goals.

The following summarizes the overall scope of activities to be undertaken by ICIWaRM and its nodal water sector affiliates:

- (i) Focus on practical science, applied research and technology development embodied in the IHP-VII programme, which can be readily transferred to improve IWRM in developing nations and contribute towards meeting MDGs and other related United Nations and complementary U.S. Government assistance programmes.
- (ii) Actively partner and support existing IHP programmes, e.g., the International Flood Initiative (IFI), Hydrology for the Environment, Life and Policy (HELP), the International Sediment Initiative (ISI), and Internationally Shared Aquifers Management (ISARM), which serve to implement IHP-VII programmatic objectives that are related to attaining IWRM objectives, as well as providing active support to the World Water Assessment Programme (WWAP).
- (iii) Foster collaborations for joint, applied research, capacity-building and training programmes through existing UNESCO category 1 and 2 centres and established programmes, on a global basis, but with an initial emphasis on Latin America and the Caribbean, and Africa.

- (c) **Legal status and structure:** The centre shall be an entity within IWR and, in the territory of the U.S., the Centre's legal status and capacities shall be governed by U.S. laws, regulations, and policies. The Centre, independently or through the U.S. Government, is expected to enjoy in the territory of the U.S. the legal status and capacity necessary for the exercise of its functions in accordance with U.S. laws, regulations, and policies and, in particular, the capacities to contract, to acquire and dispose of movable and immovable property, to obtain payments for services from foreign governments or international organizations, and to acquire means necessary for its functioning, in accordance with U.S. laws, regulations, and policies. An Advisory Board shall provide guidance for the management of the Centre. Its functions comprise: (i) advising the U.S. Government on the long-term and medium-term strategies for the programmes of the Centre; (ii) examining the biennial reports submitted by the Director of the Centre; and (iii) advising on the programme scope, focus and effectiveness of the Centre in aligning with and addressing the goals and objectives of UNESCO-IHP. The Advisory Board would be headed by the Assistant Secretary of the Army (Civil Works) the Chair of the Board which shall enjoy a wide membership from within the U.S. and from UNESCO and other groups. The implications of proposed legal status and structure with respect to the requirements of document 181 EX/166 Rev. Add. are discussed in paragraph 13. The centre is foreseen to work closely through its Secretariat (see paragraph below) with officials from UNESCO, the U.S. National Commission for UNESCO, and the IHP to provide transparency as to how the Centre is working to advance the science and practice of IWRM principles, advancing IHP programmes, and service the needs of other UNESCO Member States.
- (d) **The Secretariat:** The Centre's Secretariat shall consist of a Director and such staff as is necessary for its proper operation. The Director shall be appointed by the USACE Director of Civil Works, in consultation with the Director of the IWR, the Chairman of the U.S. National Committee for UNESCO IHP, and UNESCO.
- (e) **Financial matters:** The U.S. Government has agreed to provide financial and/or in-kind resources needed for the administration and proper operation of the Centre. Core financing is provided through IWR by direct Congressional appropriations (Annual Energy and Water Resources Appropriations Acts) and authorizations (Water Resources Development Acts), respectively, as well as internal directives and budget allocations from the USACE. IWR already received 2008 funding to initiate organizational and administrative activities of the Centre, concurrent with the UNESCO nomination process. The core budget is expected to increase as ICIWaRM activities progress. The core budget for 2008 was of US \$1.25 million, provided as start-up funding to initiate a wide range of activities in support of IHP goals and to initiate networking between the Centre's institutional partners. The projected core budget for the next two years (without extramural funding), is 2009 – US \$1.75 million; 2010 – US \$2.5 million. According to the strategic priorities and objectives of UNESCO, it is expected that the Organization will provide technical assistance and/or financial contributions to concrete activities of the Centre as envisaged in UNESCO's approved work plans. It is also expected that UNESCO will associate the Centre to the different programmes developed and those where its participation is considered necessary, as well as to provide the centre with scientific material, such as relevant publications.
- (f) **Areas of cooperation with UNESCO:** The cooperation to be developed between the Centre and UNESCO follows the specific objectives and functions described in sections 5.a and 5.b above. Substantive contributions (financial and/or in-kind) have already been made to WWAP, HELP, IFI, and the From Potential Conflict to Cooperation Potential (PCCP) project. Collaborative projects with other UNESCO category 1 and 2 centres, such as the UNESCO-IHE Institute for Water Education, the International Centre for Water Hazard and Risk management (ICHARM), and the

Water Centre for Arid and Semiarid Zones of Latin America and the Caribbean (CAZALAC), have been completed or are under way.

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

- (a) UNESCO's Medium-Term Strategy (2008-2013) as set out in document 34 C/4 lists several relevant Strategic Programme Objectives under Overarching Objective 2 "Mobilizing science knowledge and policy for sustainable development." These include Strategic Programme Objective 3, "Leveraging scientific knowledge for the benefit of the environment and the management of natural resources", and Strategic programme Objective 5: "Contributing to disaster preparedness and mitigation." Under Objective 4, 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.
- (b) The strategic plan of the Seventh Phase of the IHP (2008-2013) embraces these programme objectives, being structured around five core Themes each comprising a number of Focal Areas. Activities within these Focal Areas inherently linked to the mission and functions of the proposed Centre are those particularly focusing on research and capacity-building. For example, under Theme 2 – "Strengthening Water Governance for Sustainability", Focal Areas directly relevant to this proposal are "Capacity development for improved governance, enhanced legislation for wise stewardship of water resources", and "Managing water as a shared responsibility across geographical and social boundaries".
- (c) Document 34 C/5 Approved identifies as a biennial priority for Major Programme II, Natural Sciences, "Promoting research and technical capacity-building for the sound management of natural resources", and *inter alia* specifies the following items undoubtedly relevant for the activities of the Centre: "strengthen[ing] of scientific approaches for improved water management and governance, capacity-building and education at all levels", as well as to "actively contribute to and strengthen global monitoring, reporting and assessment". The expected results of this priority include improvements in the knowledge base relating to (i) impacts of global change (including climate change) on river basins and aquifer systems and (ii) sustainable water governance". Regarding the foreseen 35 C/5, the proposed centre would also contribute towards the key priorities for the Natural Sciences Sector identified by the Executive Board (180 EX/Decision 21), including, (i) supporting the work of IHP in promoting the sustainable use of fresh water; and (ii) capacity-building in all areas of UNESCO's competence in natural sciences, including for disaster preparedness and mitigation.

7. Regional impact of the Centre through cooperation: The Centre, through the IWR, has already established both formal and informal links with universities (such as the University of Arizona, Oregon State University, and Colorado State University, non-governmental organizations such as The Nature Conservancy, and UNESCO category 2 centres in the Americas and elsewhere, such as the Water Centre for Arid and Semi-Arid Zones of Latin America (CAZALAC), with which it is promoting and developing research projects, capacity-building and training activities, and publications. The Centre's strategic plan emphasizes working alongside existing and planned UNESCO category 1 and 2 centres, especially those related to IHP, to maximize the Centre's effectiveness and to leverage its efforts. It also plans to work with UNESCO Chairs, and IHP working groups and projects. The Centre is able to mobilize scientists from many sectors of society to collaborate as a team to solve water management challenges, and will thus help stimulate and enable the participation of these entities in cooperative international projects. As the

only North American category 2 centre, it will catalyse new North-South collaborations in applied water science and engineering.

8. Results expected from UNESCO's contribution:

- (a) Role of the Centre in executing the Organization's programme: as pointed out in previous paragraphs of this document, the Centre fits well with UNESCO's objectives in general and with the freshwater programme in particular. It can be an effective means of carrying out a great number of activities specified in the IHP-VII, particularly activities related to integrated water resources management, especially in Latin America and the Caribbean (LAC), and in Africa.
- (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) UNESCO's linking function with the Centre by providing a mechanism for different institutions to interact with it, transferring technologies and exchanging knowledge. The partners of the Centre will include Member States, international organizations, financing agencies, governmental and non-governmental organizations, and other relevant worldwide partners within the field of water resources.
 - (ii) UNESCO's role as a bridge to other countries, international organizations and relevant NGOs working on sustainable water resources management issues is essential for the successful exposure of the Centre. Likewise, there would be a net gain in visibility for UNESCO in the region and worldwide with respect to IWRM.

9. Financial and administrative implications for UNESCO: The UNESCO Secretariat covered the costs of the mission necessary to carry out the feasibility study of the proposed centre. 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) UNESCO representative attendance of formal meetings of the Centre. The relatively minor incremental costs of this involvement, which are integral parts of UNESCO's Medium-Term Strategy 2008-2013 and the Seventh Phase of IHP (see paragraph 6.a of this document), 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 a substantial contribution from the U.S. Government (paragraph 5.e). The Centre will significantly expand UNESCO's implementation capabilities internationally, initially in LAC and Africa.

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

SUMMARY EVALUATION OF THE PROPOSAL SUBMITTED:

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

- (a) The design of the Centre was initially guided by the "Criteria for the creation of institutes and centres under the auspices of UNESCO (category II)" contained in document 33 C/19, as approved by the General Conference in 33 C/Resolution 90 and has taken into account the Proposed Integrated Comprehensive Strategy (181 EX/66 Add. Rev.) recently approved by 181 EX/Decision 16.

- (b) The IHP National Committee of the United States and the USACE have been actively involved in the creation of the Centre. The Assistant Secretary of the Army for Civil Works expressed his strong commitment to further support future activities of the Centre. The proposal is endorsed by the U.S. National IHP Committee, the U.S. National Commission for UNESCO, the Assistant Secretary of the Army, Civil Works, and the U.S. Department of State.
- (c) A considerable number of governmental and non-governmental organizations that are strategic partners of the Centre have agreed on the necessity of ICIWaRM and offered their capabilities towards synergetic activities in the future.
- (d) The Government of the United States has offered, through the USACE IWR legislative authorities and appropriations devoted to UNESCO and international water activities, to provide financial and in-kind support to the Centre. Founded in 1969, the IWR has an annual water resources budget of about US \$50 million and a long history of collaborating with a broad range of domestic and international water institutions and organizations. IWR's programme of research, applications, technology transfer and capacity-building spans a full range of IWRM thematic areas.
- (e) The Centre is expected to become an important partner with other category 2 centres in LAC and in Africa, especially in connection to IWRM.
- (f) The Centre has been found to have a very high technical capability, expertise and access to highly qualified technical and research institutions through the U.S. and internationally, as well as excellent organizational capabilities to fulfil its mandate.

12. The points cited above point to the high viability of the proposed international centre under the auspices of UNESCO (category 2) from the technical and scientific point of view and to its excellent potential as an addition to the network of water-related category 2 centres of UNESCO. As the first category 2 centre in the US it would represent a significant contribution to UNESCO and particularly to IHP.

13. A draft agreement is attached (Annex II) that addresses the legal, managerial and administrative aspects of the proposed Centre, formulated considering the generic draft model agreement contained in document 181 EX/66 Add. Rev. and applicable U.S. law and regulations. Given the institutional set up in which the centre will be established in the U.S., the proposed draft agreement differs in some respects from the model agreement, with the understanding that, as expressed in paragraph A.1.7 of the integrated comprehensive strategy with respect to the agreement, "enough flexibility should be allowed in order to take into account the legal constraints of Member States in proposing the establishment of such centres". Three aspects may be cited:

- (a) According to document 181 EX/66 Add. Rev., category 2 centres must have the autonomy necessary for the execution of its activities and the legal capacity to contract, to institute legal proceedings and to acquire and dispose of movable and immovable property. The proposed draft agreement in Article 3 – Relationships, and Article 5 – Capacity, indicates that the Centre shall be an entity within IWR and as indicated in paragraph 5.c it, independently or through the U.S. Government is expected to enjoy the necessary legal status and capacity in accordance with U.S. laws, regulations and policies. This arrangement does not provide the degree of autonomy required in the Integrated Comprehensive Strategy (its own legal personality); however it provides operational capabilities within the existing legal and institutional setup of the host organization.
- (b) Furthermore, according to the comprehensive strategy, a governing structure must be foreseen; in the proposed draft agreement an Advisory Board is proposed instead, in which UNESCO would be represented. This Board does not have the decision-making

powers of a Governing Board, being limited to an advisory role. The Director of the Centre, in consultation with the Director of IWR, would be responsible for making decisions on all aspects of the Centre's strategies, programme scope, work plan and budget.

- (c) With respect to settlement of disputes in the proposed draft agreement, the comprehensive strategy calls for direct negotiation or any other appropriate methods agreed by the parties or otherwise calls for submittal to an arbitration tribunal, while the proposed agreement does not consider the possibility of arbitration.

14. The Director-General welcomes the proposed establishment, in the U.S. of ICIWaRM, as a category 2 centre under the auspices of UNESCO (category 2). He recognizes the establishment of such a regional centre under the auspices of UNESCO (category 2) would be of benefit to UNESCO and its Member States. Furthermore, it would be in line with the programmatic objectives of UNESCO and the overall strategy for thematic and geographic coverage by institutes and centres under the auspices of UNESCO (category 2). He recognizes as well that in the proposed draft agreement there are departures from the generic model agreement of the Integrated Comprehensive Strategy (181 EX/66 Add. Rev.). In its decision which, as presently drafted in this document, recommends to the General Conference that it approve the establishment of ICIWaRM as a category 2 centre, the Executive Board will need to judge if the proposed draft agreement can be adopted as presented, in virtue of the flexibility called for in paragraph A.1.7 of the Comprehensive Strategy.

ACTION EXPECTED OF THE EXECUTIVE BOARD

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

The Executive Board,

1. Recalling 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 182 EX/20 Part IV and its Annexes,
3. Welcomes the proposal of the Government of the United States of America to establish in its territory, an International Centre for Integrated Water Resources Management (ICIWaRM) under the auspices of UNESCO (category 2),
4. 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 stipulated in Attachment 2 of 181 EX/66 Add. Rev. approved by 181 EX/Decision 16 and the proposed Draft Agreement contained in Annex II of the present document,
5. Further takes note of Article A.1.7. of the Comprehensive Strategy which states that, when applying the model agreement, enough flexibility should be allowed in order to take into account the legal constraints of Member States.
6. Recommends to the General Conference at its 35th session that it approve the establishment in the United States of America of an International Centre for Integrated Water Resources Management (ICIWaRM) under the auspices of UNESCO (category 2), and that it authorize the Director-General to sign the Agreement contained in Annex II to document 182 EX/20 Part IV.

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 freshwater 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 (ICI-WaRM) (United States of America);
 - 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 UNITED STATES OF AMERICA
**CONCERNING THE ESTABLISHMENT OF THE INTERNATIONAL CENTRE FOR
INTEGRATED WATER RESOURCES MANAGEMENT AT THE U.S ARMY CORPS
OF ENGINEERS INSTITUTE FOR WATER RESOURCES, ALEXANDRIA, VIRGINIA, USA,
AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO**

Whereas at the 18th session of the Intergovernmental Council of the International Hydrological Programme (IHP) of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which took place from June 9-13, 2008, the Member States adopted Resolution XVIII-3, recognizing the benefits for UNESCO and in particular the strengthening of water resources capacity development and education; endorsed the establishment of the International Centre for Integrated Water Resources Management (referred to as “ICIWaRM” or “the Centre”) as a category 2 centre under the auspices of UNESCO at the U.S. Army Corps of Engineers’ Institute for Water Resources; and requested the assistance of the IHP Secretariat in preparing documentation necessary to be submitted to the governing bodies of UNESCO for their consideration regarding the proposed Centre;

Whereas the Government of the United States of America (“the U.S.”) fully supports the designation of the proposed ICIWaRM as a category 2 centre;

Noting, also with appreciation, that the U.S. Army Corps of Engineers (USACE) Institute for Water Resources, as the U.S. host institution, has already taken effective steps to provide the necessary infrastructure, facilities and intergovernmental relationships for the ICIWaRM;

Recognizing the critical importance of integrated water resources management (IWRM) to improving the practice of water management and the delivery of water-related services around the globe in an efficient, socially equitable and environmentally sustainable manner;

Having regard for Resolution _____, whereby the UNESCO General Conference seeks to favour international cooperation in respect of the establishment of ICIWaRM under the auspices of UNESCO;

Considering that the Director-General of UNESCO has been authorized by the General Conference to conclude on behalf of UNESCO an agreement with the U.S. in conformity with the draft which was submitted to the General Conference; and

Desirous of defining the terms and conditions of their relationship with respect to the Centre;

UNESCO and the U.S. (hereinafter referred to as the “Parties”) have agreed as follows:

Article 1 – Interpretation

1. In this Agreement, “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.

2. “U.S.” means the “Government of the United States of America.”
3. “USACE” means the “U.S. Army Corps of Engineers.”
4. “IWR” means the U.S. Army Corps of Engineers’ “Institute for Water Resources.”
5. “ICIWaRM” or “the Centre” means the “International Centre for Integrated Water Resources Management.”
6. “IHP” or “UNESCO-IHP” means UNESCO’s International Hydrological Programme.

Article 2 – Establishment

In accordance with its laws, regulations, and policies, the U.S. shall take appropriate measures which may be required for establishing and operating the Centre under the auspices of UNESCO, as provided for under this Agreement.

Article 3 – Relationships

1. ICIWaRM shall be established within the USACE IWR and may engage in activities as appropriate in accordance with U.S. laws, regulations, and policies in support of Member States and Associate Members of UNESCO that, by their common interest in the objectives of the Centre, may desire to cooperate with the Centre.
2. ICIWaRM may receive notifications from any UNESCO Member State that wishes to cooperate in the Centre’s activities. The Centre shall inform interested Member States and UNESCO of the receipt of such notifications.
3. The Centre shall consult with and will take into account the advice of the U.S. National Commission for UNESCO and the U.S. National Committee for the International Hydrological Programme (hereinafter referred to as Commission/Committee).

Article 4 – Purpose of the agreement

The purpose of this Agreement is to define the terms and conditions governing the establishment and operation of the Centre, as well as collaboration between the Parties with regard to the Centre and also the rights and obligations stemming therefrom for the Parties to this Agreement.

Article 5 – Capacity

The Parties acknowledge that the Centre shall be an entity within IWR and that, in the territory of the U.S., the Centre’s legal status and capacities shall be governed by U.S. laws, regulations, and policies. The U.S. confirms that ICIWaRM, independently or through its host government, is expected to enjoy in the territory of the U.S. the legal status and capacity necessary for the exercise of its functions in accordance with U.S. laws, regulations, and policies and, in particular, the capacities to contract, to acquire and dispose of movable and immovable property, to obtain payments for services from foreign governments or international organizations, and to acquire means necessary for its functioning, in accordance with U.S. laws, regulations, and policies.

Article 6 – Objectives and functions

1. The overall mission of ICIWaRM is the advancement of the science and practice of integrated water resources management (IWRM) to address water security and other water-related challenges by regional and global action, through new knowledge, innovative technologies, collaborative interdisciplinary scientific research, networking, training and capacity development. The overall scope of activities to be undertaken by the Centre includes:

- (a) Focusing on practical science, applied research and technology development embodied in the IHP programme that can be readily transferred to improve IWRM through USACE civil works activities for developing countries;
- (b) Partnering with, and providing or exchanging technical support for, existing UNESCO IHP programmes which serve to implement IHP objectives related to attaining IWRM objectives; and
- (c) Collaborating on joint, applied research, capacity-building and training programmes through other UNESCO IHP centres (both category 1 and 2 centres) and established programmes, initially with emphasis on the Western Hemisphere (Central America, South America and the Caribbean) and Africa.

2. The objectives of the ICIWaRM are focused on its principal purpose – to develop, promote and infuse sound practices for integrated water resources management around the globe. These objectives include:

- (a) To contribute to the development and advocacy of IWRM principles and best management practices, focusing on issues of governance (institutional frameworks), engineering, planning, and evaluation;
- (b) To foster research, technological development, and technology transfer, as appropriate, of models and methods that enhance IWRM, and to effectively disseminate “toolkits”; and
- (c) To undertake capacity-building efforts in accordance with Commission/Committee guidance and IHP programmes, focusing on training for implementing IWRM at both watershed and national levels, particularly in Latin America and Africa, and to enhance collaboration among UNESCO centres towards joint problem-solving.

Article 7 – Cooperation

1. The Centre will work closely with officials from UNESCO, the Commission/Committee, and the IHP with a view to providing transparency as to how the Centre is working to advance the science and practice of IWRM principles, advancing IHP programmes, and engaging in activities in support of other United Nations Member States. Specifically, the Centre will discuss with UNESCO:

- (a) The long-term and medium-term strategy for the programmes of the Centre; and
- (b) Programme scope, focus and effectiveness of the Centre in aligning with and addressing the goals and objectives of UNESCO-IHP.

Article 8 – Advisory Board

1. An Advisory Board for the Centre shall be established. The Advisory Board shall be subject to U.S. laws, regulations, and policies, and may include the following members:

- (a) The Assistant Secretary of the Army (Civil Works), or his/her appointed representative, who shall be the ex-officio Chairperson of the Advisory Board;
- (b) Up to four other members chosen by the U.S; and
- (c) Up to seven members chosen by UNESCO – including a representative of the Director-General of UNESCO and the Director, UNESCO Institute for Water Education (IHE) – in coordination with the various UNESCO IHP National Committees within each respective region, appointed on a rotational basis, to terms of up to four years.

In addition, if so recommended by the Advisory Board and subject to the discretion of the Chairperson, as well as the limits of U.S. law, regulations, and policy, the Advisory Board may include any representatives in the following categories who wish to participate:

- (d) A representative of any other intergovernmental, governmental, or non-governmental organization contributing to the operation of; the operating budget for; or an activity of the Centre, for a term of up to four years;
- (e) A representative from any other relevant IHP water centre under the auspices of UNESCO, for a term of up to four years;
- (f) A representative of a Member State wishing to participate in the Centre's activities, for a term of up to four years.

2. The functions of the Advisory Board shall be:

- (a) To advise the United States government on the long-term and medium-term strategies for the programmes of the Centre;
- (b) To examine the biennial reports submitted by the Director of the Centre; and
- (c) To advise on the programme scope, focus and effectiveness of the Centre in aligning with and addressing the goals and objectives of UNESCO-IHP.

3. The Advisory Board shall meet at least once every two years, or more frequently when necessary as determined by the Chairperson.

4. The Director of the Centre, in consultation with the Director of the IWR and in accordance with U.S. laws, regulations, and policies, is responsible for making decisions on all aspects of the Centre's strategies, programme scope and focus, work plan, and budget. Although the advice of the Advisory Board shall not be binding on the United States, the Director of the Centre shall make such decisions with due consideration of the advice from the Advisory Board.

5. The Advisory Board shall adopt its own rules of procedure, subject to U.S. laws and regulations. For its first meeting the procedure shall be established by the U.S. in consultation with UNESCO.

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 U.S., in accordance with U.S. laws, regulations, and policies

3. The other members of the secretariat may comprise:

- (a) U.S. officials who are made available to the Centre, in accordance with U.S. laws, regulations, and policies; and
- (b) Any person appointed by the Director, in accordance with U.S. laws, regulations, and policies.

Article 10 – Duties of the Centre 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 host government;
- (b) prepare and direct the Centre's work plans and budgets, and, in consultation with the director of the IWR, make a final decision on the Centre work plan and the budget;
- (c) lead the secretariat;
- (d) make available such documents as are needed by the Advisory Board to fulfil its functions as outlined in Article 8; and
- (e) represent the Centre in related international functions (i.e., conferences, symposia, workshops).

Article 11 – Contribution of UNESCO

1. Subject to U.S. laws, regulations, and policies, 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) Engage in temporary staff exchanges, whereby the staff concerned will remain on the payroll of the dispatching organizations; and/or
- (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. The staff concerned will remain on the payroll of the dispatching organizations.

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

Article 12 – Contribution of the United States

1. The U.S., through the IWR and USACE, shall make all efforts to provide, in accordance with U.S. laws, regulations, and policies, the resources, either financial or in kind, needed for the administration and proper functioning of the Centre as provided for under this agreement.

2. The U.S. undertakes to provide:

- (a) The staff necessary for the performance of the Centre's functions and the compensations of the secretariat staff, including the Director;
- (b) Appropriate office space, equipment and facilities;
- (c) The communication, utilities and maintenance costs of the Centre, including the Centre's expenses related to the collaboration among Centre personnel and UNESCO, the Commission/Committee, and the IHP; and

- (d) Funding, as may be made available and subject to the laws, regulations, and policies of the U.S., for studies, training, and publication activities related to this Agreement.

3. This Agreement does not require the obligation of funds. Notwithstanding any other provision of this Agreement, all U.S. responsibilities and activities under this Agreement or any further implementing agreements between the Parties, shall be subject to the availability of funds.

Article 13 – Responsibility of UNESCO

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, other than that UNESCO agrees to meet its obligations expressly laid down in this Agreement.

Article 14 – Evaluation

1. The U.S. and/or, as mutually agreed, 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; and
- (b) Whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.

2. UNESCO and the U.S. undertake to submit to the Director and IWR, at the earliest opportunity, a report on any evaluation conducted.

3. Following the results of an evaluation, each of the Parties may terminate the Agreement or request a revision of its contents, as provided in Articles 18 and 19.

Article 15 – 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 (including electronic documents), and web pages in accordance with the conditions established by the governing bodies of UNESCO.

Article 16 – Entry into Force

This Agreement shall enter into force when the Parties have informed each other in writing that all of their respective domestic formalities required therefore have been completed. The date of the latter notification shall be deemed to be the date of entry into force of this Agreement.

Article 17 – Duration

The agreement is concluded for a period of six (6) years as from its entry into force and may be renewed only by written agreement.

Article 18 – Termination

1. Each of the Parties shall be entitled to terminate this Agreement unilaterally. Such termination must be made in writing.

2. Termination shall take effect 180 days following the date of written notification sent by one of the Parties to the other.

Article 19 – Amendments

This Agreement may be amended by written agreement of the Parties.

Article 20 – Settlement of Disputes

Any dispute between UNESCO and the U.S. concerning the interpretation or application of this Agreement shall be settled by negotiation or any other appropriate method mutually agreed to by the Parties.

IN WITNESS WHEREOF, the undersigned hereby sign this Agreement.

DONE in duplicate in English, on [...]

For the United Nations Educational,
Scientific and Cultural Organization

For the United States of America



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and eighty-second session

182 EX/20
Part V

PARIS, 19 August 2009
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Item 20 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 THE SYRIAN ARAB REPUBLIC OF A
REGIONAL CENTRE CONCERNING EARLY CHILDHOOD DEVELOPMENT, AS A
CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO**

SUMMARY

In response to a request by the Government of the Syrian Arab Republic for the establishment of a Regional Centre for Early Childhood Care and Education in the Arab States as a category 2 centre under the auspices of UNESCO, a technical mission was undertaken in April 2009. This mission sought to evaluate the feasibility of establishing the proposed Centre.

This present document has been prepared pursuant to the mission and in line with 181 EX/Decision 15 on the draft integrated comprehensive strategy for category 2 institutes and centres. It reviews the prerequisites for the establishment of the Centre, and provides the rationale behind the Syrian Arab Republic's proposal.

It is supplemented by a Draft Agreement between UNESCO and the Syrian Arab Republic (Annex).

Financial and administrative implications are covered in paragraphs 8(c) and (d).

Action expected of the Executive Board: proposed decision in paragraph 13.

INTRODUCTION

1. The Syrian Arab Republic, hereinafter referred to as “the SAR”, has proposed the establishment of a Regional Centre for Early Childhood Care and Education in the Arab States, hereinafter referred to as “the Centre”, in Damascus.
2. The total population of the Arab countries is estimated at around 312 million inhabitants (2005), with an estimated average growth rate (2000-2012) of 2% as against a world average of 1.1% per annum. It is estimated that with the progressive decline of under-5 mortality rates and of fertility rates, the 0-14 age group makes up to 35% of the total population. More specifically, the share of children aged 0 to 5 in the total population is 14% of the total population (16% in 2000) with a slight decline to 13% in 2010 (EFA GMR, 2007). This relatively significant share of children aged 0 to 5 in the total population has important consequences for the planning of public investment efforts in education, health and welfare services. Large numbers of children are therefore in need of care in general and education in particular.
3. The SAR and other Arab countries urgently need to build capacity in early childhood comprehensive development programmes in order to attain the early childhood care and education (ECCE)-related Education for All (EFA) goal by 2015. Only seven of the 13 Arab countries with data indicate that care and education programmes targeting children aged under 3 are available. As for education for children aged above 3, regional gross enrolment rates (GERs) in pre-primary education rose only by 2%, from 15% to 17%, between 1990 and 2005, compared with a rise of 6 percentage points in developing countries and 7 percentage points across the world.
4. The Dakar Framework for Action reaffirms the importance of ECCE in national and regional education plans and includes “expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children” as the first of its six goals for EFA.
5. In this context, the emphasis that has been placed on reaching the ECCE EFA goal since 2000 is of particular significance, as the Centre will serve to build national and regional capacity for ECCE development by targeting senior officials of ministries of education (MoE) and of other Ministries and agencies, in addition to ECCE professors of teacher-training institutions, professional practitioners and the regional ECCE workforce.
6. In January 2009, the Minister for Education in the SAR, H.E. Dr Ali Saad, submitted to UNESCO’s Director-General an official request to consider the establishment of a “Regional Training and Upgrading Centre for Early Childhood Development” under the auspices of UNESCO (category 2).
7. Following a request from the Government of the SAR, UNESCO, with the assistance of a regional specialist consultant, conducted a study to assess the feasibility of the proposed regional Centre. The main findings are as follows:
 - (a) the establishment of a regional Centre for training in early childhood development is justified in terms of training needs and priorities for the countries of the region;
 - (b) the objectives, activities and modes of operation foreseen for the Centre are fully in accordance with the criteria approved by the Executive Board in 181 EX/Decision 16, pursuant to 34 C/Resolution 90, concerning the creation of institutes and centres under the auspices of UNESCO;
 - (c) there is no non-private training institution of this kind in the Arab countries that at present offers, or has confirmed plans to set up in the foreseeable future, training programmes and activities such as those foreseen by the proposed Centre; and

- (d) given the recent instructions of the General Conference not to engage UNESCO resources in the establishment and operation of institutes, centres and the like, but rather to make UNESCO's technical and professional support available in other appropriate ways, the Director-General could extend UNESCO's cooperation in the creation and running of the proposed Centre on a cost-recovery basis, meaning that all costs including travel expenses, daily subsistence allowances and all other UNESCO staff-related costs incurred by calculated UNESCO staff time will be reimbursed through the Centre.

OVERVIEW OF THE PROPOSAL

8. The ECCE proposal presented by the Government of the SAR has endeavoured to address in detail the requirements specified in document 181 EX/16 Add. Rev., "Report by the Director-General on a draft integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO", approved by the Executive Board in 181 EX/Decision 16, pursuant to 34 C/Resolution 90. Some of the salient aspects of the proposal are as follows:

(a) Objectives and functions

The main objective of the proposed Regional Centre for Early Childhood Care and Education for the SAR and other Arab countries is to build national and regional capacity for ECCE development by targeting senior officials of Ministries of Education, other ministries and agencies related to ECCE (Health and Social Welfare Ministries, NGOs, civil society associations) as well as the ECCE workforce through four types of activities:

- (i) training in policy development processes in ways that allow on-the-job training and facilitating awareness concerning crucial development issues of priority for the countries of the region;
- (ii) training of trainers (TOTs) for ECCE workforce upgrading, with special emphasis on pre-primary teachers as a priority for the two to three years to come. Other categories would be targeted later;
- (iii) facilitating access to professional technical information in Arabic on educational policy development issues as well as workforce upgrading issues from other countries of the region, relevant to ECCE; and
- (iv) training in applied research by undertaking fact-finding and analysis work focused on the specific needs of the countries of the Arab region.

(b) Legal status and structure

The Centre should be conceived as an independent legal entity, an "autonomous non-profit educational institution", within the legal context of the host country, the Syrian Arab Republic. It shall enjoy, on the territory of the SAR, the personality and legal capacity for the exercise of its functions.

- (i) The Centre will be governed by a Board composed of representatives of Member States that have sent notification and expressed interest in being represented on the Board, as set out in the Draft Agreement, and a representative of the Director-General of UNESCO. The Chair of the Governing Board will be the Minister of Education of the host country, who will also act as the representative of the Government.

- (ii) The structure of the proposed Centre as well as the number and qualifications of its professional and administrative support staff will be determined by the four types of activities that it will undertake. The Centre will be managed by a director to be appointed by the Minister of Education in the host country. In order to ensure high technical quality as well as the broad experience of staff, the Centre will have a core group of at least five professional staff under long-term contract (five years renewable) and a number of short-term experts hired for specific tasks and for limited periods of time. Fluency in spoken and written English will be essential.
- (iii) A model kindergarten shall be established within the Centre premises. It will have its own administrative and teaching staff appointed by the Minister of Education in the SAR.

(c) Financial matters

- (i) The costs for providing premises, facilities, equipment, maintenance and furniture are already being covered by the Government of the SAR. The rough estimate for the premises, facilities, equipment and furniture is US \$4 million. The annual budget for maintenance and repair is estimated at around 5% of the investment costs in line with budgeting for maintenance and repair worldwide.
- (ii) The Centre has already received an allocation of funds to the value of \$150,000 from the Arab Gulf Programme for United Nations Development Organizations (AGFUND). This allocation is earmarked to finance the following components: development of kindergarten curricula; development of learning and training materials; organization of training of trainers workshops; and rehabilitation and provision of equipment for the kindergarten created within the Centre.
- (iii) The Government of the SAR is committed to financing the running costs of the proposed Centre by a financial contribution made to the Centre's annual budget. The Centre may seek cost-sharing arrangements with the other countries of the region and other agencies. UNESCO will support the Centre's efforts to secure additional resources from the Organization's Member States and other regional and international organizations.

(d) Areas of cooperation with UNESCO

Cooperative activities will be in line with UNESCO's programme priorities relating to ECCE and EFA through capacity-building in the areas of policy and curriculum development, the strengthening of national and regional teacher training capacities, and the facilitation of regional and national skills and knowledge interchange. In accordance with the instructions of the General Conference (issued at its session in October/November of 2001), the Director-General cannot enter into cooperation arrangements that could engage UNESCO as a full partner in institutions, centres and similar bodies, committing the Organization to engage budgetary and staff resources. In addition, the integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO adopted by the 181st session of UNESCO's Executive Board (181 EX/66 Add. Rev.) clearly indicates that UNESCO shall have no financial obligations or accountability for the operations, management and accounting by any category 2 centre or institute, and shall not provide financial support for administrative or institutional purposes. Under these circumstances, UNESCO would provide its support to the proposed Centre on a cost-recovery basis, meaning that all costs including travel expenses, daily subsistence allowances and all other UNESCO staff-related costs incurred by calculated UNESCO staff time will be reimbursed through the Centre. Accordingly, the nature of the cooperation between UNESCO and the Centre will include the following:

- (i) UNESCO will, during the preparatory phase, provide support by mobilizing a team of two to three senior international experts. These experts will work with the core group and part-time experts to assist in the preparation of the training materials, undertake intensive training and advise on the selection of materials to be made available in Arabic.
- (ii) UNESCO will, during the launching phase, make available on a cost-recovery basis the same team of international experts. These latter will visit the Centre from time to time to check on the quality and relevance of its activities and advise on suitable ways to improve its performance.
- (iii) The relevant units of UNESCO's Secretariat, in particular the Education Sector and UNESCO Beirut, will make available materials (reports, working papers, publications, etc) that could be used for the preparation of training materials and for the information and documentation of the Centre.

RELATIONSHIP TO UNESCO'S OBJECTIVES AND PROGRAMMES

9. The objectives and activities of the proposed Regional Centre for Early Childhood Care and Education, as well as its modes of operation, aim to build national and regional capacity for early childhood development in the SAR and Arab States in order to lay a strong foundation for the development of their education systems. The activities of the proposed Centre are in accordance with UNESCO's Constitution, programme priorities and the objectives that it seeks to attain through the implementation of its programme. This is particularly clear in relation to the Medium-Term Strategy for 2008-2013 (34 C/4), Strategic Programme Objective 2 detailing the contribution to building Member States' institutional capacities with a view to increasing access to quality education at all levels. Without UNESCO's involvement, the proposed regional capacity-building in ECCE development could hardly succeed.

RESULTS EXPECTED FROM UNESCO'S CONTRIBUTION

10. (a) Role of the Centre in executing the Organization's programme:

- (i) As pointed out in paragraphs 8 and 9 of this document, the Centre fits well with UNESCO's general objectives, in particular its efforts to build the national technical and networking capacities of Member States in the Arab region in order to assist them to achieve the EFA goals, specifically the Goal 1 related to "expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children".
- (ii) Furthermore, the financial and human resources, logistical and in-kind support, and commitment of the SAR as host country, as assessed by UNESCO staff and consultant missions, provides a solid base for the activities of the Centre in the SAR.
- (iii) Finally, as a component of intra-regional development support, knowledge sharing and networking, the establishment and operation of a regional Centre of this nature serves to develop international cooperation among Member States in the field of education and to promote peaceful dialogue across the region.

(b) Potential impact of UNESCO's contribution on the Centre's activities:

- (i) UNESCO's catalytic function during the nascent period of the Centre is to lend its technical and organizational expertise.

- (ii) UNESCO's role as a bridge to other countries, international organizations and relevant NGOs working on sustainable ECCE development and training management is essential for the successful dynamic exposure of the Centre.

REGIONAL OR INTERNATIONAL IMPACT OF THE CENTRE

- 11. (a) The Centre will hold training sessions for policy-makers, Ministry of Education officials and curriculum developers in addition to practitioners and professors working in ECCE. As a regional unit playing a major role in organizing and facilitating such research and training activities for ECCE, the ECCE Centre in the SAR will strengthen ECCE national and regional capacities in terms of its expertise in the fields of its activities.
- (b) The Centre will promote and facilitate increased networking and cooperation among all levels of stakeholders, from Ministries of Education officials, academics, policy-makers and curriculum developers, to practitioners across the Arab region, in order to exchange experiences and technologies and participate in collaborative educational and capacity-building training.
- (c) As a clearing-house for ECCE-related information, the Centre will serve to collect, translate into Arabic/English and disseminate the most recent local and international research on ECCE.

CONCLUSIONS

- 12. (a) The Centre, its foreseen objectives, activities and modes of operation are fully in accordance with the criteria for the 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) (34 C/ Resolution 90 and 181 EX/Decision 16).
- (b) The establishment of a regional centre for early childhood care and education is justified in terms of training needs and priorities for the countries in the region in striving towards achieving the EFA goals of the Dakar Framework by 2015.
- (c) The conditions are good for the adequate functioning of the Centre as far as the financing of its infrastructure and sustained financing of its activities are concerned. Support from other countries in the region should be in the form of commitments concerning membership in the Governing Board, the use of the Centre's training services and the co-financing of its activities. Such regional commitments are crucial to ensuring not only the regional service function of the proposed Centre, but also UNESCO's own support.
- (d) There is no non-private training institution of this kind in the Arab countries that at present offers, or has confirmed plans to set up in the foreseeable future, training programmes and activities such as those foreseen by the proposed Centre.
- (e) Given the recent instructions of the General Conference not to engage UNESCO's resources in the establishment and operation of institutes, centres and the like, but rather to make UNESCO's technical and professional support available in other appropriate ways, the Director-General could extend UNESCO's cooperation to the creation and running of the proposed Centre on a cost-recovery basis.

ACTION EXPECTED OF THE EXECUTIVE BOARD

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

The Executive Board,

1. Having examined the basic outline of the proposal to establish a Regional Centre for Early Childhood Care and Education in the Arab States, in the Syrian Arab Republic under the auspices of UNESCO (182 EX/20 Part V),
2. Aware of the importance of international and regional cooperation in the area of early childhood care and education,
3. Welcoming the proposal of the Syrian Arab Republic,
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), as stipulated in 181 EX/Decision 16,
6. Recommends that the General Conference at its 35th session approve the establishment of the Regional Centre for Early Childhood Care and Education in the Arab States, in Damascus in the Syrian Arab Republic under the auspices of UNESCO, and that it invite the Director-General to sign the corresponding agreement between UNESCO and the Government of the Syrian Arab Republic contained in the Annex to document 182 EX/20 Part V.

ANNEX
DRAFT AGREEMENT
BETWEEN
THE GOVERNMENT OF THE SYRIAN ARAB REPUBLIC
AND
**THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

**CONCERNING THE ESTABLISHMENT OF A REGIONAL CENTRE FOR
EARLY CHILDHOOD CARE AND EDUCATION IN THE ARAB STATES,
IN THE SYRIAN ARAB REPUBLIC, AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

The Government of the Syrian Arab Republic

and

The United Nations Educational, Scientific and Cultural Organization (UNESCO),

Having regard to 29 C/Resolution 8, by which the UNESCO General Conference highlighted the need to build capacity for early childhood care and education programmes,

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

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

HAVE AGREED AS FOLLOWS:

Article 1 – Definitions

1. In this Agreement, “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.
2. “Government” means the Government of the Syrian Arab Republic (SAR).
3. “Centre” means the proposed Regional Centre for Early Childhood Care and Education (ECCE) in the Arab States.
4. “Arab region” means the Arab States as specified in UNESCO’s definition of regions.

Article 2 – Establishment

The Government shall agree to take, in the course of the years 2009 and 2010, any measures that may be required for the setting up in Damascus, in the Syrian Arab Republic (SAR) of the Centre under the auspices of UNESCO.

Article 3 – 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 4 – Legal status

4.1 The Centre shall be independent of UNESCO.

4.2 The Government of the SAR shall ensure that the Centre enjoys within its territory the functional autonomy necessary for the execution of its activities and the legal capacity:

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

Article 5 – Constitutive Act

The constitutive act of the Centre must include provisions describing precisely:

- (a) legal status granting to the Centre, within the national legal system, the legal capacity necessary to exercise its functions and to receive funds, 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 6 – Functions/objectives

The objectives of the Centre shall be:

- (a) Build national and regional capacity for ECCE, promote collaboration and strengthen networks for knowledge transfer in the field of ECCE.
- (b) Contribute to the achievement of the United Nations Millennium Development Goals and the achievement of the Dakar Framework for Action Education for All Goals by 2015.
- (c) Train senior officials of regional Ministries of Education, other ministries and agencies related to ECCE (Health and Social Welfare Ministries, NGOs, civil society associations) in policy development processes in ways which allow on-the-job training

The functions of the Centre shall be to:

- (a) Facilitate awareness among regional Ministries of Education concerning crucial ECCE development issues which are of priority for the countries of the region.
- (b) “Train the trainers” for ECCE workforce upgrading with special emphasis on pre-primary teachers as a priority for the two to three years to come.
- (c) Facilitate access to professional technical information in Arabic on educational policy development issues as well as workforce upgrading issues from other countries of the region, relevant to ECCE.

- (d) Train the regional professional and academic ECCE workforce in applied research by undertaking fact-finding and analysis work focused on specific needs of the countries of the Arab region.

Article 7 – Governing Board

1. The Centre shall be guided and supervised by a Governing Board renewed every two 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 10.2 below and have expressed interest in being represented on the Board;
 - (c) a representative of the Director-General of UNESCO.
2. The Chair of the Governing Board will be the Minister of Education of the host country, who will also act as the representative of the Government as set out in 7.1(a).
3. 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) adopt the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre in accordance with the laws of the country;
 - (e) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Centre.
4. 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.
5. 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 8 – UNESCO's Contribution

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 by:
 - (a) providing the assistance of its experts in the specialized fields of the Centre;
 - (b) engaging in temporary staff exchanges, whereby the staff concerned will remain on the payroll of the dispatching organizations;
 - (c) seconding 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.

2. In all the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's programme and budget, and UNESCO will provide Member States with accounts relating to the use of its staff and associated costs.

Article 9 – Contribution by 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 all facilities necessary to fulfil its objectives and functions;
- (b) entirely assume the maintenance of the premises of the institution as a category 2 centre under UNESCO's auspices
- (c) contribute or secure the regional contribution to the Centre of a total amount of US \$6,864,000 in running costs per annum on top of the already contributed amount of US \$4,000,000 for land and renovations on the existing structure;
- (d) make available to the Centre the administrative staff necessary for the performance of its functions, which shall comprise a core team of support staff, temporary/part-time researchers as well as a librarian, amounting to 5-10 persons at any given time.

Article 10 – Participation

1. The Centre shall encourage the participation 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 and Associate Members 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 the parties to the agreement and other Member States of the receipt of such notifications.

Article 11 – Responsibility

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

Article 12 – 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 Institute/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 16 and 17.

Article 13 – 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 14 – 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 Syrian Arab Republic 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 15 – Duration

This Agreement is concluded for a period of three years as from its entry into force, and shall be deemed renewed unless otherwise expressly denounced by either party as provided for in Article 16.

Article 16 – 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 17 – Revision

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

Article 18 – 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 2 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-second session

182 EX/20
Part VI

PARIS, 19 August 2009
Original: English

Item 20 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 SOUTH AFRICA
OF THE AFRICAN WORLD HERITAGE FUND (AWHF),
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 African World Heritage Fund as a category 2 centre under the auspices of UNESCO, in accordance with the "Proposed integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO" (181 EX/66 Add. Rev.) approved by the Executive Board of UNESCO at its 181st session (181 EX/Decision 16), pursuant to 34 C/Resolution 90.

The administrative and financial implications of this document are set out in paragraph 22 of the present document and in Article XIV of the Annex thereto.

Action expected of the Executive Board: proposed decision in paragraph 36.

Introduction

1. The African World Heritage Fund (herein after “AWHF”) is a Trust established under the under the legislation of the Republic of South Africa with the objective to reinforce the effective conservation and protection of Africa’s natural and cultural heritage and to improve the implementation of the 1972 World Heritage Convention (herein after the “Convention”) in the Africa region (herein after the “Region”).
2. The findings and recommendations of the 2002 Periodic Reporting and of the 2005 *Africa Position Paper* underlined the need to improve national heritage policies and site management, develop active participation by local and national officials and communities, and establish regional cooperation adapted to local and national realities in an attempt to establish a new era of heritage management. The challenge is to increase the resources available enlarging the circle of actors cooperating for World Heritage Conservation in Africa, and to better understand African heritage cultural significances and values, as well as transmission of heritage in the African context.
3. In order to better achieve their full capacity, the Fund with national authorities’ support will provide technical and financial assistance to tentative and existing World Heritage properties and those on the Tentative Lists in Africa. In so doing, the Fund would contribute to the implementation of the World Heritage Committee’s strategic objectives in the Africa region and provide an important input to the NEPAD and African Union objectives, by using World Heritage properties as tools for poverty alleviation and making cultural and natural heritage have a role in the life of communities, thus placing African countries on a path of sustainable growth and development.

Background

4. The World Heritage Committee adopted the Periodic Report for Africa (PRA) at its 26th session (Budapest, 2002) The report dealt with the challenges encountered by many African countries regarding the identification, conservation, protection and preservation of World Heritage properties on the African continent and the implementation of the Convention’s principles and tenets in general. In general, the PRA states that given its cultural and natural diversity, Africa is grossly under-represented on the World Heritage List and a few of its countries have not yet ratified the Convention. Further, a significant number of the World Heritage properties that are currently inscribed on the List of World Heritage in Danger are on the African Continent. The Action Plan adopted within the PRA recommended, *inter alia*, the establishment of the African World Heritage Fund (AWHF) to augment the financial resources required to deal with these challenges.¹
5. Building on this, the Africa Group at UNESCO proposed to establish an African World Heritage Fund, whose function would be to mobilize governments, bilateral and multilateral donors, non-governmental organizations and the corporate sector active on the continent to address some of the challenges faced by African countries in identifying, protecting and managing World Heritage properties.
6. Following the support given by the World Heritage Committee through Decision **29 COM 11C.2** adopted at its 29th session (Durban, 2005) and by the General Assembly of States Parties to the World Heritage Convention at its 15th session (UNESCO, 2005), the proposal for the establishment of the AWHF was endorsed by the Conference of Ministers of Culture of the African Union held in Nairobi, Kenya in December 2005 and by the Sixth Ordinary Session of the Assembly of Heads of State and Government of the African Union in Khartoum, Sudan, in January 2006. The Fund was established as a Trust under South African legislation and was formally launched on May 5, 2006 at Sterkfontein, South Africa.

¹ The main outcomes and full report of the Periodic Reporting exercise on the World Heritage Convention for the Africa region (2002) is available at the following web address: http://whc.unesco.org/documents/publi_wh_papers_03_en.pdf.

Designation as category 2

7. A decision to request the designation of the AWHF as a category 2 centre under the auspices of UNESCO was reached during the Advocacy Meeting held in Abuja, Nigeria in April 2008 and subsequently endorsed during the 5th Board of Trustees meeting held in Addis Ababa, Ethiopia in February 2009. The decision was also endorsed by the African Union in October 2008 in Algiers at the Council of Ministers meeting and by the African Group at UNESCO.

8. The Government of the Republic of South Africa was therefore mandated to submit on behalf of African State Parties a formal request for action for the establishment of the African World Heritage Fund as category 2 centre under the auspices of UNESCO and in accordance with the “Proposed integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO” (181 EX/66 Add. Rev.) approved by the Executive Board of UNESCO at its 181st session (181 EX/Decision 16), pursuant to 34 C/Resolution 90. On 19 March 2009, the Government of South Africa submitted a “Request for action towards the establishment of the AWHF, as a category 2 centre under the auspices of UNESCO”.

II. The nature and legal status of the proposed Centre

9. The African World Heritage Fund (AWHF) as a category 2 centre, working under the auspices of UNESCO shall, in cooperation with the UNESCO World Heritage Centre, support the implementation of the World Heritage Convention (1972) in the Africa region and assist in the implementation of international activities within the programme framework of UNESCO.

Legal status

10. The Fund has been established as a Trust under South African legislation and enjoys tax exemption as a public organization under the South African tax law system. The principal guiding documents for the Centre will be its *Deed of Trust* and any amendments, the Operational Framework of the AWHF, the 1972 *World Heritage Convention* and its *Operational Guidelines*, the PRA (2003) and the outcomes and recommendations from subsequent Periodic Reporting exercises in the Africa Region, the *African Position Paper on the State of World Heritage in Africa* (2005), and the *Action Plan for the Implementation of the African Position Paper on the State of World Heritage in Africa, 2006-2015* and subsequent guidelines to be formulated from time to time by the Board of Trustees.

Goal

11. The main goal and purpose of the AWHF shall be to assist African States Parties in the:

- preparation and updating of their National Inventories;
- preparation and updating of their Tentative Lists;
- preparation of their Nomination Dossiers;
- compilation of integrated management plans for the proper management and conservation of World Heritage properties located in the territory of the relevant African State Parties; and
- general fulfilment of their respective obligations under the Convention.

Objectives

12. The specific objectives of the AWHF shall be to:

- undertake an inventory of cultural and natural heritage of Africa and develop broader understanding of African heritage in all its facets (tangible and intangible) by 2015;

- increase and strengthen human resources capability and the capacity of training institutions for the protection, conservation and management of cultural and natural heritage by 2015;
- strengthen legal, policy and institutional frameworks for effective and efficient heritage conservation in general, and in particular, for the implementation of the Convention on the continent;
- ensure that cultural and natural heritage contribute to sustainable development and poverty eradication by 2015;
- improve the nomination and management of cultural and natural heritage sites in Africa by 2015;
- to strengthen heritage protection, conservation and management in conflict, post-conflict and natural disaster situations by 2015.

Structure

13. The Board of Trustees will be the supreme body of the Fund and will be composed of five members representing the five regions in Africa (Southern Africa, Eastern Africa, Central Africa, Western Africa and Northern Africa). In addition, the Board is open to three non-regional representatives chosen in their personal capacity based on their competencies in law, finances (mainly fundraising), project management and industrial expertise.

14. The Board shall also consist of a representative of the Director-General of UNESCO. The African Union will also appoint its representative to the Board. In addition an *ex-officio* representative to the Board will be appointed by the Government of South Africa, in order to ensure smooth communication with the host country.

15. Permanent Observer Seats with no right to vote shall be reserved for the Nordic World Heritage Foundation, the Development Bank of Southern Africa, and the African Development Bank, and a representative of each of the Advisory Bodies to the World Heritage Committee

16. The secretariat shall be managed by the Director appointed by the Board of Trustees. The secretariat office is located in South Africa.

17. Regular funding shall be provided by the African State Parties. Other partners will be encouraged to contribute to the Fund aimed at undertaking specific activities.

18. The Republic of South Africa will accordingly take all appropriate measures, in accordance with its prevailing laws and regulations, to ensure that the AWHF structure and governance functions as required for category 2 institutes/centres under the auspices of UNESCO.

Financial sustainability

19. The Republic of South Africa has put in place logistical and administrative arrangements to ensure that the AWHF is established and its programmes are running. South Africa on behalf of the continent of Africa will continue to provide the office facilities and logistical support to the AWHF to ensure that it fulfil its activities in the reinforcement of the World Heritage Convention on the continent. South Africa will always act in consultation with the Board of the AWHF and all the States Parties to ensure sustainability of the Fund. In addition, the Government of South Africa has so far contributed South African Rand (ZAR) 20 million (approximately US \$2 million) to the establishment of the Fund. Currently, approximately \$6.8 million has been raised for the Endowment Fund and for projects implementation (out of pledges totalling \$9 million).

20. The annual budget will cover the costs of operation of the AWHF, including facilities to house its headquarters, and all equipment, utilities, services and staff salaries. The Government of South Africa will regularly contribute to the endowment fund and will also actively seek financial support for the AWHF projects not financed by its annual budget through partnerships and funding or special arrangements with other States Parties of the Africa region, international, regional and national organizations, such as the secondment of experts and specialists to the AWHF.

Type of cooperation sought with UNESCO

21. The AWHF will collaborate with UNESCO in the application of the World Heritage Convention in Africa particularly with regard to the protection and promotion of the cultural and natural heritage, and in the fulfilment of the Medium-Term Strategy for the period 2008-2013 (34 C/4) that mandated UNESCO to promote new partnerships, paying particular attention to heritage and capacity-building in Africa (Strategic Programme Objective 11: Sustainably protecting and enhancing cultural heritage). The AWHF will work in close cooperation with the UNESCO World Heritage Centre to ensure that the programmes aimed at improving the quality of nomination for possible inscription on the World Heritage List and the management of the existing World Heritage properties in Africa.

22. Under the “Proposed integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO” (181 EX/66 Add. Rev.) approved by the Executive Board of UNESCO at its 181st session (181 EX/Decision 16), pursuant to 34 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.

III. Programmes and activities of the proposed Centre

Respective responsibilities of AWHF

23. The Board and the AWHF will develop work plan and programme activities which will ensure the fulfilment of the objectives of the Fund. The AWHF will develop its programme of action each year in consultation with the UNESCO-World Heritage Centre. In this regard, the AWHF has developed a Strategic Plan for meeting its objectives and a Communication and Resource mobilization plan to ensure sustainability and compliance to the World Heritage Convention.

24. The AWHF shall support the effective conservation and protection of natural and cultural heritage of outstanding universal value found in the Africa region. The support and assistance will be through investing in efforts geared towards safeguarding and increasing the visibility of African natural and cultural world heritage properties and to ensuring that they play a developmental role, particularly in the lives of local communities.

25. The beneficiaries shall be the African States Parties to the World Heritage Convention, selected through a process to be determined in accordance with the provisions of the Deed of Trust, together with the present Operational Framework for the African World Heritage Fund as amended from time to time by the Board of Trustees. In particular, the AWHF shall assist African countries that have ratified the 1972 World Heritage Convention to fulfil the obligations deriving from it, in particular by supporting:

- identification and preparation of African sites for inclusion on national Tentative Lists and preparation of nominations for inscription on the World Heritage List.
- conservation and management of properties already inscribed on the World Heritage List with emphasis on safeguarding of the properties inscribed on the List of World Heritage in Danger.

Cooperation with strategic partners

26. The AWHF intends to work with strategic partners in all its programmes and activities. The main strategic partner for the AWHF is the UNESCO-World Heritage Centre in its capacity as the Secretariat of the World Heritage Committee. International Strategic partners include the Nordic World Heritage Foundation and the African Union, who are Observer members of the Board of Trustees.

27. The Advisory Bodies to the World Heritage Committee i.e. International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), International Council on Monuments and Sites (ICOMOS), and the International Union for the Conservation of Nature (IUCN), are also strategic partners of the AWHF.

28. On the African continent regional organizations/programmes such as the Ecole du Patrimoine Africain (EPA), College of African Wildlife Management, (Mweka) and Centre for Heritage Development in Africa (CHDA), Africa 2009 Programme and all the organizations and programmes working in the heritage field are also considered partners of the Fund. Given the fact that the Fund will not be in a position to implement activities on its own, the AWHF programme shall be carried out in collaboration with local, regional and international partners.

Strategic Framework

29. The Deed of Trust and the Operational Framework states the rules and regulations of the Fund as well as its activities and work.

Agreement with UNESCO

30. An agreement shall be signed between AWHF and UNESCO regarding areas of collaboration.

Strategic plan 2008-2010

31. The Strategic plan 2008-2010 defines AWHF's mission statement and main activities.

Mission statement

32. AWHF pursues the identification and preparation of African sites towards inscription on the World Heritage List; the conservation and management of sites already inscribed on the World Heritage List; the rehabilitation of sites inscribed on the List of World Heritage in Danger and the training of heritage experts and site managers. Through effective and sustainable management, Africa's world heritage sites will be catalysts in transforming Africa's image and act as a vehicle to stimulate economic growth and infrastructure development.

IV. Summary evaluation

33. The AWHF provides a platform to increase resources available and enlarge the circle of actors and capacities to the African States Parties and institutions in their effort to implement the World Heritage Convention in the Africa region.

34. The AWHF will increase the visibility of international and national efforts to support the conservation and management of both cultural and natural heritage places in Africa. It has the potential to play a significant role as a catalyst for better management and better nominations from Africa to the World Heritage List.

35. The AWHF thrust of ensuring that the World Heritage places in Africa could play a positive role in improving the lives of communities around the sites is commendable and should be encouraged and supported.

V. Action expected of the Executive Board

36. 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 South Africa for the establishment of the “African World Heritage Fund” as a category 2 centre under the auspices of UNESCO,
2. Also recalling the importance of international cooperation for strengthening the capacity of African 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. Further recalling the debate held at its 181st session that stressed efforts by Member States to foster the establishment or development of regional centres for training and research in the implementation of the World Heritage Convention,
4. Having examined the feasibility study contained in document 182 EX/20 Part VI,
5. Welcoming the proposal of the Government of South Africa, which is in line with the “Proposed integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO” (181 EX/66 Add. Rev.) approved by the Executive Board of UNESCO at its 181st session (181 EX/Decision 16), pursuant to 34 C/Resolution 90, and appreciating the results of the consultations held so far between the Secretariat and the South African authorities,
6. Recommends to the General Conference that it approve, at its 35th session, the establishment of the African World Heritage Fund 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 182 EX/20 Part VI.

ANNEX
DRAFT AGREEMENT
BETWEEN
THE GOVERNMENT OF SOUTH AFRICA
AND
**THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION
(UNESCO)**
**REFERRING TO THE CREATION AND OPERATION OF THE AFRICAN
WORLD HERITAGE FUND UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

The Government of the Republic of South Africa, and the United Nations Educational, Scientific and Cultural Organization (UNESCO),

Having regard to the resolution whereby the UNESCO General Conference seeks to favour international cooperation in respect of the establishment of the **African World Heritage Fund** as a category 2 Centre,

Mindful that the “Proposed integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO” (181 EX/66 Add. Rev.) approved by the Executive Board of UNESCO at its 181st session (181 EX/Decision 16), pursuant to 34 C/Resolution 90 adopted principles and guidelines for the establishment and operation of category 2 institutes and centres under the auspices of UNESCO,

With a view to 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 Republic of South Africa;

“Centre” means the African World Heritage Fund (AWHF);

“Region” means the “Africa Region” as defined by UNESCO with reference to the execution of regional activities of the Organization

“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.

“African State Party to the World Heritage Convention” means an African State which has ratified, accepted or acceded the World Heritage Convention.

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 transformation of the African World Heritage Fund into a centre under the auspices of UNESCO in accordance with the terms of this Agreement.

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 and Associate Members 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 the parties to the agreement and other Member States 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 Republic of South Africa 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, 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 South African legislation, 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 African State Parties, by strengthening application of the decisions and recommendations of the World Heritage Committee for the benefit of World Heritage sites in the African region.

2. To this end, the main objective of the Centre shall be: to assist African State Parties to: prepare and update their National Inventories; prepare and update their Tentative Lists; prepare and update their Nomination Dossiers; compile integrated management plans for the proper management and conservation of World Heritage Sites located in the territory of the relevant

African State Party; and ensure that African State Parties comply with their obligations under the 1972 World Heritage Convention.

In support of these objectives, the main functions of the Centre shall be to assist African State Parties to:

- undertake an inventory of cultural and natural heritage of Africa and develop broader understanding of African heritage in all its facets (tangible and intangible) by 2015;
- increase and strengthen human resources capability and the capacity of training institutions for the protection, conservation and management of cultural and natural heritage by 2015;
- strengthen legal, policy and institutional frameworks for effective and efficient heritage conservation in general, and in particular the implementation of World Heritage Convention on the continent;
- ensure that cultural and natural heritage contribute to sustainable development and poverty eradication;
- improve the nomination and management of cultural and natural heritage sites;
- strengthen heritage protection, conservation and management in conflict, post-conflict and natural disaster situations.

To achieve the above, the Centre shall:

- provide both technical and financial assistance to African State Parties 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, and monitoring of state of conservation. These will be done in collaboration with strategic partners as defined in paragraphs 26 to 28 of the feasibility study;
- provide financial support for regional activities in support of the World Heritage Convention. These will include regional meetings, seminars, and training workshops.

4. The Centre shall pursue the above objectives and perform the above functions in close coordination with existing UNESCO regional centres, initiatives and programmes concerned with the implementation of the 1972 World Heritage Convention in the African region.

Article VIII – Board of Trustees

1. The Centre shall be governed by the Board of Trustees renewed every two years and composed of:

Members with right to vote are:

- (a) The five members representing the five regions in Africa:
 - Southern Africa;
 - Eastern Africa;
 - Central Africa;
 - Western Africa;
 - Northern Africa.

- (b) In addition, the Board shall be open to three non-regional representatives chosen in their personal capacity based on their competencies in law, finances – mainly fund-raising, project management and industrial expertise.
 - (c) A representative of the Director-General of UNESCO.
 - (d) A representative of the African Union.
 - (e) The *ex-officio* representative appointed by the Government of South Africa, in order to ensure smooth communication with the host country.
2. Observers with no right to vote have been reserved for:
 - a representative of each the Advisory Bodies to the World Heritage Committee (ICCROM, ICOMOS, IUCN);
 - the Nordic World Heritage Foundation (NWHF);
 - the Development Bank of Southern Africa (DBSA);
 - the African Development Bank (ADB).
3. The composition of the Board may be modified in accordance with the procedures for revision defined in Article XXIII of this Agreement.
4. The 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;
 - (c) upon recommendations of the Africa group at UNESCO, the Board shall determine the five regional representatives foreseen in Article VIII.1(a) and the three non-regional representatives members foreseen in Article VIII.1(b);
 - (d) approve the long-term and medium-term programmes of the Centre;
 - (e) approve the annual work plan and budget of the Centre including staffing provisions, infrastructure requirements and operating costs;
 - (f) examine the annual reports submitted by the Director of the Centre;
 - (g) issue the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre;
 - (h) 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 fund-raising 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.
5. The Board of Trustees shall meet in ordinary session at regular intervals, at least twice every calendar year. It may be convened 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 a majority of its members.
6. The Board of Trustees shall adopt its own rules and procedures. For its first meeting, the applicable procedures shall be established by the Government and UNESCO.

Article IX – Board Committees

1. The Board of Trustees shall establish Committees, for various aspects, from among its members, to ensure support in the management of the Centre, between sessions of the Board.
2. The Director of the Centre shall participate in the Committees as an ex-officio member without the right to vote.

Article X – Advisory Committee

1. An Advisory Technical Committee shall be set up to provide technical advice for planning, execution, review and monitoring of the programme of the Centre.
2. The Advisory Technical Committee shall be established by the Board of Trustees which shall determine its composition from among scientific, technical and legal experts recommended by the competent government authorities of the African State Parties 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 Board shall appoint one of its members as the Chairperson of the Advisory Technical Committee.
5. The Director of the Centre shall participate in the Advisory Technical 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 Board of Trustees.
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 Board;
 - (c) officials who are made available to the Centre by African States Parties.

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 Board;
- (b) propose the draft work plan and budget to be submitted to the Board for approval;
- (c) prepare the provisional agenda for the sessions of the Board, the Board Committees 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 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 Board.

Article XIII – Financial arrangements

1. The Centre's resources shall be allotted by the Board of Trustees from such contributions as it may receive from State Parties to the World Heritage Convention, from intergovernmental organizations or international non-governmental organizations and from the Endowment Fund that has been set up with a view that the Centre will use the interests from the investment of such Endowment for its operation.
2. The Centre may receive gifts and legacies with the approval of the 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 South Africa

1. The Government of South Africa, on behalf of the African States Parties, agrees to provide the necessary resources 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;

- provide support in mobilizing resources to ensure that the Endowment Fund is set up;
- make available to the Centre when necessary 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 South African Government and the African States Parties 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 Board, the Board Committees, and the Advisory Technical 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 exempted 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 letter-headed 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 South African law 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 [x] copies in the [...] languages, 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-second session

182 EX/20
Part VII

PARIS, 11 August 2009
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Item 20 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 TEHRAN (ISLAMIC REPUBLIC
OF IRAN), OF A REGIONAL RESEARCH CENTRE FOR THE SAFEGUARDING
OF INTANGIBLE CULTURAL HERITAGE IN WEST AND CENTRAL ASIA
AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO**

SUMMARY

At the 34th session of the General Conference, the Government of the Islamic Republic of Iran announced its intention to establish a regional research centre for safeguarding intangible cultural heritage, as a category 2 centre under the auspices of UNESCO. The centre is to contribute to building capacities for safeguarding intangible cultural heritage, as advocated by the Convention for the Safeguarding of the Intangible Cultural Heritage, in West and Central Asia, while promoting regional cooperation.

The present document consists of a report by the Director-General assessing the feasibility of the proposed centre, supplemented by a Draft Agreement (Annex), addressing functional, legal, managerial and administrative aspects of the proposed centre, that has been elaborated through a process of consultation between the Government of the Islamic Republic of Iran and the UNESCO Secretariat. The feasibility study was undertaken in conformity with the integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO adopted by the 181st session of the Executive Board (181 EX/Decision 16) under the authority delegated to it by the General Conference in 34 C/Resolution 90.

Financial and administrative implications are indicated (see paragraphs 9 and 12 of this document and Articles 10 and 11 of the draft agreement).

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

Introduction

1. At the 34th session of the General Conference, the Government of the Islamic Republic of Iran announced its intention to establish a regional research centre for safeguarding intangible cultural heritage in West and Central Asia (“the Centre”), as a category 2 centre under the auspices of UNESCO. This intention was confirmed in March 2009 by a letter from the Government to the Director-General of UNESCO, 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. In the Request for Action the Government emphasized that the centre will concentrate on the promotion and coordination of research for safeguarding, while furthering cooperation and reinforcing regional cooperation. The centre is to contribute in particular (i) to building operational capacities in the States of West and Central Asia (“the Region”) for safeguarding intangible cultural heritage (ICH) on the national level, including inventory making, and (ii) to safeguarding ICH on the international level, while focusing on elements that are shared by communities in two or more Member States of the Region.

3. The Government of the Islamic Republic of Iran further highlighted in the Request for Action and related documentation (i) the positive and negative effects of unprecedented communication technologies and globalization on the viability of ICH, (ii) the unique role the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage (“the (2003) Convention”) may have for counteracting threats to that viability, (iii) the importance of cooperation on the international and regional levels in safeguarding ICH, (iv) the extensive expertise and practical experiences in inventorying, documenting and studying ICH of institutions and experts active in the Islamic Republic of Iran, and (v) the existing, widespread regional and international contacts of the Iranian institutions concerned.

4. A UNESCO mission took place in May 2009 to study 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 Request for Action, additional documentation provided during and immediately after the mission, and meetings with representatives of the organizations mentioned herein.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

5. The attached draft agreement endeavours to address in detail the requirements specified in the Integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO adopted by the 181st session of the Executive Board (181 EX/Decision 16) under the authority delegated to it by the General Conference in 34 C/Resolution 90. The most relevant aspects of the proposal are presented below.

Objectives and functions

6. The **objectives** of the centre will be:

- (a) to promote the 2003 Convention and its implementation in West and Central Asia;
- (b) to strengthen capacities and cooperation in the Region for identifying, inventorying and documenting ICH in order to contribute to its safeguarding;
- (c) to further and coordinate scientific and technical studies aimed at developing, managing and evaluating safeguarding measures for intangible cultural heritage present in the Region;

- (d) to reinforce capacities in the Region for actively implementing the 2003 Convention on the regional and international level, in particular concerning ICH present on the territories of more than one State (“shared ICH”).

The functions of the centre will be:

- (a) to create and keep up to date an automated information system registering and linking institutions, community organizations and individual experts involved in safeguarding ICH in the Region;
- (b) to gather and disseminate information on legal, administrative, financial and other measures taken by the States participating in the centre with a view to safeguarding the ICH present in their territories;
- (c) to gather and disseminate information on safeguarding activities in the States participating in the centre;
- (d) to organize activities for developing research methodologies and studies concerning the safeguarding of ICH, including studies concerning the development of tourism that is respectful of ICH;
- (e) to organize activities to identify and promote good safeguarding practices, and to assist States Parties to reinforce their capacities to prepare files proposing such practices to the Intergovernmental Committee as foreseen in Article 18 of the 2003 Convention;
- (f) to coordinate activities aimed at awareness-raising and capacity-building among holders and practitioners of intangible cultural heritage, so as to allow them to participate actively in the identification, inventorying and managing of their ICH;
- (g) to foster capacity-building for drafting candidature files for inscription on the two lists of the 2003 Convention and for drafting requests and reports for submission to the Intergovernmental Committee, in particular concerning shared intangible cultural heritage elements;
- (h) to cooperate and exchange information with other category 2 centres in and beyond Asia, under the auspices of UNESCO, in the field of safeguarding ICH;
- (i) to inform the Intergovernmental Committee and the Secretariat of the 2003 Convention about relevant activities in the Region and to assist in the implementation of the 2003 Convention.

7. The centre shall be established in the territory of the Islamic Republic of Iran and act under Iranian law as an autonomous institution. It will enjoy, in the territory of the Islamic Republic of Iran, the functional autonomy and legal capacity necessary for the execution of its activities. Its activities will be supported by the Research Institute for Cultural Heritage of the Iranian Cultural Heritage, Handicrafts and Tourism Organization, the State body responsible under Iranian law for implementation of the 2003 Convention.

8. The centre will have a Governing Council, an Executive Board and a Secretariat. The eight members of the Governing Council will include a representative of the Director-General of UNESCO and two members representing States or territories participating in the centre’s activities. The Governing Council, which will meet at least once a year, will adopt the long-term and medium-term programmes of the centre and the annual reports submitted by the Director. It will also determine the centre’s financial, administrative and management procedures, elect the members of the Executive Board, and appoint the Director of the centre. The Governing Council will approve the annual work plan and the budget of the centre. The centre’s secretariat will consist of a Director, who will be an Iranian national, and such staff as is necessary for its proper operation.

9. In the draft agreement the Government commits itself to create a separate budget index in the national annual budget law for the centre and to provide the resources needed for the administration and proper functioning of the centre, and for the staff of the centre, for its premises, for the organization of activities of the centre and for the organization of the meetings of the Governing Council and Executive Board. In conformity with Iranian fiscal procedures, these resources will be provided to the centre through the intermediary of the Iranian Cultural Heritage, Handicraft and Tourist Organization. For the initial years a sum equivalent to at least \$500,000 will be made available per year. UNESCO's assistance to the centre will mainly be technical, and will be provided within the provisions of UNESCO's programme and budget.

10. Member States and Associate Members of UNESCO in West and Central Asia, as well as territories as referred to in Articles 33 and 2.5 of the 2003 Convention, may participate in the centre's activities. With regard to such operational specializations of the centre as capacity-building for inventory making and for preparing files that States Parties to the 2003 Convention may wish to submit to the Convention's Intergovernmental Committee, for preparing documentation and files concerning so-called shared heritage and for developing tourist activities that are respectful of ICH, the centre is also ready to cooperate with States and institutions beyond the Region, and with other relevant category 2 centres. The centre will further engage in promoting the 2003 Convention, so as to contribute to encouraging universal adherence to it in the Region.

11. The Iranian Cultural Heritage, Handicrafts and Tourism Organization (ICHHTO), to which the centre will be associated, is one of the largest heritage institutions in the world, with a large number of operational branches, eight already existing research centres, an annual budget of almost \$600 million and over 5,200 employees. Its specialized research centres already prepared an inventory featuring 2,200 elements of ICH present on the territory of the Islamic Republic of Iran, through surveys carried out among and with communities all over the Republic. Anticipating the creation of the proposed category 2 centre, an Independent Research Group for the Intangible Cultural Heritage was created, and premises were reserved. ICHHTO cooperates with over 20 Iranian universities and specialized institutions; cooperation exists on the international level with institutions in many countries including Afghanistan, China, France, Germany, Greece, India, Japan, Portugal, Tajikistan and the United Kingdom.

12. Through its functions indicated above, the centre will contribute to the implementation of the 2003 Convention, in particular to the first ("safeguarding ICH") and the last ("providing for international cooperation and assistance") of the four objectives mentioned in Article 1 of that Convention. The centre will reinforce capacities of Member States in the Region to draw up inventories and safeguarding plans, to develop and apply research as a measure for safeguarding in the sense of Article 2.3 of the Convention, and to develop good practices for implementing the articles of the 2003 Convention on international cooperation. The execution of UNESCO's programmes in the field of ICH may also otherwise benefit significantly from cooperation with the centre, permitting UNESCO to be better informed about ICH developments in the region and to benefit from research efforts coordinated by the centre, for instance when reflecting on new strategies and operational activities aimed at inventory making or international cooperation concerning shared heritage. The centre will further 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, (34 C/4)).

13. By sharing its network and experiences in the Region and beyond, by promoting the cooperation and exchange of information among category 2 centres in the field of ICH and by mobilizing its worldwide expertise, UNESCO will assist the centre in carrying out its functions. Transfer of knowledge and expertise may take place in a concentrated way through staff exchange between UNESCO and the centre and through the provision of assistance of UNESCO's experts specialized in the safeguarding of ICH. Finally, UNESCO may propose the involvement of the centre in the implementation of research-related, capacity-building and other activities that it will organize to assist Member States in pursuing the objectives of the 2003 Convention and to

implement its medium-term strategic objective in the field of cultural heritage. Such assistance shall be undertaken within the provisions of UNESCO's programmes and budget.

SUMMARY EVALUATION OF THE PROPOSAL SUBMITTED

14. From the document review, meetings and interviews, it may be concluded that the expertise, experience and commitment of ICCHTO, of associated research centres and of Iranian non-governmental organizations, will ensure that the proposed centre may successfully pursue its envisaged functions as a laboratory of ideas, as a capacity-builder and as a catalyst for safeguarding ICH in the Region on the national and international levels, and for intensive international cooperation. The commitment of the Government of the Islamic Republic of Iran, and of Iranian institutions and organizations, further helps ensure that the centre may contribute significantly to the promotion and implementation of the 2003 Convention, and consequently to UNESCO's objectives and activities in the field of safeguarding ICH, to the promotion of cultural diversity and to mutual understanding, respect and cooperation between communities, peoples and nations in and beyond the Region.

15. The points cited above indicate the high viability of the Regional Research Centre for Safeguarding Intangible Cultural Heritage in West and Central Asia proposed by the Government of the Islamic Republic of Iran and the benefits it may bring. The Director-General notes that the attached draft agreement is in conformity with the model agreement between UNESCO and a Member State concerned regarding an institute or centre under the auspices of UNESCO (category 2), contained within the Integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO adopted by the 181st session of the Executive Board (181 EX/Decision 16) under the authority delegated to it by the General Conference in 34 C/Resolution 90. He welcomes the proposed establishment in the Islamic Republic of Iran of the centre as a category 2 centre under the auspices of UNESCO, and suggests that UNESCO's governing bodies give it due consideration.

ACTION EXPECTED OF THE EXECUTIVE BOARD

16. In the light of the above, the Executive Board may wish to decide along the following lines:

The Executive Board,

1. Recalling 33 C/Resolution 90, 34 C/Resolution 90 and 181 EX/Decision 16,
2. Further recalling 181 EX/Decision 17 whereby, *inter alia*, the Executive Board encouraged and welcomed new proposals for the establishment of centres for intangible cultural heritage in the Asia and the Pacific region under the auspices of UNESCO (category 2) with a regional scope of activities,
3. Having examined document 182 EX/20 Part VII and its Annex
4. Welcomes the proposal of the Government of the Islamic Republic of Iran to establish in Tehran a regional research centre for safeguarding intangible cultural heritage in West and Central Asia under the auspices of UNESCO, in conformity with the Integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO adopted by the 181st session of the Executive Board (181 EX/Decision 16) under the authority delegated to it by the General Conference in 34 C/Resolution 90;
5. Recommends that the General Conference, at its 35th session, approve the establishment in the Islamic Republic of Iran of the regional research centre for safeguarding intangible cultural heritage in West and Central Asia as a category 2 centre under the auspices of UNESCO, and that it authorize the Director-General to sign the Agreement contained in the Annex to the present document.

ANNEX

**DRAFT AGREEMENT BETWEEN
THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN**

AND

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

**REGARDING THE ESTABLISHMENT, IN TEHRAN, OF A REGIONAL RESEARCH CENTRE
FOR SAFEGUARDING INTANGIBLE CULTURAL HERITAGE IN WEST AND CENTRAL ASIA
UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

The Government of the Islamic Republic of Iran (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 in 2003, at its 32nd session, 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 Islamic Republic of Iran an agreement in conformity with the draft that was submitted to the General Conference at its 35th session,

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

HAVE AGREED AS FOLLOWS:

Article 1 – Establishment

The Government shall agree to take, in the course of the 2010-2011 biennium, any measures that may be required for the setting up in Tehran (Islamic Republic of Iran), as provided for under this Agreement, of a Regional Research Centre for the Safeguarding of Intangible Cultural Heritage in West and Central Asia, hereinafter called “the Centre”.

Article 2 – 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 3 – Legal status

1. The Centre shall be independent of UNESCO.
2. The Government shall ensure that the Centre, while being associated to the Iranian Cultural Heritage, Handicrafts and Tourism Organization, has an autonomous legal status and that it enjoys in the territory of the Islamic Republic of Iran the functional autonomy necessary for the execution of its activities and the legal capacity:

- (a) to contract;
- (b) to institute legal proceedings;
- (c) to acquire and dispose of movable and immovable property.

Article 4 – Constitutive Act

The Constitutive Act 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 acquire all means necessary for its functioning;
- (b) UNESCO representation within its Governing Council.

Article 5 – Participation

1. The Centre shall be at the service of Member States and Associate Members of UNESCO, and of territories as referred to in Article 33 of the 2003 Convention, that, by their common interest in the objectives of the Centre, desire to cooperate with the Centre.

2. Member States and Associate Members of UNESCO, as well as territories as referred to in Article 33 of the 2003 Convention, 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 the parties to this Agreement, and other participating parties, of the receipt of such notifications.

Article 6 – Objectives and functions

1. The objectives of the Centre will be:

- (a) to promote the 2003 Convention and its implementation in West and Central Asia (hereinafter referred to as "the Region");
- (b) to strengthen capacities and cooperation in the Region for identifying, inventorying, documenting and studying intangible cultural heritage in order to contribute to its safeguarding;
- (c) to further and coordinate scientific and technical studies aimed at developing, managing and evaluating safeguarding measures for intangible cultural heritage present in the Region;
- (d) to reinforce capacities in States of the Region that are Parties to the 2003 Convention for actively participating in its implementation on the regional and international level, in particular concerning shared intangible cultural heritage elements present in the territories of two or more of the States concerned.

2. The functions of the Centre will be:

- (e) to create and keep up to date an automated information system registering and linking governmental and non-governmental institutions, research, educational and information institutions, community organizations and individual experts involved in the safeguarding of intangible cultural heritage in the States of the Region that have expressed the wish to cooperate through the Centre;
- (f) to gather and disseminate information on legal, administrative, financial and other measures taken by the States participating in the Centre with a view to safeguarding the intangible cultural heritage present in their territory;

- (g) to gather and disseminate information on safeguarding activities in the States participating in the Centre;
- (h) to organize workshops and conferences in order to develop research methodologies and further studies concerning the safeguarding of intangible cultural heritage as advocated in Article 13 of the 2003 Convention, including studies concerning the development of tourism that does not impair the viability of the intangible heritage, while being respectful of customary practices governing the access to this heritage;
- (i) to organize workshops and seminars to identify and promote good safeguarding practices, and assist States Parties to the 2003 Convention that participate in the Centre to build their capacity to prepare files proposing such practices to the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage established under the 2003 Convention (hereinafter referred to as “the Intergovernmental Committee”) for selection and further dissemination, as foreseen under Article 18 of the Convention;
- (j) while maintaining a network of representatives of cultural communities, to coordinate activities aimed at awareness-raising and capacity-building among holders and practitioners of intangible cultural heritage, as advocated in the Operational Directives for the implementation of the Convention, so as to allow them to participate actively, in the sense of Articles 2, 11 and 15 of the Convention, in the identification, inventorying and managing of their intangible cultural heritage;
- (k) to organize workshops and seminars focusing on building capacities, in States Parties to the 2003 Convention that participate in the Centre, for drafting nomination files for inscription on the two lists of the 2003 Convention and for drafting requests and reports for submission to the Intergovernmental Committee, in particular concerning shared intangible cultural heritage elements present in the territories of two or more of the States participating in the Centre;
- (l) to cooperate and exchange information with other category 2 centres in and beyond Asia that are active in the field of safeguarding intangible cultural heritage;
- (m) to inform the Intergovernmental Committee and the Secretariat of the 2003 Convention about relevant activities in the Region and to assist as appropriate in the implementation of the 2003 Convention.

Article 7 – Governing Council

1. The Centre shall be guided and supervised by a Governing Council, to be renewed every four years, and composed of:
 - (a) a representative of the Iranian Cultural Heritage, Handicrafts and Tourism Organization;
 - (b) a representative of two Member States that have sent a notification, in accordance with the stipulations of Article 5, paragraph 2, above;
 - (c) a representative of the Iranian National Commission for UNESCO;
 - (d) a representative of the Director-General of UNESCO;
 - (e) three specialists in the field of intangible cultural heritage.
2. The Governing Council shall:
 - (a) approve the strategy and 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) elect the members of the Centre's Executive Board and appoint the Director of the Centre;
- (f) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Centre, while taking into account existing and future agreements between States and institutions.

3. The Governing Council shall meet in ordinary session at regular intervals, at least once every calendar year; it shall meet in extraordinary session if summoned 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 Council shall adopt its own Rules of Procedure. For its first meeting the procedure shall be established by the Government and UNESCO.

Article 8 – Executive Board

1. In order to ensure the effective running of the Centre between the sessions of the Governing Council, the standing Executive Board shall:

- (a) supervise the execution of the Centre's programmes and activities;
- (b) make recommendations to the Governing Council concerning the strategy and the long-term and mid-term programmes of the Centre;

2. The Executive Board shall meet at least twice a year and adopt its own Rules of Procedure.

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. Decisions concerning the structure and the human resources of the Secretariat will be taken by the Governing Council.

3. The Governing Council shall appoint the Director of the Centre, who should have recognized academic standing and professional experience in the field of intangible cultural heritage.

Article 10 – Contribution of UNESCO

1. UNESCO shall provide assistance in the form of technical contributions 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 programmes that it implements and in which the participation of the latter seems beneficial to UNESCO's and the Centre's objectives;
- (c) engage in temporary staff exchanges when appropriate, whereby the staff concerned will remain on the payroll of the dispatching organizations;

- (d) provide the Centre with relevant information on its programmes related to intangible cultural heritage.

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

Article 11 – Contribution of the Government

In the National Annual Budget Law of the Islamic Republic of Iran a separate budget index will be created for the Centre. The Government shall provide, through the intermediary of the Iranian Cultural Heritage, Handicraft and Tourist Organization, all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre, including the resources needed for the staff of the Centre, for its premises, for the organization of activities of the Centre and for the organization of the meetings of the Governing Council and Executive Board. For the initial years an amount equivalent to at least US \$500,000 will be made available per year.

Article 12 – 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 13 – 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;
- (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 the contents of this Agreement or of denouncing it, as envisaged in Articles 17 and 18. Notwithstanding this provision, the contracting parties agree to make every effort to remedy any problems identified in an evaluation before exercising the option of denunciation.

Article 14 – Use of UNESCO's 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. Once the rules for the use of the logo of the 2003 Convention will have been established, the Centre will seek to be authorized to use that logo in combination with the UNESCO logo.

Article 15 – Entry into force

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

Article 16 – Duration

This agreement is concluded for a period of six years as from its entry into force, and shall be deemed renewed unless it is expressly denounced by either party as provided for in Article 18.

Article 17 – Revision

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

Article 18 – Denunciation

1. Each of the contracting parties shall be entitled to denounce this Agreement. Parties undertake, however, in conformity with Article 19, to settle any dispute that may arise between them and to make every effort to avoid denunciation.

2. A denunciation shall take effect sixty days following receipt of the notification sent by one of the contracting parties to the other.

Article 19 – Settlement of disputes

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if it is not settled by negotiation or any other appropriate method agreed to by the parties, shall be submitted for final decision to an arbitration tribunal composed of three members, one of whom shall be appointed by the Government, 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 the third, the appointment shall be made by the President of the International Court of Justice.

2. The Tribunal's decision shall be final.

IN WITNESS WHEREOF, the undersigned have signed this Agreement.

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

For the United Nations Educational,
Scientific and Cultural Organization

For the Government



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and eighty-second session

182 EX/20

Part VIII

PARIS, 11 August 2009
Original: English

Item 20 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 SOFIA, BULGARIA, OF A REGIONAL CENTRE FOR THE SAFEGUARDING OF INTANGIBLE CULTURAL HERITAGE IN SOUTH-EASTERN EUROPE AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO

SUMMARY

At the 34th session of the General Conference, the President of the Republic of Bulgaria announced his Government's intention to propose the establishment in Sofia (Bulgaria) of a regional centre for the safeguarding of intangible cultural heritage in South-Eastern Europe, as a category 2 centre under the auspices of UNESCO.

The present document consists of a report by the Director-General assessing the feasibility of the proposed centre, supplemented by a draft agreement (Annex) addressing functional, legal, managerial and administrative aspects of the proposed centre, which has been elaborated through a process of consultation between the Government of Bulgaria and the UNESCO Secretariat. The feasibility study was undertaken in conformity with the Integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO adopted by the 181st session of the Executive Board (181 EX/Decision 16) under the authority delegated to it by the General Conference in 34 C/Resolution 90.

This document has financial implications (see paragraph 10 of this document, as well as Article 11 of the draft agreement) and administrative implications (see paragraph 13 as well as Article 10); see also paragraph 16.

Action expected of the Executive Board: decision in paragraph 17.

Introduction

1. At the 34th session of the General Conference, the President of the Republic of Bulgaria announced his Government's intention to propose the establishment in Bulgaria of a regional centre for the safeguarding of intangible cultural heritage (ICH) in South-Eastern Europe, as a category 2 centre under the auspices of UNESCO. The President reiterated this intention in February 2008 at the second extraordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage that Bulgaria hosted in Sofia. The Ministers Responsible for Culture in South-Eastern Europe and Italy commended this initiative of Bulgaria on the occasion of their fifth ministerial conference held in Bucharest in September 2008.

2. 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 Bulgaria submitted in January 2008 a Request for Action for the establishment of the centre. UNESCO sent a fact-finding mission to Bulgaria in February 2008 to assess the preparatory measures that Bulgaria had been taking. The mission noted a strong commitment of the authorities for the creation of a regional centre and noted the successful launching of the National Inventory of Intangible Cultural Heritage and the Living Human Treasures National Programme.

3. A revised Request for Action was submitted to the Director-General by the Government of Bulgaria in March 2009. A second UNESCO mission was sent to Bulgaria in May 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

4. The attached draft agreement (Annex) was prepared in conformity with the Integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO, as adopted by the 181st session of the Executive Board (181 EX/Decision 16) under the authority delegated to it by the General Conference in 34 C/Resolution 90. The draft agreement closely follows the model agreement included within that Integrated comprehensive strategy (181 EX/66 Add. Rev. Annex II). The most relevant aspects of the proposal are presented below.

5. The centre's objectives shall be to:

- (a) promote the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage ("the 2003 Convention") and contribute to its implementation in South-Eastern Europe;
- (b) increase the participation of communities, groups and individuals in safeguarding intangible cultural heritage in the South-Eastern European countries;
- (c) enhance the capacity of the South-Eastern European Member States of UNESCO in safeguarding ICH;
- (d) coordinate, exchange and disseminate information regarding the safeguarding of ICH in the subregion;
- (e) foster regional and international cooperation for safeguarding ICH.

6. In order to achieve the above objectives, the specific functions of the centre shall be to:

- (a) instigate and coordinate research into practices of safeguarding ICH elements present in the South-Eastern European countries, as referred to in Articles 11, 12, 13 and 14 of the 2003 Convention;

- (b) organize training courses on the following subjects:
 - (i) The 2003 Convention and its Operational Directives;
 - (ii) Different examples of policies including legal, administrative, technical and financial measures fostering the safeguarding of ICH;
 - (iii) Introduction to UNESCO publications on identification and documentation of ICH and their application in the field;
 - (iv) Safeguarding ICH through formal and non-formal education;
- (c) enhance international and regional cooperation through networking with institutions active in the domain of ICH, notably those established under the auspices of UNESCO (category 2), in order to coordinate activities, exchange information and knowledge concerning the safeguarding of ICH, and promote good practices.

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).

7. In the territory of the Republic of Bulgaria and under its national legislation, the centre will enjoy the functional autonomy necessary for the execution of its activities and the legal capacity necessary to exercise its functions, receive funds, obtain payments for services rendered and acquire all means necessary for its functioning. The centre will be established under Bulgaria's Law on Non-Profit Legal Entities as a "non-profit legal entity pursuing activities for public benefit", with the status of an "association". It will be established under that law by three founding entities: the Ministry of Culture, the Ministry of Foreign Affairs and the Bulgarian Academy of Sciences. Following approval of the centre by the UNESCO General Conference, the Council of Ministers will authorize the Minister of Culture, in his capacity as both a State Minister and a representative of one of the three founding entities, to sign the Agreement to be established with UNESCO on behalf of the government. The Constitution for the future centre has been drafted, and its provisions are reflected in the attached draft agreement.

8. The governing structure of the centre will consist of two entities, a governing board (General Assembly) and an executive committee (Executive Board), which will be assisted by the secretariat of the centre. (The draft agreement employs both the terms of UNESCO's model agreement and, in parentheses, the terms more commonly used within Bulgaria.) 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 7 and 8 of the draft agreement (Annex). The secretariat will be headed by a programme director and an administrative director (see Article 9) and its seven-person staff will be organized with a programme office and an administration office.

9. The centre will be located in Sofia, with three offices and a meeting room, related facilities and equipment located on the premises of the Bulgarian Academy of Sciences. The Bulgarian Institute of Folklore will make its archives and libraries available to the centre. In addition, the National Council for Intangible Heritage, University of Sofia, University of Véliko Tarnovo and 3,500 cultural houses (Tchitalischa) established all over Bulgaria will be closely associated with the activities of the centre.

10. In accordance with Article 44 of the 2009 Law on Cultural Heritage, "Cultural organizations created for the protection of the intangible cultural heritage and having the status of UNESCO centres have the right to a subsidy from the State budget". The Government of Bulgaria has already committed to contribute to the centre annually a total amount of at least the equivalent of €200,000 to cover the cost of the centre's activities and administrative running costs including, *inter alia*, staff salaries, communications and utilities and maintenance costs. UNESCO's assistance to

the centre will mainly be technical, and will be provided only within the provisions of UNESCO's programme and budget.

11. 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 Draft Programme and Budget for 2010-2011 (35 C/5) identifies "Protecting, safeguarding and managing the tangible and intangible heritage" as the first 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.

12. The proposed centre will have a significant impact on the South-Eastern European countries, notably in raising awareness of the importance of intangible cultural heritage as well as that of its safeguarding. In addition, by promoting networking activities and multinational and trans-border projects, the centre will contribute to fostering subregional cooperation. Although this will be the first category 2 centre specialized in intangible cultural heritage to be established in Europe, the Bulgarian authorities have emphasized that this does not imply that there is no further need for other such centres elsewhere in Europe. Should other countries in the region, particularly those in the subregion of South-Eastern Europe, wish to host such category 2 centres, the Bulgarian authorities will be ready to negotiate terms of cooperation and coordination with them in order to ensure their complementarities.

13. During the initial stage, UNESCO may fulfil its function as a catalyst by sharing its technical and organizational competence. It may 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 inside and outside the region specialized in safeguarding of ICH.

SUMMARY EVALUATION OF THE PROPOSAL SUBMITTED

14. As demonstrated above, the proposed centre conforms with the Integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO, as adopted by the 181st session of the Executive Board (181 EX/Decision 16) under the authority delegated to it by the General Conference in 34 C/Resolution 90. The three co-founders of the centre (Ministry of Culture, Ministry for Foreign Affairs and Bulgarian Academy of Sciences) have undertaken significant work in establishing the legal, administrative, financial, scientific and material infrastructure of the centre.

15. The points cited above indicate the high viability of the centre proposed by Bulgaria and the benefits it may bring to the subregion, UNESCO and Bulgaria. The Director-General therefore welcomes the proposed establishment in Bulgaria of the Regional Centre for Intangible Cultural Heritage in South-eastern Europe, as a category 2 centre under the auspices of UNESCO, and suggests that UNESCO's governing bodies give it due consideration.

16. **Financial and administrative implications:** The financial implications of the proposed centre are indicated in paragraph 10 above and in Article 11 of the draft agreement attached as an Annex. The administrative implications of the proposed centre are indicated in paragraph 13 above and in Article 10 of the draft agreement. These financial and administrative implications are not of a policy nature.

ACTION EXPECTED OF THE EXECUTIVE BOARD

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

The Executive Board,

1. Recalling the Integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO, as adopted by the 181st session of the Executive Board (181 EX/Decision 16) under the authority delegated to it by the General Conference in 34 C/Resolution 90,
2. Having examined document 182 EX/20 Part VIII and Annex,
3. Recognizing the significant commitment of the Bulgarian authorities and their progress in the preparation of this first category 2 centre for intangible cultural heritage in Europe,
4. Welcomes the proposal of the Government of the Republic of Bulgaria to establish on its territory a regional centre for the safeguarding of intangible cultural heritage in South-Eastern Europe under the auspices of UNESCO, in conformity with the Integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO (181 EX/Decision 16);
5. Recommends that the General Conference, at its 35th session, approve the establishment in Bulgaria of the Regional Centre for the Safeguarding of Intangible Cultural Heritage in South-Eastern Europe as a category 2 centre under the auspices of UNESCO, and that it authorize the Director-General to sign the Agreement contained in the Annex to document 182 EX/20 Part VIII.

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

REGARDING THE ESTABLISHMENT, IN SOFIA (THE REPUBLIC OF BULGARIA)
OF A REGIONAL CENTRE FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL
HERITAGE IN SOUTH-EASTERN EUROPE UNDER THE AUSPICES OF UNESCO
(CATEGORY 2)

The Government of the Republic of Bulgaria

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 Republic of Bulgaria 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 – Definitions

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 Bulgaria.
3. “The Centre” means the Regional Centre for the Safeguarding of Intangible Cultural Heritage in South-Eastern Europe.
4. “The 2003 Convention” means the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.
5. “ICH” means 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 in Sofia (Bulgaria) of a Regional Centre for the Safeguarding of Intangible Cultural Heritage in South-Eastern Europe.

Article 3 – Purpose of the Agreement

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

Article 4 – Legal status

1. The Centre shall be independent of UNESCO.
2. The Government shall ensure that the Centre enjoys within its territory the functional autonomy necessary for the execution of its activities and the legal capacity to contract, to institute legal proceedings and to acquire and dispose of movable and immovable property.

Article 5 – Constitutive Act

The constitutive act of the Centre must include provisions describing precisely:

- (a) the legal status granted to the Centre, within the national legal system, the legal capacity necessary to exercise its functions and to receive funds, 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 6 – Objectives and functions

1. The Centre's objectives shall be to:
 - (a) promote the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and contribute to its implementation in the South-Eastern European subregion;
 - (b) increase the participation of communities, groups and individuals in safeguarding intangible cultural heritage in the South-Eastern European countries;
 - (c) enhance the capacity of the South-Eastern European Member States of UNESCO in safeguarding ICH;
 - (d) coordinate, exchange and disseminate information regarding the safeguarding of ICH in the subregion;
 - (e) 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) instigate and coordinate research into practices of safeguarding ICH elements present in the South-Eastern European countries, as referred to in Articles 11, 12, 13 and 14 of the 2003 Convention;
 - (b) organize training courses on the following subjects:
 - 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 fieldwork;
 - Safeguarding ICH through formal and non-formal education;

- (c) enhance international, regional, and subregional cooperation through networking with institutions active in the domain of ICH, notably those established under the auspices of UNESCO (category 2), in order to coordinate activities, exchange information and knowledge concerning the safeguarding of ICH, and promote good practices.

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 7 – Governing Board (General Assembly)

1. The Centre shall be guided and overseen by a Governing Board (General Assembly) renewed every four years and including:

- (a) Two representatives of the Government of the Republic of Bulgaria (Ministry of Culture, Ministry of Foreign Affairs) or their appointed representatives;
- (b) A representative of each of the Member States which have sent to the Centre notification for membership, in accordance with the stipulations of Article 12, paragraph 2, below and have expressed interest in being represented on the Board;
- (c) a representative of the Director-General of UNESCO;
- (d) a representative of the Bulgarian Academy of Sciences;
- (e) a representative of the Bulgarian National Commission for UNESCO;
- (f) up to two representatives of any other intergovernmental organizations or international nongovernmental organizations, which can be accorded a seat by the decision of the Governing Board (General Assembly).

The Programme Director and the Administrative Director of the Centre shall participate in the Governing Board (General Assembly) as non-voting members.

2. The Governing Board (General Assembly) shall:

- (a) select members of the Executive Committee (Executive Board);
- (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 jointly by the Programme Director and the Administrative Director, including a biennial self-assessment of the Centre's contribution to UNESCO's programme objectives;
- (e) adopt the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre in accordance with the laws of the country;
- (f) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Centre.

3. The Governing Board (General Assembly) 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 one third of its members.

4. The Governing Board (General Assembly) shall adopt its own rules of procedure. For its first meeting the procedure shall be established by the three founding entities of the Centre (the

Ministry of Foreign Affairs, Ministry of Culture and Bulgarian Academy of Sciences) and the Director-General.

Article 8 – Executive Committee (Executive Board)

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

Article 9 – Secretariat

1. The Centre's secretariat shall consist of a Programme Director, an Administrative Director and such staff as is necessary for the proper functioning of the Centre.
2. The Directors shall be appointed by the Chairperson of the Executive Committee (Executive Board).
3. The other members of the Secretariat may comprise:
 - (a) any person appointed by the Chairperson of the Executive Committee (Executive Board), in accordance with the procedures laid down by the Governing Board (General Assembly);
 - (b) Government officials who are made available to the Centre, as provided by Government regulations.

Article 10 – UNESCO's Contribution

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, by:
 - (a) providing the assistance of its experts in the specialized fields of the Centre;
 - (b) engaging in temporary staff exchanges when appropriate, whereby the staff concerned will remain on the payroll of the dispatching organizations, or;
 - (c) seconding 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.
2. In all the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's programme and budget, and UNESCO will provide Member States with accounts relating to the use of its staff and associated costs.

Article 11 – Contribution by 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 required office space, archives rooms, library, meeting rooms, equipment and other facilities for its Secretariat;
 - (b) entirely assume the maintenance of the premises and cover the cost of communication, and other utilities;

- (c) contribute to the Centre a total amount of at least the equivalent of €200,000 annually to cover the cost of the Centre's activities and administrative running costs including communications, utilities and maintenance costs; and
- (d) make available to the Centre the administrative staff necessary for the performance of its functions, which shall comprise two Directors, one accountant and a minimum of four office staff members.

Article 12 – Participation

1. The Centre shall encourage the participation 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 and Associate Members of UNESCO, wishing to participate in the Centre's activities, as provided for under this Agreement and having accepted the requirements stipulated in the Centre's statutes regarding membership, shall send to the Centre notification to this effect. The Chairperson of the Executive Committee (Executive Board) shall inform the parties to the agreement and other Member States of the receipt of such notifications.

Article 13 – Responsibility

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

Article 14 – Review and evaluation

1. UNESCO may, at any time, carry out a review (including 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 review conducted.

3. Following the results of a review, 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 18 and 19.

Article 15 – 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 including electronic documents and web pages in accordance with the conditions established by the governing bodies of UNESCO.

Article 16 – 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 Bulgaria 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 17 – Duration

This Agreement is concluded for a period of six years as from its entry into force, and shall be deemed renewed unless otherwise expressly denounced by either party as provided for in Article 18.

Article 18 – 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 19 – Revision

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

Article 20 – 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 English, 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-second session

182 EX/20
Part IX

PARIS, 19 August 2009
Original: English

Item 20 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 ZACATECAS (MEXICO)
OF A REGIONAL WORLD HERITAGE INSTITUTE, AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

SUMMARY

This document presents the feasibility study concerning the proposal for the establishment in Zacatecas (Mexico) of a regional world heritage institute, as a category 2 centre under the auspices of UNESCO, in accordance with the "Proposed integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO" (181 EX/66 Add. Rev.) approved by the Executive Board of UNESCO at its 181st session (181 EX/Decision 16), pursuant to 34 C/Resolution 90.

The administrative and financial implications of this document are set out in paragraph 22 of the present document and in Article 12 of the Annex thereto.

Action expected of the Executive Board: proposed decision in paragraph 36.

I. Introduction

1. The **Regional World Heritage Institute in Zacatecas (Mexico)** (hereinafter “the Centre”) is being established in order to assist and support the Member States of Mexico, Central America and the Caribbean (hereinafter “the Region”) in the implementation of the 1972 World Heritage Convention (hereinafter “the Convention”).

2. The proposal was presented to the Director-General of UNESCO on 28 January 2009 on the occasion of a meeting at UNESCO Headquarters with the Governor of the State of Zacatecas. The Director-General welcomed the proposal in principle and invited the Mexican authorities to consider launching the procedure towards the establishment of this institution as a category 2 centre under the auspices of UNESCO. This proposal was further discussed during a meeting with the Undersecretary of State for Multilateral Affairs of the Government of Mexico and the Director-General of UNESCO at UNESCO Headquarters.

3. On 19 June 2009, the Government of Mexico submitted a request for action towards the establishment of the Regional World Heritage Institute in Zacatecas (Mexico), as a category 2 centre under the auspices of UNESCO.

4. From 15 to 18 July 2009, a mission by the World Heritage Centre and ICOMOS was undertaken with the aim to assess the proposal and prepare the present feasibility study concerning the proposal.

5. A regional consultation meeting is being held on 25 and 26 August 2009 in Zacatecas (Mexico) to further develop the objectives and possible modes of operation of the proposed Centre, with reference to its ultimate objective to foster international cooperation among the States of the region. The outcomes and recommendations of this meeting will be reflected in an Addendum (182 EX/20 Part IX Add.).

II. Background

6. The proposed Centre is rooted in the principles of the Convention, which stresses the importance of efforts by States Parties to the Convention “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 proposed Centre 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). The Centre in Zacatecas 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.

8. The proposed Centre will be part of the network of existing World Heritage-related training and research centres and funds established as category 2 centres under the auspices of UNESCO.

III. The nature and legal status of the proposed Centre

9. The Centre shall enjoy on the territory of Mexico the personality and legal capacity necessary for the exercise of its functions, in accordance with 181 EX/66 Add. Rev. of the Executive Board of UNESCO.

10. The Centre is currently being established through a state law that shall be approved in the course of the year 2009 by the current 59th legislature of the Poder Legislativo (hereinafter “the Congress”) of the State of Zacatecas (Mexico), upon a project of state law that is being jointly submitted by the Government and the Congress of the State of Zacatecas (Mexico). This law will ensure that the Centre has the status of an autonomous and independent public institution according to Mexican federal and state laws, and that it enjoys on the territory of Mexico 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.

IV. Programmes and activities of the Centre

Mission

11. The mission of the Centre would be to promote research and capacity-building activities to collaborate in the implementation of the 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

12. The functions and objectives of the Centre shall be to:

(a) *Main objectives:*

- contribute to reinforce capacity-building for the implementation of the World Heritage Convention in the region;
- contribute to reinforce international cooperation, especially among the Member States of the region;
- contribute to sustainable development through the adequate management of cultural and natural heritage;
- encourage research on cultural and natural heritage, especially for properties inscribed on the World Heritage List;
- contribute to the creation and dissemination of information through the creation of a documentation centre concerning the properties in the region inscribed on the World Heritage List;
- share specialized technical knowledge with UNESCO, especially with the World Heritage Centre, and cooperate with the secretariats of other UNESCO cultural conventions in the field of heritage.

(b) *Functions*

The working lines proposed below include the main research and themes to be developed by the Centre:

Operational aspects of the implementation of the World Heritage Convention

- Key Concepts of the World Heritage Convention.
- Elaboration of tentative lists and nomination dossiers for possible inscription on the World Heritage List, with a particular emphasis on serial and transboundary nominations.

- Elaboration of comparative analyses.
- Elaboration of reports on the state of conservation of World Heritage properties.
- Periodic reports on the implementation of the World Heritage Convention in the States of the region that are States Parties to the World Heritage Convention.
- Research on heritage typologies that are significant for the region and are under-represented on the World Heritage List.

Management of World Heritage properties and other cultural and natural heritage sites

- Strategies and instruments, with a focus on typologies of heritage significant for the region: archaeological sites, historic towns, pre-Hispanic and Amerindian sites, natural sites, cultural landscapes and routes.
- Management systems: regional approach, participation of all stakeholders and involvement of local communities.
- Integration of intangible values associated to World Heritage, consideration of social and cultural aspects.
- New approaches and instruments for management of urban sites, adaptation of the concept of historic urban landscapes.
- Identification of threats and risk factors in World Heritage properties and other cultural and natural heritage sites, including the development pressures and the constraints resulting from underdevelopment.
- Tourism management in heritage sites, especially those inscribed on the World Heritage List.

Permanent workshop

- As a transversal activity related to the research lines mentioned above, a permanent workshop on the cultural routes of the region is proposed. The workshop would serve as the framework for research, exchange of experts and scholars, training modules, documentation and dissemination of best practices on the identification, preservation and enhancement of cultural routes as a unifier between communities and as a means to reinforce cultural identity. Such a permanent workshop would be built on the experience gained through the study of the cultural routes of the region (such as the one of the Huichol people), which could constitute cases of great interest in relation to the purposes of the Centre, given that they bring together ongoing interrelated cultural heritage concepts (such as the relationships between nature and culture, tangible and intangible components, respect for cultural diversity, sustainable development, and the participation of communities in the management mechanisms and procedures).

Main beneficiaries of the Centre

13. 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.

V. Institutions involved

14. The Centre will meet its objectives and implement its programmes and activities with the support of the Federal Government of Mexico and of the State Government of Zacatecas, in

consultation with international, regional and national institutions, initiatives and programmes, including but not limited to:

Institutional and financial support

15. The Government of the State of Zacatecas (Mexico) will make available the premises and facilities in the Casa del Conquistador building in the city of Zacatecas, as well as provide support for the establishment and operation of the Centre and the necessary financial and administrative resources for the Centre's operation.

Scientific and technical support

16. The main institution that will provide scientific and technical support and expertise is the National Institute of Anthropology and History (INAH), an autonomous institution of the Federal Government of Mexico, which was founded in 1939 in order to undertake research and ensure effective conservation, preservation and enhancement of the prehistoric, archaeological, anthropological, historical and palaeontological heritage of Mexico. INAH oversees more than 110,000 historical monuments and 29,000 archaeological areas protected all over Mexico.

Associated public institutions and academic entities

17. The long-standing cooperation between the Federal Government, INAH, the Federal Secretariat of Public Education, the State of Zacatecas, the National Institute of Fine Arts of Mexico (INBA), the National Commission on Natural Protected Areas (CONANP), the Mexican Foundation for Environmental Education (FUNDEA), the Programme on Colonial Cities, the Zacatecan Institute of Culture, the National Autonomous University of Mexico (UNAM), the Autonomous University of Zacatecas, among others, will support the creation of a network of federal and national agencies and academic institutions that will provide an institutional framework for training and resources in the field of World Heritage and for their participation in the activities of the Centre. Further collaboration with other renowned institutions and academic entities of the Region, such as the Restoration Centre of Churubusco, the National Centre for Conservation, Restoration and Museology in Havana (Cuba) (CENCREM), the UNESCO Chairs for the integrated conservation of cultural heritage for Latin America and the Caribbean, the International Association of Caribbean Archaeology (IACA), the Regional Directorate for Cultural Affairs (DRAC) of the overseas French territories in the Caribbean, the Tropical and Agricultural Research and Higher Education Centre (CATIE) in Costa Rica is envisaged.

VI. Cooperation with UNESCO

18. 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 World Heritage Convention).

19. The Centre will furthermore undertake its activities along the Main Line of Action 6 (Mainstreaming within national policies of the links between cultural diversity, intercultural dialogue and sustainable development), as reflected in document 34 C/5 that 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”.

20. In addition, the Centre will align its mid- and long-term strategies with the World Heritage Committee priorities and its Strategic Objectives, through close collaboration and consultation with the World Heritage Centre and its partners in the implementation of the World Heritage Convention in the Region.

21. The Centre will cooperate with all UNESCO national and cluster offices in the region.

22. Given the “Proposed integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO” (181 EX/66 Add. Rev.) approved by the Executive Board of UNESCO at its 181st session (181 EX/Decision 16), pursuant to 34 C/Resolution 90, UNESCO may contract the Centre to implement concrete activities/projects provided that those are deemed in line with UNESCO’s programme priorities and that such activities/projects are envisaged in UNESCO’s approved work plans in accordance with existing regulations. UNESCO may provide technical assistance for the programme activities of the institute/centre, in accordance with the strategic goals and objectives of UNESCO. UNESCO will not, however, provide financial support for administrative, operational or institutional purposes.

Other UNESCO category 2 institutes/centres and international institutions

23. The Centre is intended to cooperate with other existing or planned UNESCO category 2 institutes/centres, in particular with the Regional Heritage Management Training Centre of Rio de Janeiro (Brazil) and will actively participate in the network of existing and planned World Heritage related Training, Research and Funds centres established as category 2 centres.

24. The Centre also aims to collaborate with other institutions and academic entities of the United States of America and Canada, with a view to exchanging policies and best practices in the field of the effective conservation of World Heritage and to foster international cooperation between the Region and the United States of America and Canada.

25. 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.

VII. Organization and structure of the Centre

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

27. The proposed **Governing Board** shall be composed of the following representatives:

(a) Government representatives:

- the President of the National Council for Culture and Arts (CONACULTA) or his/her appointed representative;
- the President of INAH or his/her appointed representative;
- one representative of the Federal Secretariat of Foreign Affairs;
- one representative of the Federal Secretariat of Public Education;
- one representative of the Federal Secretariat of Environment and Natural Resources (“SEMARNAT”);

- the Governor of the State of Zacatecas, who shall chair the Governing Board;
 - one representative of the State Government of Zacatecas;
- (b) up to nine representatives of Member States, which have sent to the Centre notification for membership, in accordance with the stipulations of Article 14, paragraph 2 of this Agreement;
- (c) one representative of the Director-General of UNESCO;
- (d) one representative of each of the Advisory Bodies to the World Heritage Committee (ICCRUM, ICOMOS, IUCN), as observers with no right to vote.

28. The proposed **Executive Committee** shall be composed of the Chairperson of the Governing Board, one to three representatives of the participating Member States that are members of the Governing Board (to be determined by the Governing Board), and of the representative of the Director-General of UNESCO. The Director of the Centre shall participate in the Committee without the right to vote.

29. The proposed **Advisory Committee** shall provide technical advice for planning, execution, review and monitoring of the programme of the Centre and 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 Mexico, Member States of the Region, by the UNESCO Secretariat and by the advisory bodies to the World Heritage Committee so designated under the World Heritage Convention (ICOMOS, IUCN, and ICCROM).

30. The **Director** will be appointed by the Governing Board and will act as head of the **staff**, which will initially comprise a scientific supervisor, a technical coordinator, an operational coordinator, a general assistant and two administrative assistants. Other staff could be seconded by the Government of Zacatecas, INAH or other institutions.

VIII. Budget and resources

31. The Government of the State of Zacatecas will ensure financial support through a separate budget of approximately \$1 million, on an annual basis, through the modalities that are being established in the State Law that will establish the Centre, mentioned in paragraph 10 above.

32. This annual budget will cover the costs of the operations of the Centre, 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”, as defined by the Governing Board.

33. The Centre will also actively seek financial support for its projects not financed by its annual budget through partnerships and funding or special arrangements with other international, regional and national organizations. Future financial provisions will take into account the revenue from specialized technical services provided by the Centre, as well as financial contributions from public and private donors.

IX. Infrastructure

34. The Centre will be located in the Casa del Conquistador building, located in the San Francisco district in the historic centre of Zacatecas. Once the house of the conquistador of New Mexico, Don Juan de Oñate y Salazar, son of Captain Don Cristóbal de Oñate, founder of the city of Zacatecas, the building dates back to the sixteenth century at the time of the foundation of the city. The city of Zacatecas, a World Heritage property since 1993, reached the height of its prosperity in the sixteenth and seventeenth centuries and is notable for its harmonious design and the baroque profusion of its façades, where European and indigenous decorative elements are found side by side. Zacatecas is situated in the north-central region of Mexico and has been the

historical and geographical outpost for the connection between the territories of Mexico and the northern region of former New Spain (now New Mexico, in the United States of America).

35. The building that will house the headquarters of the Centre, currently hosting the Secretariat of Public Works, will be made entirely available to the Centre in October 2009 and is composed of two floors, totalling an area of 1,248 m². For the proposed new use, very limited intervention is needed since the building is in excellent condition and fully equipped with office, archive and classrooms facilities already in place.

X. Action expected of the Executive Board

36. 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 Mexico for the establishment in Zacatecas (Mexico) of an institution called “Regional World Heritage Institute” under the auspices of UNESCO (category 2),
2. Also 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. Further recalling the debate held at its 181st session that stressed efforts by Member States to foster the establishment or development of regional centres for training and research in the implementation of the World Heritage Convention,
4. Having examined the feasibility study contained in document 182 EX/20 Part IX,
5. Welcoming the proposal of the Government of Mexico, which is in line with the “Proposed integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO” (181 EX/66 Add. Rev.) approved by the Executive Board of UNESCO at its 181st session (181 EX/Decision 16), pursuant to 34 C/Resolution 90, and appreciating the results of the consultations held so far between the Secretariat and the Mexican authorities,
6. Recommends to the General Conference that it approve, at its 35th session, the establishment of the Regional World Heritage Institute in Zacatecas (Mexico) 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 182 EX/20 Part IX.

ANNEX
DRAFT AGREEMENT
BETWEEN
**THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**
AND
THE GOVERNMENT OF MEXICO
**REFERRING TO THE ESTABLISHMENT OF A REGIONAL
WORLD HERITAGE INSTITUTE IN ZACATECAS (MEXICO)**
UNDER THE AUSPICES OF UNESCO (CATEGORY 2)

The Government of Mexico and the United Nations Educational, Scientific and Cultural Organization,

Having regard to the resolution whereby the UNESCO General Conference seeks to favour international cooperation in respect of the Regional World Heritage Institute in Zacatecas (Mexico),

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

Desirous of defining the terms and conditions governing the framework for cooperation with UNESCO that shall be granted to the Regional World Heritage Institute in Zacatecas (Mexico),

Have agreed as follows:

Article 1 – Interpretation

1. The acronym “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.
2. The “Centre” is understood to be the Regional World Heritage Institute in Zacatecas (Mexico).
3. “Federal Government” is understood to be the Government of Mexico.
4. “State Government” is understood to be the Government of the State of Zacatecas (Mexico).
5. “INAH” is understood to be the National Institute of Anthropology and History, an autonomous institution of the Federal Government of Mexico.
6. The “Region” is understood to be Central America and the Caribbean, including the territory of Mexico.
7. “Participant States” are understood to be States which have sent the Director of the Centre notification in accordance with the terms of Article 14, paragraph 2 of this Agreement.

Article 2 – Establishment

The Federal Government hereby agrees to take in the course of the year 2009 any measures that may be required for the setting up at Zacatecas (Mexico) of the Regional World Heritage Institute, a centre under the auspices of UNESCO in accordance with the terms of this Agreement, hereinafter referred to as “the Centre”.

Article 3 – Purpose of the Agreement

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

Article 4 – Legal status

4.1 The Centre shall be independent of UNESCO.

4.2 The Government of Mexico shall ensure that the Centre enjoys on its territory the functional autonomy necessary for the execution of its activities and the legal capacity:

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

Article 5 – Constitutive act

The Constitutive Act of the Centre must include the provisions describing precisely:

- (a) the legal status granted to the Centre, within the national legal system, the legal capacity necessary to exercise its functions and to receive funds, obtain payments for services rendered, and acquire all necessary means for its functioning;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing body.

Article 6 – Functions and objectives

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

(a) *Main objectives:*

- contribute to reinforce capacity-building for the implementation of the World Heritage Convention in the Region;
- contribute to reinforce international cooperation, especially among the Member States of the Region;
- contribute to sustainable development through the adequate management of cultural and natural heritage;

- encourage research on cultural and natural heritage, especially for properties inscribed on the World Heritage List;
- contribute to the creation and dissemination of information through the creation of a documentation centre concerning the properties in the region inscribed on the World Heritage List;
- share specialized technical knowledge with UNESCO, especially with the World Heritage Centre, and cooperate with the secretariats of other UNESCO cultural conventions in the field of heritage.

(b) *Functions*

The working lines mentioned below include the main research and themes to be developed by the Centre.

Operational aspects of the implementation of the World Heritage Convention

- Key Concepts of the World Heritage Convention.
- Elaboration of tentative lists and nomination dossiers for possible inscription on the World Heritage List, with a particular emphasis on serial and transboundary nominations.
- Elaboration of comparative analyses.
- Elaboration of reports on the state of conservation of World Heritage properties.
- Periodic reports on the implementation of the World Heritage Convention in States of the Region that are States Parties to the World Heritage Convention.
- Research on heritage typologies that are significant for the region and are under-represented on the World Heritage List, i.e. properties related to the modern movement in architecture and urbanism.

Management of World Heritage properties and other cultural and natural heritage sites

- Strategies and instruments, with a focus on typologies of heritage significant for the region: archaeological sites, historic towns, prehistoric sites, natural sites, cultural landscapes and routes.
- Management systems: regional approach, participation of all stakeholders and involvement of local communities.
- Integration of intangible values associated to World Heritage, consideration of social and cultural aspects.
- New approaches and instruments for management of urban sites, adaptation of the concept of historic urban landscapes.
- Identification of threats and risk factors in World Heritage properties and other cultural and natural heritage sites, including the development pressures and the constraints resulting from underdevelopment.
- Tourism management in heritage sites, especially those inscribed on the World Heritage List.

Permanent workshop

- As a transversal activity related to the research lines mentioned above, a permanent workshop on the cultural routes of the Region is proposed. The workshop would serve as the framework for research, exchange of experts and scholars, training modules, documentation and dissemination of best practices on the identification, preservation and enhancement of cultural routes as a unifier between communities and as a means to reinforce cultural identity. Such a permanent workshop would be built up on the experience gained through the study of the cultural routes of the Region (such as the one of the Huichol people), which could constitute cases of high interest in relation to the purposes of the Centre, given that they bring together ongoing interrelated cultural heritage concepts (such as the relationships between nature and culture, tangible and intangible components, respect for cultural diversity, sustainable development, and the participation of communities in the management mechanisms and procedures).

Article 7 – Governing Board

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

(a) Government representatives:

- the President of INAH or his/her appointed representative;
- the President of the National Council for Culture and Arts (CONACULTA) or his/her appointed representative;
- one representative of the Federal Secretariat of Foreign Affairs of Mexico;
- one representative of the Federal Secretariat of Public Education of Mexico;
- one representative of the Federal Secretariat of Environment and Natural Resources (“SEMARNAT”) of Mexico;
- the Governor of the State of Zacatecas, who shall chair the Governing Board;
- one representative of the State Government of Zacatecas.

(b) up to nine representatives of Member States, which have sent to the Centre notification for membership, in accordance with the stipulations of Article 14, paragraph 2 of this Agreement.

(c) one representative of the Director-General of UNESCO.

(d) one representative of each the advisory bodies to the World Heritage Committee (ICCROM, ICOMOS, IUCN), as observers with no right to vote.

2. The Governing Board shall:

(a) approve the long-term and medium-term programmes of the Centre;

(b) approve the annual work plan of the Centre, including the staff table;

(c) examine the annual reports submitted by the Director of the Centre, including a biennial self-assessment of the Centre’s contribution to UNESCO’s programmes objectives;

- (d) adopt the rules and regulations and determine the financial, administrative and personnel management procedures for the Centre in accordance with the laws of Mexico;
- (e) designate representatives of the participating Member States as members of the Executive Committee as defined in Article 8.2, and designate the Director of the Centre;
- (f) convene special consultative sessions to which it may invite, in addition to its own members, representatives of other countries and organizations of the Region, as well as representatives of other category 2 centres under the auspices of UNESCO related to World Heritage, in order to 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.
- (g) 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 may be convened in extraordinary session if summoned by the Chairperson, either on his or her own initiative or at the request of the Director-General of UNESCO, or at the request of a majority of its members.

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

Article 8 – Executive Committee

1. In order to ensure the effective running of the Centre between sessions, the Governing Board 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 the Chairperson of the Governing Board, one to three representatives of the participating Member States that are members of the Governing Board (to be determined by the Governing Board), and of the representative of the Director-General of UNESCO. The Director of the Centre shall participate in the Committee without the right to vote.

Article 9 – 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 Mexico, Member States of the Region, 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.

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

Article 10 – Staff

1. The Centre's Staff 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 Governing Board.
3. The other members of the Staff may comprise:
 - (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, in accordance with the procedures laid down by the Governing Board;
 - (c) officials who are made available to the Centre, by the Member States of the Region.

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. 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 by:
 - (a) providing the assistance of its experts in the specialized fields of the Centre;
 - (b) facilitating the exchange of researchers and professionals from the Region for training activities;
 - (c) seconding 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;
 - (d) facilitating collaboration with institutions in the United Nations system and other relevant category 2 centres under the auspices of UNESCO;

- (e) assisting in the design and application of training tools for the Centre;
- (f) collaborating in organizing courses, workshops, exhibitions, conferences, symposia and seminars in the Region;
- (g) disseminating the results of this collaboration.

3. In all the cases listed above, such assistance shall not be undertaken except within the provisions of UNESCO's Programme and Budget, and UNESCO will provide Member States with accounts relating to the use of its staff and associated costs.

Article 13 – Contribution by the Government

1. The Federal Government ensures that all the resources, either financial or in kind, needed for the administration and proper operation of the Centre will be provided.
2. The Federal Government and the State Government undertake to:
 - (a) make available facilities for the Centre in the Casa del Conquistador building located in the historic centre of Zacatecas, Mexico, for the pursuit of its activities;
 - (b) entirely assume all costs for the maintenance of the Centre;
 - (c) contribute to the Centre 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, which shall initially comprise a scientific supervisor, a technical coordinator, an operational coordinator, a general assistant and two administrative assistants. Other staff could be seconded by the Government of Zacatecas, INAH or other institutions.

Article 14 – Participation

1. The Centre shall encourage the participation 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 and Associate Members 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 the parties to the agreement and other Member States of the receipt of such notifications.

Article 15 – Responsibility

As the Centre is legally separate from UNESCO, the latter shall not be legally responsible for the acts or omissions of the Centre, and shall not be subject to any legal process, and/or 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 Centre's activities, 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 hereby undertakes to submit to the Federal Government, at the earliest possible 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 17 – Use of UNESCO's name and logo

1. The Centre may mention its affiliation with UNESCO. It may therefore use after its title the wording "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 including electronic documents and web pages 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 and once they have informed each other reciprocally and in writing that all formalities required to that effect by the domestic law of Mexico 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 Federal Government and UNESCO.

Article 22 – Settlement of disputes

1. Any dispute between UNESCO and the Federal 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 Federal 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 have signed this Agreement.

DONE in [x] copies in the [...] languages, 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-second session

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**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 ZACATECAS (MEXICO)
OF A REGIONAL WORLD HERITAGE INSTITUTE, AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

ADDENDUM

SUMMARY

The Addendum to document 182 EX/20, Part IX presents the results and main outcomes of the international regional consultation meeting held on 27 and 28 August 2009 in Zacatecas (Mexico) with the aim to further develop the objectives and possible modes of operation of the proposed Regional World Heritage Institute, with reference to its ultimate objective to foster international cooperation among the States of the Region. It shall therefore be read in conjunction with document 182 EX/20, Part IX.

This document only contains a point of information and the action required by the Executive Board, together with the relevant proposed decision is presented in document 182 EX/20, Part IX.

I. Introduction

1. An International Regional Consultation meeting was held on 27 and 28 August 2009 in Zacatecas (Mexico) to further develop the objectives and possible modes of operation of the proposed Regional World Heritage Institute, with specific reference to its ultimate objective to foster international cooperation among the Member States of the Region.
2. The discussions in this meeting shaped a more detailed conceptual proposal for the establishment of the Regional World Heritage Institute in Zacatecas, as a category 2 centre under the auspices of UNESCO.

II. Outcomes of the meeting

3. The meeting, open to the participation of all Member States of the Region, was attended by World Heritage focal points and representatives from Costa Rica, Cuba, Dominican Republic, El Salvador, Guatemala, Honduras, Jamaica and Panama. The meeting was also attended by representatives of the Federal Secretariat of Foreign Affairs of Mexico, the Federal Secretariat of Public Education of Mexico, the Federal Secretariat of Tourism of Mexico, the National Commission for UNESCO of Mexico (CONALMEX), the National Council for Culture and Arts (CONACULTA), and the National Institute of Anthropology and History (INAH), the National Commission of Natural Protected Areas (CONANP), the UNESCO World Heritage Centre and the Advisory Bodies to the World Heritage Committee.
4. The participants unanimously underlined the importance of strengthening the collaboration between the Member States of the Region with the goal of promoting and facilitating the exchange of knowledge and best practices in the field of World Heritage. The participants also acknowledged that the Regional World Heritage Institute in Zacatecas could act as a resourceful platform to develop common activities in favour of the 1972 World Heritage Convention and to assist the States Parties to the Convention of the Region in the implementation of the strategic objectives and of the relevant decisions of the World Heritage Committee, in coordination with the World Heritage Centre and in conformity with the working plans prioritized by the World Heritage Committee.

Cooperation with UNESCO and with other international and regional institutions and cooperation among the Member States of the Region

5. The participants considered that the proposed Centre could have a leading role in the promotion of a coordinated and integrated action between the UNESCO national and cluster offices in the Region, the Advisory Bodies to the World Heritage Committee and the various public institutions and non-governmental organizations involved with World Heritage from among the Member States of the Region, such as the Central American Integration System (SICA), the Organization of Ibero-American States for Education, Science and Culture (OEI), the Ibero-American General Secretariat (SEGIB).
6. With reference to the sharing of experiences and to the identification of common priority needs, the participants suggested that – once established and within its first period of activities – the Centre should circulate a questionnaire within the Member States of the Region, with the aim to define the best possible means of cooperation and permanent exchange among the World Heritage focal points of the Region. The proposed Centre would therefore act as a common platform for an enhanced dialogue among the Member States of the Region and between the two sub-regions of Central America and the Caribbean.
7. It was also agreed that the dissemination of information would have a significant impact in the identification of priorities and needs of the Member States of the Region and in the acknowledgment of their respective areas of excellence that could profit the whole Region.

8. The participants welcomed the proposed possibility for the Centre to collaborate with other institutions and academic entities of the United States of America and Canada, with a view to exchanging policies and best practices in the field of the effective conservation and management of World Heritage.

Mission of the proposed Centre

9. The participants supported the mission of the proposed Centre to 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, as defined in the feasibility study concerning the proposal for the establishment of the Regional World Heritage Institute, as a category 2 centre under the auspices of UNESCO (contained in document 182 EX/20, Part IX).

10. The participants agreed that the proposed Centre should focus its activities on the functions and objectives within the framework of the operational aspects of the World Heritage Convention, towards a better management of World Heritage properties and other cultural and natural heritage properties, as identified in the above-mentioned feasibility study.

11. The participants furthermore considered that the Centre would enhance its mission in favour of the Member States of the Region in the implementation of the World Heritage Convention, by encouraging and facilitating the establishment, in close coordination with the World Heritage Centre, of subregional working groups and meeting of experts, specifically devoted to the definition of policies and guidelines in the field of the following typologies of heritage that the meeting acknowledged were of specific relevance to the Region:

- Mayan culture and pre-Hispanic and Amerindian heritage;
- Cultural routes;
- Mixed sites, both in the elaboration of tentative lists and nomination dossiers for possible inscription on the World Heritage List and in the strengthening of conservation efforts of already-inscribed properties.

12. With reference to the conservation issues of some specific World Heritage properties of the Region, it was recognized that the Centre could facilitate the definition of technical cooperation lines of action to ensure an integrated conservation and effective management of World Heritage properties (such as the World Heritage property of Fortifications on the Caribbean Side of Panama: Portobelo-San Lorenzo (Panama)).

13. With reference to other UNESCO cultural conventions in the field of heritage, the participants suggested that the proposed Centre should also develop specific means of cooperation with the Secretariat of the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage.

Cooperation among World Heritage-related category 2 institutes/centres

14. The international regional consultation meeting in Zacatecas was also the occasion to discuss the ways for strengthening the cooperation among the World Heritage-related category 2 centres established or to be established under the auspices of UNESCO.

15. Within the context of the Region of Latin America and the Caribbean, and with specific reference to the Regional Heritage Management Training Centre in Rio de Janeiro (Brazil), which the Executive Board at its 181st session recommended for approval by the General Conference at its 35th session, as a category 2 centre under the auspices of UNESCO, the participants recalled the importance of establishing a cooperation framework between such Centre and the proposed one in Zacatecas (Mexico), with the aim of the two institutions coordinating in the definition and

implementation of subregional activity programmes, in consultation with the UNESCO World Heritage Centre/LAC Unit.

16. With reference to the international level, the participants encouraged the definition of a Memorandum of Understanding between the various World Heritage-related category 2 centres established or to be established under the auspices of UNESCO, so as to foster the technical and scientific cooperation among their respective pertinent Regions. In particular, it was proposed to establish a joint steering committee, whose functions would contribute to the:

- Exchange of World Heritage curricula and training modules;
- Better coordination of the activity programmes at regional and international levels, to avoid overlapping and duplication of functions;
- Exchange of scholars and experts and mobility of students;
- Secondment of personnel within the various World Heritage-related category 2 centres established or to be established under the auspices of UNESCO;
- Definition of common research topics applied to the management and conservation of World Heritage properties;
- Identification of common fundraising strategies;
- Identification of scholarship for scholars in the field of World Heritage.



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**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 REYKJAVIK, ICELAND
OF A WORLD LANGUAGE CENTRE AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

SUMMARY

The Government of the Republic of Iceland has proposed the establishment, in Reykjavik, of a "World Language Centre" as a category 2 centre under the auspices of UNESCO. A draft decision will be contained in an addendum to the present document.

1. The Government of the Republic of Iceland has proposed the establishment, in Reykjavik, of a "World Language Centre" – in the framework of the Vigdis Finnbogadóttir Institute for Foreign Languages – as a category 2 centre under the auspices of UNESCO.
2. According to the information provided so far, the Centre, fully staffed and financed in the framework of the University of Iceland, would operate in synergy with a number of national and regional institutions worldwide in diverse language-related research fields, also carrying out awareness-raising activities.
3. Consultations between the Government of the Republic of Iceland and the UNESCO Secretariat have been undertaken to gather all the necessary information regarding the proposed centre.
4. An addendum to the present document will be issued as soon as possible, containing a feasibility study based on the results of a mission which is due to take place in July 2009, as well as a draft decision.



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**REPORT BY THE DIRECTOR-GENERAL ON FEASIBILITY STUDIES
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UNDER THE AUSPICES OF UNESCO**

PART X – ADDENDUM

**PROPOSAL FOR THE ESTABLISHMENT IN REYKJAVIK, ICELAND
OF AN INTERNATIONAL LANGUAGE CENTRE AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

SUMMARY

In February 2009, the Minister of Education, Science and Culture of Iceland informed the Director-General about her country's intention to establish in Reykjavík, under the auspices of UNESCO, a category 2 centre in the field of languages. Following further consultation, the Director-General received on 25 May 2009 a formal request for action.

In July 2009, UNESCO organized a mission to ensure the follow-up of the request. The present document reports on the progress accomplished towards the elaboration of a feasibility study for the establishment of such a centre.

Action expected of the Executive Board: Decision proposed in paragraph 12.

Introduction

1. On 17 February 2009, the Minister of Education, Science and Culture of Iceland, Ms Katrín Jakobsdóttir, sent a letter to the Director-General of UNESCO announcing that Iceland would seek category 2 status, under UNESCO's auspices, for a centre to be established at the Vigdís Finnbogadóttir Institute of Foreign Languages of the University of Iceland. In his reply, the Director-General expressed his willingness to conduct a feasibility study after receiving a formal request for action. UNESCO received a complete request at the end of May 2009.

2. In July 2009, after several exchanges of information and consultations with the Icelandic authorities, UNESCO organized a mission with a view to drafting a feasibility study. In this context, the objectives, nature, scope and structure of such a centre were discussed, as well as its contribution to UNESCO's objectives and programmes. In spite of the decisive progress achieved during the mission, it was not possible to clarify all the elements necessary for the completion of a feasibility study before the 182nd session of the Executive Board. It may be foreseen that a complete feasibility study, also including a draft agreement between the relevant Icelandic authorities and UNESCO, will be finalized before the end of 2009.

3. The formal name proposed for the centre is "International Centre for Multilingualism and Intercultural Understanding". While being functionally autonomous, the Centre will be associated with the Vigdís Finnbogadóttir Institute of Foreign Languages, which was created in 2001 and which operates within the framework of the Centre for Research in the Humanities of the University of Iceland. The International Centre will build on the expertise and experience of the staff of the Institute, which is named after Ms Vigdís Finnbogadóttir, President of Iceland from 1980 to 1996. Ms Finnbogadóttir, UNESCO Goodwill Ambassador for Languages, wholeheartedly supports the initiative of the International Centre.

4. The Vigdís Finnbogadóttir Institute, apart from teaching and investigating numerous languages, including all languages taught in Icelandic schools and the cultures associated with them, focuses on foreign language teaching methodologies, translation studies, comparative linguistics, lexicography, literature and intercultural communication. The Institute, which has many contacts and partners in Iceland and abroad, has organized several international conferences related to the main focus of the intended centre, e.g. Dialogue of Cultures (2005), Cultural and Linguistic Diversity (2007) and Cultures in Translation (2008).

Objectives and functions

5. The following objectives were established for the Centre:

- (i) promote multilingualism in order to further understanding, exchange and respect between cultures and nations;
- (ii) raise awareness of the importance of language as a core element of the cultural heritage of humanity;
- (iii) function as a clearing house in the fields of multilingualism and linguistic diversity for decision-makers, experts and the public at large;
- (iv) promote translation and translation studies in order to enhance the enjoyment of cultural diversity and intercultural understanding;
- (v) contribute to worldwide monitoring of the implementation of language policies and language planning in the field of multilingualism.

6. Those objectives will be international in scope (input and impact), and cooperation will be sought with institutions and individuals worldwide though the Centre would initially build mainly on the expertise and experiences of the Vigdís Finnbogadóttir Institute of Foreign Languages, which includes an initial focus on the Nordic world, its intended scope is to become global, with special emphasis on North-South and North-South-South cooperation.

Contribution to UNESCO's mission

7. The above-mentioned objective (v) ("Contribute to worldwide monitoring of the implementation of language policies and language planning in the field of multilingualism"), represents a direct contribution to the implementation of 181 EX/Decision 14.¹

8. Moreover, the objectives proposed for the Centre are in line with several of UNESCO's objectives in the fields of multilingualism and linguistic diversity as presented in, for instance, Box 9 of document 34 C/4, which affirms that "UNESCO will, on the one hand, demonstrate the contribution of linguistic diversity and multilingualism to development, and, on the other hand, its value for dialogue, social cohesion and peace", and which, in its concluding paragraph, claims that the "promotion of cultural diversity will be pursued through the safeguarding of linguistic diversity, notably through the intellectual, literary and poetic heritage of humanity".

9. Concretely, the Centre might also contribute to UNESCO's objectives in the field of languages by engaging in policy advice and capacity-advertising activities concerning multilingual education. The Centre's envisaged involvement with translation and translation studies fits in well with the emphasis placed on the role of languages and translation in intercultural dialogue in document 34 C/5 (para. 08012, MP III).

Financial arrangements, nature and status of the Centre

10. In the framework of its functional autonomy, the Centre will have its own programme, budget and staff, to be approved by its governing council and determined by the objectives of the Centre.

11. Within a few months, the Icelandic experts and authorities intend to finalize further details of the Centre, in particular concerning its functions, its legal status and international cooperation. To support and assess this process, a mission of the Secretariat is scheduled to take place no later than December 2009. Since much progress has already been achieved, it is foreseen that a draft agreement and a feasibility study will be finalized before the end of 2009.

Action expected of the Executive Board

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

The Executive Board,

1. Having examined document 182 EX/20 Part X Addendum,
2. Welcoming the proposal of the Government of Iceland to establish in its territory an International Centre for Multilingualism and Cultural Understanding under the auspices of UNESCO as a concrete follow-up to the International Year of Languages 2008,
3. Considering that category 2 centres established under the auspices of UNESCO in the fields of multilingualism and linguistic diversity may support and complement UNESCO's own action in these fields, which should be strengthened as a result of the mobilization of the International Year of Languages 2008,
4. Requests that the Director-General finalize the feasibility study on the establishment of the proposed institute in line with the applicable criteria for category 2 institutes, and present the results of this feasibility study to the Executive Board at its 184th session.

¹ 181 EX/Decision 14, para. 4: The Executive Board (...) Further invites the Director-General to continue to monitor: (i) the impact on the protection of languages of existing standard-setting instruments; (ii) national and regional policies for protecting languages; and (iii) international cooperation programmes in this field, together with the provision of funds from donors for that purpose.



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

PART XI

**PROPOSAL FOR THE ESTABLISHMENT OF AN ASIA-PACIFIC CENTRE
FOR ECOHYDROLOGY (APCE), AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

SUMMARY

Following a proposal by the Government of the Republic of Indonesia to establish the Asia Pacific Centre for Ecohydrology (APCE) under the auspices of UNESCO, in the Republic of Indonesia, the 16th session of the Intergovernmental Council of the International Hydrological Programme (IHP) adopted IHP-IC Resolution XVI-3 in September 2004 welcoming the establishment of the Centre. A UNESCO mission, hosted by the Indonesian Government and the Indonesian Institute of Science (LIPI), was undertaken in the Republic of Indonesia in April 2009 to assess the feasibility of establishing the proposed Centre.

This document contains the feasibility study for the proposed Centre, supplemented by annexes containing Resolution XVI-3 of the IHP Intergovernmental Council and the proposed draft agreement between UNESCO and the Government of the Republic of Indonesia concerning the Centre. The evaluation of the Centre was done in conformity with documents 34 C/Resolution 90 and 181 EX/66 Add. Rev. 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 per 181 EX/Decision 16.

There are no administrative and financial implications for UNESCO.

Action expected of the Executive Board: decision in paragraph 27.

INTRODUCTION

1. The Government of Indonesia has proposed the establishment in Cibinong, Indonesia, of the Asia Pacific Centre for Ecohydrology (APCE), as a centre under the auspices of UNESCO (category 2). 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 34 C/Resolution 90, 181 EX/Decision 16 and 181 EX/66 Add. Rev. concerning the strategy and guidelines for the establishment of category 2 institutes and 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 Republic of Indonesia is presented in Annex II of this document.
2. Population growth combined with rapid economic and urban developments in the last half century in many Asia Pacific countries have substantially increased water use and resulted in widespread water degradation. In their early stage of growth, most of the countries placed more emphasis on economic development while ecosystem sustainability was not made a priority. From lessons learned in activities by UNESCO IHP programmes it has been recognized that sustainable water supply in the future will become a major problem if no immediate actions are taken to restore and enhance the associated ecosystems. Dealing with anthropogenic impacts on 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 river basins and coastal zones. The Centre proposed by the Republic of Indonesia will conduct research on the water cycle's links with ecosystem function and carrying capacity, and pollution abatement mechanisms aimed at securing sustainable water supplies for the region. Knowledge gained in these studies will be shared with water managers in the region to set up better management plans, to build functional development strategies and to maintain ecosystem services for a sustainable hydrological cycle.
3. The Millennium Development Goals (MDGs), in particular those related to environmental sustainability and 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 since 2002 on "water and associated ecosystems" as a principal priority within UNESCO's Major Programme II (Natural Sciences) is of particular significance.
4. Ecohydrology is a key theme 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 16th session of the IHP Intergovernmental Council (Paris, 20-24 September 2004) considered a proposal for the establishment of the Asia Pacific Centre for Ecohydrology (APCE), as a category 2 centre under the auspices of UNESCO, at Cibinong in the Republic of Indonesia and adopted Resolution XVI-3 (Annex I). Resolution XVI-3, considering the establishment of the proposed centre as an important contribution to achieving the goals of IHP, 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.
6. In January 2009, the Government of the Republic of Indonesia formally submitted a detailed proposal following the requirements set out in documents 34 C/Resolution 90, 181 EX/Decision 16

and 181 EX/66 Add. Rev. concerning the strategy and guidelines for the establishment of category 2 institutes and centres. The proposed “Asia Pacific Centre for Ecohydrology (APCE) 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 sustainable development and management in the Asia-Pacific region by balancing human and environmental needs, 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).

7. Following a request from the Government of the Republic of Indonesia, a UNESCO mission was undertaken to Indonesia in April 2009 by the Chief of the Sustainable Water Resources Development Section, Paris and the Programme Specialist in Hydrological and Geological Science, Jakarta Office, 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 Republic of Indonesia, including the first meeting held at Cibinong with the Indonesian Institute of Science (LIPI); the second one held at Jakarta with academic authorities, Meteorological, Climatological and Geophysical Agency (BMKG), National Water Resources Council, Ministry of Public Works (PU), Ministry of Agriculture, potential APCE members; and local stakeholders (universities, government officers, others). In both meetings the support for the APCE under the auspices of UNESCO was evident.
- (b) The commitment of the Government of Indonesia 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 Indonesia has:
 - (i) already set up a structure for the proposed centre including a director, regular research staff, office support staff and operating budget;
 - (ii) provided buildings in Cibinong, the financial support and commitment to support the centre’s research, education and training functions.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

Overview of the proposal

8. The APCE proposal presented by the Government of Indonesia has endeavoured to address in detail the requirements specified in documents 34 C/Resolution 90, 181 EX/Decision 16 and 181 EX/66 Add. Rev concerning the strategy and guidelines for the establishment of category 2 institutes and centres.

9. Objectives and functions

- (a) The proposed “Asia Pacific Centre for Ecohydrology (APCE), under the auspices of UNESCO” aims to contribute with scientific knowledge, capacity-building, educational and dissemination activities to support, design and implement ecohydrology strategies and policies for sustainable water resources management, 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.

- (b) To constitute a facilitator and synergetic structure providing the articulation of the different scientific and institutional stakeholders at local, national, regional and international levels, for the development of ecohydrology solutions for integrated water resources under anthropogenic and climate change scenarios, particularly to:
- (i) promote research in order to better understand the relation and uses between biota and hydrology in the Asia-Pacific region;
 - (ii) identify a hierarchy of environmental problems in selected study areas associated with ecohydrological processes;
 - (iii) introduce, enrich, and disseminate ecohydrological principles at national, regional and international level;
 - (iv) elaborate better and long-lasting problem-solving approaches in urban areas, open-pit mining sites, geothermal, oil and gas exploitation activities;
 - (v) create a platform for the collaboration and exchange of scientific, technical and policy-relevant information;
 - (vi) generate scientific and technical information and knowledge base related to broad environmental education;
 - (vii) create a background to transition toward operational procedures aimed at sustainable development and generate a new way of thinking among scientists, policy-makers and decision-makers in Asia and the Pacific;
 - (viii) increase awareness of people at all levels of the importance of the sustainability of water resources through an ecohydrological approach.

Structure and legal status

10. The Centre shall enjoy an autonomous legal status under Indonesian legislation, with 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:

- (a) **Governing Board:** The Governing Board of the Centre will be composed of: a representative of the Director-General of UNESCO; three representatives of the Member States that send notification to the Centre for membership; the Chairman of the Indonesian National Committee of the International Hydrological Programme or representative and representative of the Government. 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 181 EX/66 Add. Rev.
- (b) **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 following mutually agreed selection criteria.
- (c) The Centre shall enjoy, on the territory of the Republic of Indonesia, the personality and legal capacity necessary for the exercise of its functions.

Funding of the Centre

11. The Government of Indonesia will take the necessary measures to ensure that the Centre receives all the financial resources needed for its functioning. The Government of Indonesia will

support the costs of the facilities, including equipment, utilities, communications, 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 Republic of Indonesia considers that the support of UNESCO will be needed, via the approved relevant activities that could be implemented by the Centre, it 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 Indonesia 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.

Areas of cooperation with UNESCO

12. The proposal specifies the types of assistance required:
 - (a) support for the implementation of relevant international activities foreseen in UNESCO's programme and budget documents;
 - (b) facilitating the linkage to relevant regional and international organizations, NGOs and UNESCO Member States.

13. The programme strategies and activities proposed for the UNESCO Asia Pacific Centre for Ecohydrology (APCE) will contribute to the execution of the strategic plan for the 7th Phase of UNESCO-IHP (IHP-VII: 2008-2013), "Water Dependencies: Systems under stress and societal responses". 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 the Asia-Pacific region. The long-term sustainability resulting from this approach will ensure the adequate environmental conditions for the benefit of several societal uses and services of the Asia-Pacific region and meets the objectives of the 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), Malaysia (Regional Humid Tropics Hydrology and Water Resources Centre for South-East Asia and the Pacific – HTC Kuala Lumpur) and Japan (International Centre for Water Hazard and Risk Management – ICHARM), is also envisaged.

14. The Centre will be located in Cibinong, Indonesia. The location has excellent facilities, and the Government has indicated it will provide necessary funds for operation and maintenance, research grants and communication costs of APCE. In addition the Government has also made available 12 full-time staff as the regular staff of the APCE.

15. 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 current Medium-Term Strategy 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.

16. 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 river basin 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 fresh waters and associated fisheries, aquaculture and tourism, thus relating to Theme 3: “Ecohydrology for sustainability” of IHP-VII.

It has been agreed that the Government of Indonesia 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 as well as requirements specified in 181 EX/66 Add. Rev.

17. Regional or international impacts of the Centre as follows:

- (a) Coverage: Geographically, activities of the ecohydrology centre will cover intersectoral aspects in Indonesia as well as the Asia Pacific region (UNESCO’s definition of Asia and the Pacific). The Asia Pacific region consists of countries geographically spread from New Zealand in the south to Mongolia in the north, and from the Islamic Republic of Iran in the west to the small islands of the Pacific.
- (b) Potential impact: the Centre will create new momentum in the development of scientific activities, focused on studying, developing and evaluating the implications of global change on the status of the world’s freshwater resources.
- (c) Technical cooperation: Technical cooperation with other established UNESCO-related centres, e.g., ERCE, ICHARM and HTC Kuala Lumpur, 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 centres/institutes or with other similar institutions created and operated by other United Nations system organizations.

18. 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 IHP programmes, 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 to 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.
19. 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 countries, when unequivocally contributing to the achievement of UNESCO goals and objectives. Future 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 Government of Indonesia. The Centre will significantly expand UNESCO's implementation capabilities.
20. 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 Republic of Indonesia, and the direct linkage between the Centre's activities and UNESCO's goals.

Conclusions

21. 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.
22. The strong support shown by the Government of Indonesia for the establishment 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.
23. *The proposed institutional structure of the Centre is compatible with 34 C/Resolution 90, 181 EX/Decision 16 and 181 EX/66 Add. Rev. concerning the strategy and guidelines for the establishment of category 2 institutes and centres, 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 Republic of Indonesia and elsewhere.
24. UNESCO-IHP foresees being able to associate the Centre with some of the relevant activities of its programme for the 2010-2011 biennium, 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. Furthermore "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 during June 2008.

25. 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 Asia Pacific Centre for Ecohydrology (APCE), under the auspices of UNESCO, has been elaborated through a process of consultation between the Indonesian authorities and the UNESCO Secretariat.
26. The Director-General welcomes the proposed establishment of the Asia Pacific Centre for Ecohydrology, in Indonesia, under the auspices of UNESCO. He recognizes that the Government of Indonesia 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 freshwater resources and managing global change impacts. *Furthermore, it would be in line with 34 C/Resolution 90, 181 EX/Decision 16 and 181 EX/66 Add. Rev. concerning the strategy and guidelines for the establishment of category 2 institutes and centres under the auspices of UNESCO.*

Action expected of the Executive Board

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

The Executive Board,

1. Recalling 34 C/Resolution 90 and 181 EX/Decision 16 and document 181 EX/66 Add. Rev.,
2. Further recalling IHP/IC Resolution XVI-3 adopted at the 16th session of the Intergovernmental Council of the International Hydrological Programme (IHP) in September 2004,
3. Having examined document 182 EX/20 Part XI,
4. Aware of the importance of a regional cooperation for the promotion of ecohydrology,
5. Welcomes the proposal of the Government of Indonesia to establish the Asia-Pacific Centre for Ecohydrology (APCE) in Cibinong (Indonesia) under the auspices of UNESCO;
6. Takes note of the observations and conclusions of the present feasibility study;
7. Considers the proposals contained therein to meet the requirements needed for the creation of institutes and centres under the auspices of UNESCO (category 2);
8. Recommends that the General Conference at its 35th session, approve the establishment of the Asia-Pacific Centre for Ecohydrology (APCE) in Cibinong (Indonesia) under the auspices of UNESCO, (category 2) and that it authorize the Director-General to sign the Agreement, presented in Annex II to document 182 EX/20 Part XI.

ANNEX I

RESOLUTION XVI-3

**Regional Centre for Ecohydrology in Cibinong (Indonesia)
under the auspices of UNESCO**

The Intergovernmental Council of the International Hydrological Programme of UNESCO

- Noting**
- (i) the growing impacts of changes to the ecosystem due to rapid population growth, uncontrolled land use changes and deforestation that have greatly affected the dynamics of the hydrologic cycle;
 - (ii) the increasing intensity and frequency of extreme events caused by changes in the ecosystem;
 - (iii) the tendency of greater stress to gain short-term economic benefits that neglect sustainable development goals; and
 - (iv) the limited knowledge about the role and importance in the ecosystems on the hydrologic cycle;
- Emphasizes** that adequate ecosystem management and its hydrological component is a key factor for sustainable socio-economic development;
- Welcomes** the offer of the Indonesian Institute of Sciences to host a Regional Centre for Ecohydrology under the auspices of UNESCO, in collaboration with other organizations concerned, which will
- (i) conduct scientific research,
 - (ii) undertake professional training and capacity-building, and
 - (iii) create information networks for ecohydrology and related activities;
- Requests** UNESCO's assistance in preparing the documentation to be submitted to the governing bodies of UNESCO towards the creation of this centre according to document 21 C/36, Section B(ii);
- Invites** Member States, and in particular the existing UNESCO network of centres and institutes which address relevant water issues, to lend active support to the proposed centre.

ANNEX II

DRAFT AGREEMENT BETWEEN

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

AND

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

**CONCERNING THE ESTABLISHMENT AND OPERATION OF THE ASIA PACIFIC CENTRE
FOR ECOHYDROLOGY (APCE), IN INDONESIA, AS A CATEGORY 2 CENTRE
UNDER THE AUSPICES OF UNESCO**

The Government of the Republic of Indonesia

and

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

Having regard to resolution XVI-3 of the UNESCO Intergovernmental Council of the International Hydrological Programme (IHP) in September 2004 welcoming the proposal to establish the Asia Pacific Centre for Ecohydrology (APCE) (hereinafter referred to as the "Centre"), in Cibinong, the Republic of Indonesia, under the auspices of UNESCO,

Considering that the Director-General has been authorized by the General Conference (35 C/Resolution ...) to conclude with the Government of Indonesia 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 Republic of Indonesia.
3. "Centre" means Asia Pacific Centre for Ecohydrology (APCE).
4. "Asia Pacific region" means UNESCO's definition of Asia and the Pacific. The Asia Pacific region consists of countries geographically spread from New Zealand in the south to Mongolia in the north, and from the Islamic Republic of Iran in the west to the small islands of the Pacific.

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 Centre in the Republic of Indonesia.

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 it.

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 Republic of Indonesia 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:

- (a) to promote research in order to better understand the relation and uses between biota and hydrology in the Asia-Pacific region;
- (b) to identify a hierarchy of environmental problems in selected study areas associated with ecohydrological processes;
- (c) to introduce, enrich, and disseminate ecohydrological principles at national, regional and international levels;
- (d) to elaborate better and long-lasting water problem-solving approaches in urban areas;
- (e) to create a platform for the collaboration and exchange of scientific, technical and policy-relevant information for ecohydrology;
- (f) to generate scientific and technical information and knowledge base related to broad water education;
- (g) to create a background to transition toward operational procedures aimed at sustainable water resources development and generate a new way of thinking among water scientists, policy-makers and decision-makers in Asia and the Pacific;
- (h) to increase awareness of people at all levels of the importance of the sustainability of water resources through an ecohydrological approach.

2. The functions of the Centre shall be to:
 - (a) coordinate the implementation of cooperative research projects and studies with central and local government as well as the private sector;
 - (b) build and run networking for information and knowledge exchange;
 - (c) organize training courses, seminars, workshops and meetings;
 - (d) produce publications and dissemination of information.
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) three 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;
 - (d) the Chairperson of the Indonesian National Committee of the International Hydrological Programme or representative as observer.
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 sessions at regular intervals, at least once every calendar year; it shall meet in extraordinary sessions if convened by its Chairperson, or at the request of the Director-General of UNESCO or 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 – 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;
- (e) prepare and submit to UNESCO a biennial report with information on activities performed under the scope of the agreement including those in collaboration with field offices or offices in whose geographical area they are active, as well as with National Commissions for UNESCO, if applicable;
- (f) 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 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 despatching 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 compensation 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 costs of communications and 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 19.

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 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 Republic of Indonesia, another by the Director-General of UNESCO, and the third, who shall preside over the Tribunal, chosen by these two. If the two arbitrators cannot agree on the choice of the third, the appointment shall be made by the President of the International Court of Justice.
2. The Tribunal's decision shall be final.

IN WITNESS WHEREOF, the undersigned have signed this Agreement,

DONE in [x] copies in English, 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-second session

182 EX/20
Part XII

PARIS, 19 August 2009
Original: English

Item 20 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 XII

**PROPOSAL FOR THE ESTABLISHMENT IN ISFAHAN, ISLAMIC REPUBLIC OF IRAN
OF A REGIONAL CENTRE FOR SCIENCE PARK AND TECHNOLOGY INCUBATOR
DEVELOPMENT, AS A CENTRE UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

SUMMARY

This document consists of a report by the Director-General assessing the feasibility of the proposal submitted by the Islamic Republic of Iran for the establishment of a Regional Centre for Science Park and Technology Incubator Development in the Islamic Republic of Iran. It reviews the prerequisites for the establishment of the centre, and provides the scientific and institutional rationale behind Iran's proposal. It is accompanied by a Draft Agreement between UNESCO and the Government of the Islamic Republic of Iran (Annex).

Financial and administrative implications of this proposal are covered in paragraphs 26 and 27 but are not of a policy nature.

Action expected by the Executive Board: decision in paragraph 37.

INTRODUCTION

1. The term science park used in this document refers to all property development that is designed to support the clustering of knowledge-based enterprises in order to commercialize science and technology, providing business planning and intellectual property law to enable new science and technology-based ventures and better opportunities for success. Science parks aim to foster the development and growth of knowledge-based economies by bringing together scientific research and governmental organizations and their business support and development programmes in one physical location. There are many approximate synonyms for the term “science park”. These include science and technology park, research park, technopark, technopolis, science city, and science town, and as time progresses, new descriptors appear as countries localize the term to describe their own cultural and local conditions for creating science-based industry. In some cases, the description relates to a particular scientific sector such as a bio-park. The appropriate term typically depends on the type of science and research in which the park’s entities engage and the scale of investment. Clearly, science cities reflect a different scale and scope of ambition compared to a small science park but, regardless of terminology, these entities share the common and important objective of creating knowledge-based businesses.
2. The elements which differentiate science parks from other real estate developments are: on-site management that supports company development (whether start-up, small, medium or large enterprises) and that have links with a host organisation that provides access to a skills and technology base. Experience in many countries shows that where science parks are successful, they provide the base for the development of technology-based clusters.
3. Technology incubators are common to many science parks, although in some locations they are stand-alone facilities associated with universities or other sources of knowledge. These technology incubators help technology start-up businesses (incubatees) by providing the necessary resources and support which they need to evolve into more mature businesses. Typically, this includes infrastructure, technology/prototype development facilities, necessary research facilities, help with funding and business advice. Experience has shown the importance of these elements in increasing chances of developing as a successful start-up. Where incubators are part of a science park, companies can graduate easily to larger facilities. Where they are stand-alone structures, graduating to more appropriate facilities can be a problem, but this can be overcome by good management.
4. Since the 1970s, UNESCO has been involved in promoting relationships between science, technology and innovation, and economic development, but it was only formalized as a programme in 1993 by creation of the University-Industry Science Partnership (UNISPAR) Programme. Nowadays, within the framework of the Science Policy and Sustainable Development Division, UNESCO continues to work and intensify its activities by promoting innovation through supporting development of high-tech clusters, science parks and technology incubators.
5. Almost all developed countries have well established science parks where scientific research and technology are a foundation for innovation in knowledge-based economic development. Many developing countries, especially in Asia, have also taken the initiative of developing such facilities, but many of them face problems due to lack of entrepreneurship capacity, applied research outputs, knowledge of financial systems, management of technology based businesses, marketing of research results, market research and other business-related factors. To address these problems there is a clear need for creating a regional centre that will facilitate capacity-building in science park and technology incubator development for developing countries.
6. In order to address the problems that are currently limiting the success of science parks and technology incubators in developing countries, the Government of the Islamic Republic of Iran has proposed the creation of a Regional Centre for Science Park and Technology Incubator Development in Iran, to be established under the auspices of UNESCO. The main emphasis of the work of the centre would be on facilitating the integration of a developmental approach into

science, technology and innovation, organizing capacity building, providing policy advice, facilitating the exchange of experience and best practices, and conducting research and problem solving in science park and technology incubator development. The initial focus of this would be in issues related to countries in the Economic Cooperation Organization (ECO): Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey and Uzbekistan, but it may have broader potential and take an international lead with time.

7. Taking into consideration the potential importance of the centre for promoting science, technology and innovation for economic development, the Director-General has responded positively to the request of the Government of the Islamic Republic of Iran and requested that the Natural Sciences Sector conduct a feasibility study in close cooperation with Iranian experts.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

8. The development of science parks and technology incubators in the Islamic Republic of Iran was initiated in 1993. Since then, the Iranian government has put special emphasis on building a knowledge-based economic platform from which to develop. It is clear that science parks and technology incubators are an important component of the fourth Iranian National Development Plan, 2004-2009. By the beginning of May 2009, there were 22 science and technology parks and 61 technology incubators officially established in the country.

9. A feasibility study has endeavoured to address requirements specified in the integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO adopted by the 181st session of the Executive Board (181 EX/Decision 16). It has also taken into account other aspects that are deemed useful for assessing the viability of the proposed centre.

10. The field visit of the UNESCO team for the feasibility study related to the creation of the proposed centre was undertaken from 11 to 17 May 2009. A number of Iranian institutions were visited. These included the Ministry of Science, Research and Technology, Office of the Vice-President of I.R. Iran for Technology and Innovation, Pardis Technology Park, Sharif University Technology Business Incubator, Polymer Technology Incubator, the Biotechnology Incubator in Tehran, Tehran University Science and Technology Park, and Isfahan Science and Technology Town, as well as universities, incubatee companies and operational units already active in building competence in this area. The team was also received by the Mayor of Isfahan and the Governor of Isfahan Province. There was strong and clear commitment to this initiative at every level by those involved in the project from the Iranian Government, the science parks and technology incubators' community, academic staff and researchers, and operational businesses in active centres.

11. The feasibility study also took into consideration the existing international organizations working on science parks development and NGOs in this field. Among the best known international and regional networks consulted were: the United Nations Industrial Organization (UNIDO), the World Association of Industrial and Technological Research Organizations (WAITRO), the World Technopolis Association (WTA), the International Association of Science Parks (IASP), the Asia Science Parks Association (ASPA) and the International Centre for South-South Cooperation on Science, Technology and Innovation (ISTIC).

STATUS OF THE REGIONAL CENTRE

12. It is proposed that the centre be established as a category 2 centre. The Government of the Islamic Republic of Iran ensures that the regional centre will be a public institution established under Iranian national legislation. The centre will create and implement its own programmes and activities. It is envisaged that in the initial phase of development (i.e., the first five years) the centre will operate from facilities within the Isfahan Science and Technology Town (ISTT) and be based largely upon the existing facilities and expertise of this institution. The President of ISTT would

serve as interim director of the regional centre until the appointment of a permanent director, within a period of six months following approval of the proposal. Recruitment of a director, technical and support staff would commence shortly after approval of the proposal. It is recommended that the selection of candidates for these posts be based primarily on those areas of science and technology that are important in the region.

13. Governance: The centre will have a Governing Board, an Executive Committee, and a Secretariat.

- (a) The Board of Governors, which will have the function of guiding the activities of the Regional Centre, will be comprised of a Chairperson from the Islamic Republic of Iran who will act as representative of the Government, representatives of UNESCO Member States wishing to participate in the centre's activities and which have sent notification to the centre, and a UNESCO representative. The Governing Board will be endowed with the power needed to perform 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 181 EX/Decision 16 and 181 EX/66 Rev. Add.
- (b) The Executive Committee will be responsible for the day-to-day management of the centre. Its composition will be determined by the Board of Governor.
- (c) The Secretariat will be responsible for executing the day-to-day activities of the regional centre under the authority of the director of the centre, appointed by the Chairperson of the Governing Board in consultation with the Director-General of UNESCO.

14. The Ministry of Science, Research and Technology will serve as the responsible body for the regional centre and will coordinate all linkages of the centre with other ministries/departments of the Government of the Islamic Republic of Iran. Isfahan city government will be responsible for the logistical aspects of the centre.

15. In the initial stage, the regional centre will cover the ECO countries. Consultations with these countries have been conducted by authorities from the Islamic Republic of Iran with a view to establishing terms of cooperation with the regional centre.

CAPABILITY OF ISFAHAN CITY TO HOST THE REGIONAL CENTRE

16. Based on a comparative study between two Iranian cities, Isfahan and Pardis Newtown, the UNESCO team of experts recommended Isfahan as the more appropriate place to host the proposed centre. There are several reasons for this recommendation: firstly, the city hosts Isfahan Science and Technology Town (ISTT), the oldest science park in the region; secondly, in terms of infrastructure, Isfahan has facilities which meet international standards to accommodate the activities of the centre including training workshops and conferences at national, regional and international levels. Isfahan is considered to be one of the most beautiful cities in the world and this is an added attraction in encouraging international participation in the events the centre is expected to organize; thirdly, the ISTT's President proposed to host and guarantee the financing of the centre in its initial stages; lastly, the Minister of Science Research and Technology, the Governor of Isfahan Province and the Mayor of Isfahan, as well as the Iranian National Commission for UNESCO, have all expressed their support for the establishment of the regional centre in Isfahan.

17. The centre will have its own office. In the initial stages, the centre will be hosted by ISTT, as the institution has the requisite financial and managerial capacities. ISTT has good working relations with other national and international institutions engaged in promoting science, technology and innovation for economic development, and has been playing an important role in developing awareness of the importance of science parks and technology incubators for

knowledge-based economic development in Iran. In collaboration with UNESCO, IASP and ASPA, ISTT has already organized an international conference in 2006. Furthermore, since 2005, ISTT has been organizer of the Sheik Bahai Technopreneurship Festival on a yearly basis. Within this framework, it also runs a technology business innovation competition which attracts sponsorship from both the state and the private sector.

18. There has been strong and clear commitment to this initiative by the Iranian Government, the science parks and technology incubators community, and academic staff and researchers.

OBJECTIVES AND MODALITIES OF THE PROPOSED REGIONAL CENTRE

19. The proposed centre will act as a regional platform for promoting the development of science parks and technology incubators in ECO countries. The basic activity of the centre is capacity-building and technical assistance in technopolis governance. Consultations have identified the overall goal of the proposed centre to be an increase in capacity for governance of science and technology parks throughout developing countries by:

- (a) **Conducting capacity-building.** The centre will conduct regional training programmes, workshops, seminars and conferences for science park and technology incubator stakeholders such as: public officials interested in developing these facilities, managers, those involved in funding these projects and the companies they support, scientists and scientific entrepreneurs, and local/national government decision-makers from the region.
- (b) **Providing technical assistance.** The centre will provide countries in the region with technical assistance in science park and technology incubator governance, which will consist of: (i) preparation of feasibility studies, (ii) elaboration of technopolis development plans, (iii) technical advice on networking, funding and technopolis establishment, and (iv) encouraging and promoting the region to attract foreign investment. The experts on science and technology parks will be mobilized for this technical assistance.
- (c) **Facilitating knowledge transfer.** In order to promote knowledge transfer between the public and private sectors, the centre will foster cooperation between government, academia and industry.
- (d) **Supporting research.** The proposed centre will support or host junior and senior researchers working on science park and technology incubators.
- (e) **Networking.** The centre will facilitate network development, collaborative research and development (R&D) and training programmes at regional and international levels, which will include developing linkages to designated nodal centres in participating countries; and
- (f) **Information exchange and dissemination.** The centre will promote information exchange and dissemination, including publishing books and journal articles on science parks and technology incubators.

20. The priorities of the centre will include short-term training, workshops, exchange visits involving science and technology parks managers; collaborative research and development projects; and networking in knowledge-based economic development. Short-term programmes will cater to specific areas of interest in keeping with the needs and priorities identified.

REGIONAL OR INTERNATIONAL IMPACT OF THE REGIONAL CENTRE

21. The proposed centre will cooperate with existing regional and international networks on science parks and technology incubators and promote new partnerships through the development of mutually beneficial research and development programmes. The work of the proposed centre will build upon the established international and regional networks described below.

- (i) UNIDO was established in 1966 and became the United Nations' specialized industrial agency in 1985, mandated to promote industrial development and international industrial cooperation. UNIDO has two core functions: firstly, to generate and disseminate knowledge relating to industrial matters and to provide a platform for the various actors in the public and private sectors, civil society organizations and the policy-making community in general so as to enhance cooperation, establish dialogue and develop partnerships; secondly, to design and implement programmes to enhance the productivity of industry in developing and transition economies.
- (ii) WAITRO is an independent, non-governmental and not-for-profit association established in 1970 to promote and encourage cooperation among industrial and technological research and development organizations. The Association currently has 160 members in 80 countries. Its objectives are to encourage and facilitate the transfer of scientific knowledge and technical know-how, promote exchange of experience, enhance capabilities in management, identify and promote the fields of research suitable for international collaboration and promote technological research and capability-building in developing countries.
- (iii) Established in 1996, WTA is an international non-governmental organization specialized in technopolis development, based in Daejeon, Republic of Korea. Its objective is to promote experience sharing in technopolis development, encourage technology transfer and facilitate cooperation among its members. Over the last four years, UNESCO and WTA have been working in close cooperation in capacity-building and technical assistance for science park development in developing countries. The Executive Board approved, at its 174th session, the formal relation between the organizations. The WTA is UNESCO's main partner in science and technology parks governance.
- (iv) IASP is a membership-based organization that has created a network of science and technology parks and knowledge-based incubation projects with a genuine worldwide character. A non-profit organization, based in Malaga, Spain, has members in 54 countries as well as contacts and associates in many more. Its members consist of existing and developing science and technology parks, knowledge-based incubation projects, universities and R&D institutions, regional development agencies, consultants, technology brokers and academic researchers.
- (v) ASPA was established in Japan in 1997 at the initiative of Korean, Chinese and Japanese science park managers. The Association is currently based in Dae-gu, Republic of Korea. The purpose of the Association is to accomplish joint development through the exchange of information among technopark related institutions in the Asian region.

22. The proposed centre plans to carry out joint activities and to create synergies with the International Centre for South-South Cooperation on Science, Technology and Innovation in Kuala Lumpur, Malaysia.

23. The centre's activities will be demand-driven and directed towards problems relating to the use of science, technology and innovation for economic development, especially in the ECO countries.

24. The centre will aim to establish a functional infrastructure for capacity-building and technical assistance in high-tech cluster development. Furthermore, it will foster technology transfer and information dissemination in high-tech cluster governance.

25. The research results from the proposed centre will be applied for capacity-building through the existing and growing networks established as a result of the global activities of the proposed centre. The anticipated impact of the proposed centre on regional and international scientific, technical and business cooperation is expected to be significant and supportive of the United Nations objectives contained in the Millennium Development Goals.

FINANCIAL ARRANGEMENTS

26. The Iranian Government covered the costs of the mission necessary to carry out the feasibility study of the proposed centre. The Isfahan city government will provide the necessary office space and equip the centre. Furthermore, the Ministry of Science, Research and Technology of Iran will meet the recurring costs for staffing, consumables and other contingencies. Apart from the costs, the Government of Iran has made a commitment of \$10 million for the five-year initial phase of this proposal. The financial and administrative implications for UNESCO will correspond mainly to UNESCO representative attendance of formal meetings of the Centre. The relatively minor incremental costs of this involvement, which are integral parts of UNESCO's Medium-Term Strategy for 2008-2013, will be more than offset by the fact that the centre will be actively involved in the execution of UNESCO's programme on capacity-building and technical assistance on science parks development in the ECO countries, with a substantial contribution from the Iranian Government.

27. Following the initial phase, the Government of Iran will continue to provide funding of around \$2 million per year to meet the recurring costs and to finance programmes and activities. It is also envisaged that financing would be sought from international funding agencies, from the private sector through joint R&D development and technology transfer arrangements, and through a "core fund" to which participating countries could make contributions. If the centre is to be truly collaborative, and a sense of genuine participation is to prevail, some contribution is essential from member countries. Financial contributions from such countries should provide support towards their participation in the administrative structures of the centre and for trainees.

AREAS OF COOPERATION WITH UNESCO

28. The cooperation expected from UNESCO once the proposed centre is established is as follows:

- (a) UNESCO would provide technical expertise related to capacity-building and technical assistance on science park and technology incubator development, but it may not have the staff and/or capacity to provide administrative expertise, particularly as administrative procedures may vary for different centres;
- (b) UNESCO will encourage international governmental and non-governmental financial entities, as well as Member States of the Organization to provide financial and technical assistance and to propose appropriate projects to the centre. UNESCO will facilitate contacts with other international organizations relevant to the functions of the proposed centre;
- (c) UNESCO will provide the proposed centre with publications and other pertinent materials and shall disseminate information on the activities of the centre via its website and other mechanisms at its disposal; and

- (d) UNESCO will participate, when appropriate and subject to availability of funds, in the scientific, technical and training meetings held by the proposed centre.

RELATIONSHIP TO UNESCO'S OBJECTIVES AND PROGRAMMES

29. The proposed regional centre would fulfil one of the main objectives of UNESCO, namely to ensure capacity-building and technical assistance on science park and technology business governance, especially in ECO countries. It will promote and strengthen the international networking of high-tech clusters.

30. UNESCO, acting through the Natural Sciences Sector, is particularly in favour of networking as a means of scientific exchange and technology transfer and this initiative will therefore fall well within this modality of collaboration.

CONCLUSIONS

31. The feasibility study has shown that there is sound justification for the establishment of such a regional centre in the Islamic Republic of Iran. The proposal has a clear set of objectives with well-defined modalities for achieving them. During the brief consultative process with the international and regional networks, it has become clear that such an initiative is necessary. The proposed centre conforms with the integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO as adopted by the 181st session of the Executive Board (181 EX/Decision 16) pursuant to 34 C/Resolution 90.

32. It would help to meet several of UNESCO's objectives relating to science, technology and innovation development. Due consideration needs to be given, in the initial phase, to the role and position of this proposed centre in relation to the other existing national and regional centres in the area, and the investment of human and financial resources required for its launch and continuity. In the medium to long term, it will be necessary to seek extrabudgetary funding and develop a strategy to attract donor funds on a regular basis.

33. The proposed centre will support the development of scientific, technological and innovation capacity in developing countries of the region, with the ultimate objective of long-term self-reliance. It will assist the development of joint research and training programmes among scientists and managers of research centres/institutes, as well as policy-makers from developing countries, and ensure the mobility of trainees and a greater ability to develop innovation systems.

34. The Government of the Islamic Republic of Iran has shown strong commitment to establishing the proposed centre. While the centre will be autonomous, the Government of the Islamic Republic of Iran has made a commitment to providing substantial financial support through funding, for its construction and long-term running costs.

35. Countries in the region would be requested to contribute towards the proposed "core fund", either in terms of a monetary contribution or contributions in kind towards travel and support to their nominees for training/fellowships.

36. There is strong support for this proposal from the international community, notably UNIDO, UNCTAD, WTA and IASP.

Action expected by the Executive Board

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

The Executive Board,

1. Recalling the Integrated Comprehensive Strategy for category 2 institutes and centres under the auspices of UNESCO approved by the Executive Board, 181 EX/Decision 16,
2. Further recalling the proposal submitted by the Islamic Republic of Iran Government to establish a Regional Centre for Science Park and Technology Incubator Development under the auspices of UNESCO,
3. Welcoming the proposal of the Government of Islamic Republic of Iran, to establish in its territory a Regional Centre for Science Park and Technology Incubator Development as a category 2 centre under the auspices of UNESCO,
4. Takes 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 UNESCO to grant its auspices to the Regional Centre,
6. Recommends that the General Conference, at its 35th session, approve the establishment of the regional centre for science park and technology incubator development in Isfahan, Islamic Republic of Iran under the auspices of UNESCO (category 2) and authorizes the Director-General to sign the Agreement, presented in the annex to document 182 EX/20 Part XII.

ANNEX
DRAFT AGREEMENT
BETWEEN
**THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**
AND
THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

**REGARDING THE ESTABLISHMENT OF A REGIONAL CENTRE FOR SCIENCE PARK AND
TECHNOLOGY INCUBATOR DEVELOPMENT IN ISFAHAN, ISLAMIC REPUBLIC OF IRAN,
AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO**

The Government of the Islamic Republic of Iran

and

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

With regard to the resolution whereby the UNESCO General Conference seeks to favour international cooperation through the establishment of a Regional Centre for Science Park and Technology Incubator – in Isfahan, Islamic Republic of Iran,

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

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

HAVE AGREED AS FOLLOWS:

Article 1 – Interpretation

1. In this Agreement, “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.
2. “Government” means the Government of the Islamic Republic of Iran.
3. “Centre” means the Regional Centre for Science Park and Technology Incubator Development in Isfahan, Islamic Republic of Iran.
4. “Region” means the Economic Cooperation Organization (ECO) countries: Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey and Uzbekistan.

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 Centre in the Islamic Republic of Iran, as provided for under this Agreement.

Article 3 – Participation

1. The Centre shall be established as an autonomous, independent legal entity at the service of the 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 notification to this effect to the Centre. The director shall inform other interested Member States and UNESCO on 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, and also the rights and obligations for the parties stemming from these.

Article 5 – Juridical personality

The Centre shall enjoy, on the territory of the Islamic Republic of Iran, the status and legal capacity necessary to exercise 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:
 - (a) to conduct capacity-building. The Centre will conduct regional trainings, workshops, seminars and conferences for science park and technology incubator stakeholders such as: technopolis managers, scientists and local/national government decision-makers from the region;
 - (b) to provide technical assistance. The Centre will provide countries in the region with technical assistance in science park and technology incubator governance, which will consist of: (i) preparation of feasibility studies, (ii) elaboration of science park development plans, (iii) technical advice on networking, seeking funding and science park establishment, and (iv) foreign investment promotion. Experts on science and technology parks will be mobilized for this technical assistance;
 - (c) to facilitate knowledge transfer. In order to promote knowledge transfer between the public and private sectors, the Centre will foster cooperation between government, academia and industry;

- (d) to support research. The proposed Centre will support or host junior and senior research fellows working on science parks and technology incubators;
 - (e) to network. The Centre will facilitate network development and collaborative research and development and training programmes at regional and international levels, including linkage of designated nodal centres in participating countries; and
 - (f) Information exchange and dissemination. The Centre will promote information exchange and dissemination, including publishing books and journal articles on science parks and technology incubators.
2. The functions of the Centre shall be to:
- (a) coordinate the implementation of cooperative activities to support the development of science parks and technology incubators;
 - (b) build and run networks for information and knowledge exchange;
 - (c) organize training courses, seminars, workshops and meetings;
 - (d) produce publications and disseminate of information.
3. The Centre shall pursue the above objectives and functions in close cooperation with UNESCO's Science Policy and Sustainable Development Division, Natural Sciences Sector.

Article 8 – Governing Board

1. The Centre shall be guided and supervised by a Governing Board, to be renewed every six years and composed of:
- (a) a representative of the Government or his/her appointed representative who will act as Chairperson;
 - (b) three representatives from Member States that have sent to the Centre notification of 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 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 sessions at regular intervals, at least once every calendar year; it shall meet in extraordinary sessions if convened by its Chairperson, or at the request of the Director-General of UNESCO or 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

The Executive Committee will be responsible for the day-to-day management of the Centre. Its composition will be determined by the Board of Governors.

Article 10 – Secretariat

1. The Centre's Secretariat shall consist of a Director and such staff as 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 in 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 permitted 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 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 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), 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 cost of communications and utilities, plus the expenses of holding sessions of the Governing Board; and
 - (c) make available to the Centre the administrative staff necessary for the performance of its functions, which shall include 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 19 and 20.

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 – Entry into force

This Agreement shall enter into force once the formalities required to that effect by the domestic law of the Government and by UNESCO’s internal regulations are met.

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 mutual consent of the Government and of 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, another by the Director-General of UNESCO, and the third, who shall preside over the Tribunal, chosen by these two. If the two arbitrators cannot agree on the choice of the third, the appointment shall be made by the President of the International Court of Justice.
2. The Tribunal’s decision shall be final.

IN WITNESS WHEREOF, the undersigned have signed this Agreement,

DONE in [x] copies in English, 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-second session

182 EX/20
Part XIII

PARIS, 11 August 2009
Original: French

Item 20 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 XIII

**PROPOSAL FOR THE ESTABLISHMENT, AT BOBO-DIOULASSO, BURKINA FASO,
OF A REGIONAL CENTRE FOR THE LIVING ARTS IN AFRICA,
AS A CATEGORY 2 CENTRE UNDER THE AUSPICES OF UNESCO**

SUMMARY

In November 2007 the Government of Burkina Faso informed UNESCO of its intention to establish a category 2 centre in the field of culture, to focus on the promotion and development of the living arts in Africa. In November 2008, the Government outlined its project in greater detail, and sent the Director-General a request for a feasibility study. Following that request and supplementary information received by the Organization in March 2009, a technical mission was undertaken in June 2009 with a view to assessing the feasibility of establishing the proposed centre. The feasibility study was undertaken in conformity with the integrated comprehensive strategy for category 2 institutes and centres under the auspices of UNESCO approved by the Executive Board at its 181st session (pursuant to 34 C/Resolution 90).

This document, which was prepared pursuant to that mission, reviews the prerequisites for the establishment of the centre, and outlines the arguments in favour of the proposal of Burkina Faso. Financial and administrative implications are covered in paragraphs 10 and 11 of the document, which is supplemented by a draft agreement between UNESCO and Burkina Faso (Annex).

Action expected of the Executive Board: decision in paragraph 15.

INTRODUCTION

1. On 12 November 2007, the Government of Burkina Faso (hereafter referred to as “the Government”) informed UNESCO of its intention to establish a regional centre under the auspices of UNESCO, to focus on the field of culture in Africa. In November 2008, the government outlined its project in greater detail, and sent the Director-General a request for a feasibility study. Following that request and the receipt of supplementary information in March 2008, a mission was carried out in June 2009 with a view to assessing the feasibility of establishing in Burkina Faso a regional centre for the living arts in Africa (hereafter referred to as “the centre”).

2. In the following, as in the draft agreement, “the living arts” means the performing (theatre, music and dance), cinematographic and audiovisual arts; the “2005 Convention” means UNESCO’s Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

3. Burkina Faso society has long been aware of the unifying role of culture, and of its place in the dynamics and development of each and every people. Armed with this awareness, the Burkina Faso authorities and civil society began early on, and often in tandem, to establish unificatory cultural frameworks at the national, international and pan-African levels. Since then, Burkina Faso has been particularly noted for its international festivals, the most influential of which is the Pan-African Film and Television Festival of Ouagadougou (FESPACO).¹ Burkina Faso is now proposing to offer Africa a centre for the promotion and development of the living arts in the entire region.

4. The UNESCO 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 requests for action received from Burkina Faso and the documents relating thereto, on the information and documents received during the mission, and on the meetings with representatives of governmental organizations and civil society.

5. Between November 2007 and March 2009, the Government of Burkina Faso prepared its proposal and files 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. The draft agreement contained in the Annex was negotiated in June 2009, and essentially follows the model contained in document 181 EX/66 Add. Rev., which was approved by the Executive Board in April 2009. The few discrepancies which may be noted are a result of national regulations and/or particular preferences of the Government, which also bore in mind the spirit of Article A.1.7 of document 181 EX/66 Add. Rev., which underscores the need to allow flexibility in the application of the model agreement. Such preferences concern, especially, the relative order of certain articles, and additional articles on a possible executive committee, on the secretariat, and on the functions of the director (Articles 9, 10 and 11 of the draft agreement in the Annex).

¹ FESPACO was founded in 1969 in order to promote the dissemination of African cinema, to facilitate exchanges between cinema and audiovisual professionals, and to further the development of African cinema as a means of expression, education and awareness-building. FESPACO is held in odd years, alternating with the Ouagadougou International Arts and Crafts Fair (SIAO), Africa’s prime crafts event.

Among the numerous other major international events are : Les Nuits Atypiques de Koudougou, the Week of Culture at Bobo-Dioulasso, the International Theatre Festival for Development (FITD), the International Festival of Success and Puppets of Ouagadougou (FITMO), and the Récéatras (Pan-African Residential Workshops on Writing, Creativity and Drama Training).

Dozens of cultural spaces, organizations and theatre troupes, all springing from civil society, are active in organizing and running such events, in training for the living arts, and in everyday cultural life, for example: the Atelier-théâtre burkinabè (ATB), the Centre burkinabè de l’International Theatre Institute (CB-ITI), the Centre national des arts du spectacle et de l’audiovisuel (CENASA), the Centre for Training and Research in the Living Arts (CFRAV), the Carrefour international du théâtre de Ouagadougou (CITO), the Espace culturel Gambidi, and the Union des ensembles dramatiques de Ouagadougou (UNEDO).

Aspects of the proposal

6. The draft agreement contained in the Annex to this document contains the following objectives for the centre:

- (a) to promote the African living arts in all their diversity, taking into account all their creative potential, and encouraging exchanges and cooperation among African countries;
- (b) to help States cooperating with the centre to:
 - (i) establish and strengthen the conditions necessary for creative abilities to flourish in the field of the living arts;
 - (ii) adopt measures aimed at promoting the cultural, social and economic dimensions of the living arts;
 - (iii) integrate such measures into their development strategies;
- (c) to seek to collect data and exchange information, expertise and best practices in the field of the living arts at the regional level, thereby contributing to a better understanding among the peoples and communities both in and outside Africa;
- (d) to promote, according to needs, at the international and regional levels, the integration and joint implementation of policies and plans of action for the protection, promotion, management, production and dissemination of the living arts, and to that end, to undertake training activities;
- (e) to encourage the elaboration, at the African level, of joint visions, policies and strategies in the field of culture through the living arts and the related cultural industries;
- (f) to accompany the implementation in Africa of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

7. Paragraph 7.2 of the draft agreement in the Annex lists the various functions whereby the centre is meant to seek to achieve – step by step – its objectives. Very succinctly, these functions are the following:

- (a) to encourage the inventorying of activities and measures at the national level;
- (b) to create a database of individuals, organizations and businesses active in the field of the living arts, and to provide them with a platform for exchanges;
- (c) to compile and disseminate a list of best practices in this field;
- (d) to encourage the development of educational tools to strengthen the capacities of individuals and institutions active in the field of the living arts;
- (e) to hold seminars to strengthen the skills of individuals involved in the field of the living arts;
- (f) to hold meetings of experts for the purpose of reviewing the tools referred to in subparagraph (d) and evaluating the seminars referred to in subparagraph (e);
- (g) to support measures relating to the development of cultural industries, in particular in the form of partnerships between the public sector and civil society;

- (h) to assist States participating in the centre with the development of cultural development policies, including the development of cultural industries;
- (i) to publicize UNESCO's action in the field of the living arts, and to promote UNESCO's conventions relating to cultural diversity;
- (j) to assist African States Parties to the 2005 Convention with the implementation of that Convention.

8. The centre shall have the status of a non-profit cultural organization with respect to the national laws of Burkina Faso, pursuant to Law No. 32⁰ 2000. It shall enjoy, in the territory of Burkina Faso, the necessary functional autonomy and legal capacity for the execution of its activities; it shall come under the Ministry of Culture. The centre shall be established at Bobo-Dioulasso, the “cultural capital of the country”, which hosts National Culture Week. The Government has already begun the establishment of a preliminary centre which will serve, in due time, as the starting point for the regional centre.

9. A governing board consisting of nine members representing the Government, the Director-General of UNESCO, three other States participating in the centre (three persons), the Burkina Faso National Commission for UNESCO, and civil society (three experts, each from a different country) shall examine and adopt the medium- and long-term programmes and the draft work plans and budgets of the centre. In particular, it shall appoint, following consultation with the Director-General, the director of the centre. The three members representing civil society and the representative of the Burkina Faso National Commission for UNESCO shall participate as observers without voting rights.

10. By signing the agreement, the Government will undertake (i) to provide the administrative staff necessary for the performance of the centre's functions, as well as suitable premises, and (ii) to pay the centre an annual financial contribution of US \$120,000 in 2010.

11. UNESCO may provide aid in the form of technical assistance for the activities of the centre, in accordance with the strategic goals and objectives of the Organization, on condition that these are provided for in UNESCO's programme and budget. By sharing its network and experiences in the region, and by mobilizing its worldwide expertise, UNESCO may further help the centre to develop its programme and to set up operational activities. The transfer of knowledge and expertise may take place in a more intensive manner through the short-term secondment of staff members of the centre to UNESCO, and vice versa. UNESCO may propose that the centre participate in the execution of activities relating to the field of the living arts organized by UNESCO in order to help Member States to pursue the objectives of the 2005 Convention and to contribute to the Organization's programme. UNESCO may also provide assistance with fundraising.

12. The execution of UNESCO's programme in the field of culture may benefit significantly from cooperation with the centre. By performing the functions referred to in paragraph 7, the centre will contribute to the achievement of overarching objective 4 of UNESCO's Medium-Term Strategy for 2008-2013 (document 34 C/4) “Fostering cultural diversity, intercultural dialogue and a culture of peace”, and more specifically, strategic programme objective 9 “Strengthening the contribution of culture to sustainable development”. The centre will also seek to contribute to the implementation in Africa of the 2005 Convention with regard to the field of the living arts. Indeed, the centre may well become a key link in efforts to implement the Organization's Priority Africa, which, among other things, is aimed at ensuring regional development and integration by means of culture.

Feasibility

13. It is apparent from an examination of the documents and the information received during the meetings and discussions held by the mission that the proposal of Burkina Faso is realistic, timely and feasible. Therefore:

- (a) The authorities of Burkina Faso support the proposed centre, and are prepared to invest in it; they are also determined to call upon experts and other actors of civil society to help the centre to flourish and to ensure that the centre plays a major role at the African level. The authorities have already begun to inform the other African States of their intentions.
- (b) The skills, experience and commitment of a large number of Burkina Faso institutions, organizations and individuals appear to ensure that, as far as Burkina Faso is concerned, the centre will be able to duly perform the functions listed in paragraph 7 above, thereby contributing to UNESCO's strategic programme objectives relating to culture, development and Priority Africa.
- (c) The centre is in response to needs expressed by major African organizations and meetings. For instance, one of the recommendations of the Ouagadougou Seminar "UNESCO-NEPAD – from Vision to Action" (March 2003) concerned the need to establish a regional bureau for Africa with responsibility for culture. Furthermore, the objectives proposed for the centre appear to reflect closely the concerns of the Charter for African Cultural Renaissance drawn up by the Heads of State and Government of the African Union (Khartoum, Sudan, in January 2006). The signatories of the Charter, being convinced, among other things, that "African cultural diversity and unity are a factor of equilibrium, strength in African economic development, conflict resolution and reducing inequality and injustice to promote national integration", and being aware, among other things, that "culture constitutes for our peoples the surest means to chart Africa's own course towards technological development, and the most efficient response to the challenges of globalization, formulated one of their objectives in the following manner: "To encourage international cultural cooperation for a better understanding among peoples within and outside Africa".
- (d) Not only would the centre promote several objectives and priorities of UNESCO's programme; it might also serve as a key platform on the African continent for the promotion and implementation of the 2005 Convention, especially given that the centre is meant to devote particular attention to partnerships, the role of civil society, and the promotion of cultural diversity.
- (e) It would be the first centre under the auspices of UNESCO to act in favour of the living arts and operational activities coming within the framework of the 2005 Convention.
- (f) The draft joint agreement contained in the Annex satisfies the programme requirements spelled out in document 181 EX/66 Add. Rev.

14. The points listed above indicate the high viability of the Centre proposed by Burkina Faso, and the benefits it may bring to the Africa region, to UNESCO and to Burkina Faso itself. The Director-General therefore welcomes the proposed establishment in Burkina Faso of a regional centre for the living arts in Africa as a category 2 centre under the auspices of UNESCO.

Action expected of the Executive Board

15. In the light of the foregoing, the Executive Board may wish to adopt the following decision:

The Executive Board,

1. Having examined document 182 EX/20 Part XIII, providing the basic outline of the proposal to establish a regional centre for the living arts in Africa at Bobo-Dioulasso, Burkina Faso, under the auspices of UNESCO,
2. Aware of the importance of international and regional cooperation for the promotion and development of the performing, cinematographic and audiovisual arts, as well as

for the implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions,

3. Taking note of the observations and conclusions of this feasibility study,
4. 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),
5. Welcoming the proposal of Burkina Faso,
6. Recommends that the General Conference, at its 35th session, approve the establishment, in Burkina Faso, of the regional centre for the living arts in Africa as a centre under the auspices of UNESCO, and that it invite the Director-General to sign the corresponding agreement between UNESCO and the Government of Burkina Faso, contained in the Annex to document 182 EX/20 Part XIII.

ANNEX

DRAFT AGREEMENT BETWEEN

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

AND

BURKINA FASO

**CONCERNING THE ESTABLISHMENT AT BOBO-DIOULASSO, BURKINA FASO,
OF A REGIONAL CENTRE FOR THE LIVING ARTS IN AFRICA
UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

The Government of Burkina Faso

and

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

Having regard to the recommendations of the seminar “UNESCO-NEPAD – From Vision to Action” held in March 2003 at Ouagadougou, Burkina Faso,

Also having regard to the entry into force in March 2007 of UNESCO’s Convention on the Protection and Promotion of the Diversity of Cultural Expressions,

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

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

In this Agreement:

- (a) “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization;
- (b) “the Government” refers to the Government of Burkina Faso;
- (c) “the Parties” refers to the Government and UNESCO;
- (d) “the Centre” refers to the Regional Centre for the Living Arts in Africa;
- (e) “the 2005 Convention” refers to UNESCO’s Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
- (f) “the living arts” refers to the performing (theatre, music and dance), cinematographic and audiovisual arts.

Article 2 – 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 arising therefrom for the Parties.

Article 3 – Establishment

The Government undertakes to adopt, during 2010, any measures that may be required for the establishment at Bobo-Dioulasso, Burkina Faso, as provided for under this Agreement, of the Regional Centre for the Living Arts in Africa.

Article 4 – Legal status

1. The Centre shall be independent of UNESCO.
2. The Centre shall be an autonomous institution with the legal status of a non-profit cultural organization with respect to the national laws of Burkina Faso. It shall come under the Ministry of Culture.
3. The Government shall ensure that the Centre enjoys, in the territory of Burkina Faso, the functional autonomy necessary for the execution of its activities, and the legal capacity:
 - (a) to contract;
 - (b) to institute legal proceedings;
 - (c) to acquire and dispose of movable and immovable property.

Article 5 – Constitution

The Constitution of the Centre must include provisions concerning:

- (a) legal status granting to the Centre, in accordance with national laws, the autonomous legal capacity necessary to exercise its functions, to receive subventions, to obtain payments for services rendered, and to acquire all necessary means;
- (b) the representation of UNESCO on the Governing Board of the Centre.

Article 6 – 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 it.
2. Member States and Associate Members 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 the Parties to the Agreement and any other party concerned of the receipt of such notification.

Article 7 – Functions/objectives

7.1 The **objectives** of the Centre shall be to:

- (a) promote the African living arts in all their diversity, taking into account all their creative potential, and encouraging exchanges and cooperation among African countries;
- (b) help States cooperating with the Centre to:
 - (i) establish and strengthen the conditions necessary for creative abilities to flourish in the field of the living arts;
 - (ii) adopt measures aimed at promoting the cultural, social and economic dimensions of the living arts;
 - (iii) integrate such measures into their development strategies;
- (c) seek to collect data and exchange information, expertise and best practices in the field of the living arts at the regional level, thereby contributing to a better understanding among peoples and communities both in and outside Africa;
- (d) promote, according to needs, at the international and regional levels, the integration and joint implementation of policies and plans of action for the protection, promotion, management, production and dissemination of the living arts, and to that end, to undertake training activities;
- (e) encourage the elaboration, at the African level, of joint visions, policies and strategies in the field of culture through the living arts and the related cultural industries;
- (f) accompany the implementation in Africa of UNESCO's Convention on the Protection and Promotion of the Diversity of Cultural Expressions;

7.2 The **functions** of the Centre shall be to:

- (a) to encourage the coordinated inventorying of activities and measures taken at the national level in the field of the living arts;
- (b) to create and maintain an interactive database of individuals, organizations and businesses active in the promotion, management, production, recording, dissemination and transmission of the living arts in the States participating in the Centre, and to provide those individuals and institutions with a platform for exchanges;
- (c) to inventory, analyse and systematize African best practices in the field of the promotion and development of the living arts, and to disseminate them by means of a website;
- (d) to encourage, at the regional, subregional and national levels, taking into account the specificities and needs of African countries, and the development of educational tools to strengthen the capacities of the various categories of individuals and institutions active in the field of the living arts;
- (e) to organize, alone or jointly, seminars and training workshops in Burkina Faso or in States participating in the Centre, to strengthen the skills of cultural figures involved in the organization of festivals, in the protection, promotion, production and dissemination of the living arts, and in the establishment and management of cultural facilities (theatres, cinemas and cultural centres, etc.);

- (f) to hold regular meetings of experts from all the States participating in the Centre, for the purpose of reviewing the tools referred to in subparagraph (d) and evaluating the seminars referred to in subparagraph (e);
- (g) to take initiatives to support the adoption and/or implementation of measures at the national level for the development of cultural industries, in particular in the form of partnerships between the public sector and civil society, including the private sector; to inventory and disseminate best practices in these fields;
- (h) to assist States participating in the Centre with the development of promotion strategies for their cultural goods, of policies for cultural development and cultural funding, and of policies in support of the emergence or strengthening of cultural industries, in the sense of the operational guidelines adopted for the implementation of Article 16 of the 2005 Convention;
- (i) to publicize UNESCO's action in the field of the living arts, to promote UNESCO's conventions relating to cultural diversity, and to publicize the operational guidelines adopted for their implementation;
- (j) to assist African States Parties to the 2005 Convention with the implementation of that Convention at the national and international levels, including with the preparation of requests for legal, technical, financial and other assistance, concerning the framing of cultural policies relating to the living arts, the strengthening of the relevant infrastructures, capacity-building and the development of cultural industries in the sense of the operational guidelines for the implementation of the articles of the 2005 Convention concerning international cooperation.

Article 8 – Governing Board

1. The Centre shall be guided and supervised by a Governing Board, to be renewed every three years and composed of:
 - (a) a representative of the Government or his or her appointed representative;
 - (b) three members, each representing a Member State which has transmitted notification to the Director of the Centre, in accordance with the provisions of Article 6, paragraph 2, above, chosen according to a system of rotation;
 - (c) a representative of the Director-General of UNESCO,
 - (d) three members representing the civil society of the Member States, experts in the field of the living arts, and a representative of the Burkina Faso National Commission for UNESCO, who shall participate as observers without voting rights.
2. The Governing Board shall:
 - (a) approve the medium- and long-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) establish the rules and regulations and determine the financial, administrative and personnel management procedures of the Centre, in accordance with the laws of Burkina Faso;

- (e) decide on the participation of regional intergovernmental organizations and international bodies 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 Chair, either on his or her own initiative or at the request of the Director-General of UNESCO or of two thirds of the members of the Governing Board.
- 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 shall determine, 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 Chair 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, in accordance with national regulations;
 - (c) members of UNESCO's staff who are made available on temporary secondment to the Centre, in accordance with UNESCO's regulations and the decisions of its governing bodies;
 - (d) any other persons whose secondment has been accepted by the Centre.

Article 11 – Duties of the Director

The Director's duties shall be principally to:

- (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 for submission 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 for submission to the Governing Board;
- (e) prepare and submit to UNESCO a biennial report with information on activities performed under the agreement, including those performed in collaboration with the

field office or offices of the geographical zone in which they operate, as well as with National Commissions for UNESCO, where applicable;

- (f) represent the Centre in law and in all civil acts.

Article 12 – Contribution of UNESCO

1. UNESCO may provide aid in the form of technical assistance for the activities of the Centre, in accordance with the strategic goals and objectives of the Organization, by:
 - (a) engaging, according to needs, in temporary exchanges of staff, observing the relevant legal regulations;
 - (b) seconding members of its staff temporarily, as may be decided by the Director-General, on an exceptional basis, where justified by the implementation of a joint activity or project which comes under a strategic programme priority;
 - (c) involving the Centre in the various programmes implemented by UNESCO in which the participation of the Centre is deemed necessary;
 - (d) providing the assistance of its experts in the specialized fields of the Centre;
 - (e) providing the Centre with publications and other documents;
 - (f) providing assistance with fundraising;
 - (g) facilitating contacts with other international organizations whose activities are relevant to the functions of the Centre;
 - (h) publicizing the activities of the Centre via its Internet site and by other means.
2. In all the above cases, such assistance may be provided only to the extent that it is foreseen within UNESCO's programme and budget, and UNESCO shall report to Member States on the use of its staff and the related costs.

Article 13 – Contribution of the government

1. The Government shall provide all the resources, whether financial or in kind, needed for the administration and proper functioning of the Centre.
2. The Government undertakes to:
 - (a) make suitable premises available to the Centre;
 - (b) pay the Centre an annual financial contribution, the amount of which shall be US \$120,000 in 2010;
 - (c) make available to the Centre the administrative staff necessary for the performance of its functions.

Article 14 – Responsibility

As the Centre is legally separate from UNESCO, UNESCO shall not be legally responsible for any acts or omissions of the Centre, nor shall it be subject to any legal process, and/or bear any 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 evaluations conducted.
3. Following the results of an evaluation, each of the contracting Parties shall have the option of requesting a revision of the contents of this Agreement or of denouncing it, in accordance with the procedures foreseen in Articles 19 et 20.

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 phrase “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, including electronic documents and web pages, 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 for that purpose by the national law of Burkina Faso and by UNESCO’s 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 of UNESCO’s assistance

This Agreement is concluded for a period of six years as from its entry into force, and shall be deemed to be renewed unless otherwise expressly denounced by either Party, as provided for in Article 19.

Article 19 – Revision

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

Article 20 – Denunciation

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

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 a representative of the

Government, another by the Director-General of UNESCO; the third, who shall preside over the tribunal, shall be chosen by the first two arbitrators or, if they fail to agree, 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 XX copies in the French language, on XX, at XX.

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

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For the Government