

**AGREEMENT**

**BETWEEN**

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

**AND**

**THE GOVERNMENT OF UKRAINE**

**REGARDING THE DESIGNATION OF THE STATE ENTERPRISE  
INTERNATIONAL CHILDREN CENTRE (ARTEK) AS A CENTRE  
UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

**UNESCO Headquarters  
Paris, 9 November 2006**



**Agreement between UNESCO and the Government of Ukraine regarding  
the designation of the State Enterprise International Children Centre  
(ARTEK) as a centre under the auspices of UNESCO (category 2)**

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

AND

The Government of Ukraine

Having regard to 33 C/Resolution 65 adopted by the General Conference at its 33rd session and 175 EX/Decision 19,

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

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

Have agreed as follows:

**Article I – Interpretation**

1. In this Agreement, unless the context requires a different meaning, "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization.
2. The "Centre" or "ARTEK" refers to the State Enterprise "International Children Centre (ARTEK)" founded in 1925 in Crimea, situated in the urban settlement Gurzuf in the Yalta region of the autonomous Republic of Crimea, Ukraine.

**Article II – Establishment**

The Government shall agree to take any measures that may be required for the setting up and operation of the Centre, as provided for under this Agreement.

**Article III – Participation**

1. The Centre shall be an autonomous institution at the service of Member States and Associate Members of UNESCO that, by their common interest in the objectives of the Centre, desire to cooperate with the Centre in the pursuit of the Centre's objectives and purposes.

2. Member States of UNESCO wishing to participate in the Centre's activities, as provided for under this Agreement, shall send the Director-General of UNESCO notification to this effect. The Director-General shall inform the Centre and the Member States mentioned above of the receipt of such notifications.

#### Article IV – Purpose of the Agreement

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

2. The provisions of this Agreement apply to the Centre's activities concerning its participation in the preparation and implementation of UNESCO projects and programmes.

#### Article V – Juridical personality

1. The Centre shall enjoy on the territory of the Ukraine the personality and legal capacity necessary for the exercise of its functions under its Constitution and national legislation, in particular the capacity:

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

2. The Centre was established on State ownership. It holds its own name and property and operates according to its own budgetary authority.

#### Article VI – Constitution

The Constitution of the Centre apart from the national legislative provisions regulating its legal status and capacity necessary to exercise its functions and to receive subventions, obtain payments for services rendered and all the other necessary funds shall include provisions which define:

- (a) its legal status granting to the Centre, under national legislation, the autonomous legal capacity;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing body.

#### Article VII – Functions/Objectives

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

- (a) to further among young people the objectives of artistic education and creativity, to learn to live together and to promote tolerance, understanding

and knowledge about different peoples, cultures, customs and traditions, thus pursuing important dimensions of quality Education for All;

- (b) to promote cultural diversity and artistic development;
- (c) to undertake specific and practical action contributing to the dialogue among civilizations, cultures and peoples;
- (d) to promote peace and peaceful solutions to common problems, thus fostering the emergence of a culture of peace among young people from different countries, subregions and regions;
- (e) to contribute to the objectives of the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010), for which UNESCO serves as lead agency of the United Nations system.

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

#### Article VIII – Governing Board

1. To direct and supervise the Centre's activities in the preparation and implementation of the joint programmes with UNESCO corresponding to its strategic purposes and tasks a Governing Board shall be set up. It will consist of:

- (a) two representatives of the Government of Ukraine or their appointed representative(s);
- (b) one/two representatives of other Member States of UNESCO wishing to participate in the Centre's activities that shall send to the Director-General of UNESCO a notification, in accordance with the stipulations of Article III, paragraph 2, above;
- (c) a representative of the Director-General of UNESCO;
- (d) a representative of the Centre.

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 associated with the



implementation of joint projects with UNESCO;

- (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 concerning UNESCO-related projects;
- (e) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Centre.

3. The Governing Board shall meet in ordinary session at regular intervals, at least once every calendar year; it shall meet in extraordinary session if summoned by the Chairperson or the Director of the Centre, either on his/her own initiative or at the request of the Director-General of UNESCO or half of its members.

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

#### **Article IX – Secretariat**

1. The Centre's Secretariat shall be created to ensure proper functioning of the Centre and its interaction with UNESCO and shall consist of a Director and such staff as is necessary for the functioning of the Centre.

2. The Director shall be appointed from the staff of the Centre by the Chairperson of the Governing Board in consultation with the Government of Ukraine and the Director-General of UNESCO.

3. The other members of the Secretariat may comprise:

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

#### **Article X – Duties of the Director**

The Director shall discharge the following duties:

- (a) direct the work of the Centre in conformity with the programmes and directives established by the Governing Board;



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

#### **Article XI – Contribution of UNESCO**

1. UNESCO shall provide assistance in the form of a technical and/or financial contribution for the activities of the Centre in accordance with the strategic goals and objectives of UNESCO.
2. UNESCO shall agree to:
  - (a) provide the assistance of its experts 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.
3. In all the cases listed above, this contribution shall be provided for in UNESCO's Programme and Budget.

#### **Article XII – Contribution of the Government of Ukraine**

1. The Government of Ukraine shall provide support to the Centre in its proper functioning, development of the infrastructure and implementation of the programmes of its comprehensive reconstruction.
2. The Government of Ukraine shall contribute to the activities of the Centre in the form of financial support and by means of corresponding State programmes.
3. The Government of Ukraine shall assume the responsibility for the maintenance of the material and technical basis of the Centre to ensure its activities.
4. In all the above-mentioned cases the contribution of the Government of Ukraine has to be provided for by the State budget of Ukraine.



### **Article XIII – Responsibility**

As the Centre is legally independent 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 XIV – Evaluation**

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in the implementation of the joint programmes with UNESCO 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 of Ukraine, at the earliest opportunity, a report on any evaluation.
3. Each of the contracting Parties shall have the option of denouncing this Agreement or of requesting a revision of its contents, following the results of an evaluation.

### **Article XV – 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 XVI – Entry into force**

This Agreement shall enter into force from the date of the last written confirmation concerning the completion of the internal procedures required to that effect by the domestic law of the Ukraine and by UNESCO’s internal regulations.

### **Article XVII – Duration of the Organization’s assistance**

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

### **Article XVIII – Denunciation**

1. Each of the contracting Parties shall be entitled to denounce this Agreement unilaterally.

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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 XIX – Revision

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

#### Article XX – Settlement of disputes

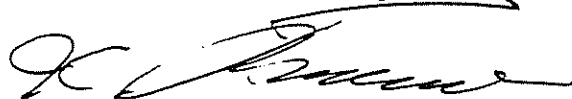
1. Any dispute between UNESCO and the Government of Ukraine concerning the interpretation or application of this Agreement, if not settled by negotiation or any other appropriate method agreed to by the Parties, shall be submitted for final decision to an arbitration tribunal composed of three members, one of whom shall be appointed by a representative of the Government of Ukraine, 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 at UNESCO Headquarters in Paris on 9 November 2006, in two original copies in English.

For the United Nations Educational,  
Scientific and Cultural Organization:



Koïchiro Matsuura  
Director-General

For the Government of Ukraine:



Volodymyr Ogryzko  
First Deputy Foreign Minister  
Chairman of the National Commission  
for UNESCO



Ministry of Foreign Affairs of Ukraine

Hereby certifies that the Cabinet of Ministers of Ukraine has authorized Ohryzko Volodymyr Stanislavovytsch, First Deputy Minister of Foreign Affairs, President of the National Commission of Ukraine for UNESCO, to sign the Agreement between the Government of Ukraine and the United Nations Educational, Scientific and Cultural Organization (UNESCO) regarding the designation of the State Enterprise International Children Centre (ARTEK) as a centre under the auspices of UNESCO (category II).

Done in Kyiv on the "8" November 2006

Minister of Foreign Affairs of Ukraine

B.Tarasyuk

Director of the Legal Department  
Ministry of Foreign Affairs of Ukraine

A.Sybiga



МІНІСТЕРСТВО ЗАКОРДОННИХ СПРАВ  
УКРАЇНИ

ПОСВІДЧУЄ, ЩО КАБІНЕТ МІНІСТРІВ УКРАЇНИ УПОВНОВАЖИВ

ОГРИЗКА - Першого заступника Міністра  
Володимира Станіславовича закордонних справ, голову Національної  
комісії України у справах ЮНЕСКО

підписати Угоду між Урядом України та Організацією Об'єднаних Націй з  
питань освіти, науки і культури (ЮНЕСКО) про надання Державному  
підприємству України „Міжнародний дитячий центр „Артек” статусу  
центру під егідою ЮНЕСКО (категорія 2).

м. Київ, " 8 " листопада 2006 року

Міністр  
Закордонних  
Справ  
України



*Б.І.ТАРАСЮК*

За Директора  
Договірні-Правового  
Департаменту Міністерства  
Закордонних Справ  
України

*А.СИБІГА*

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