

**DRAFT AGREEMENT BETWEEN THE REPUBLIC OF KOREA AND THE UNITED NATIONS  
EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) REGARDING THE  
ESTABLISHMENT OF THE INTERNATIONAL CENTRE FOR DOCUMENTARY HERITAGE  
UNDER THE AUSPICES OF UNESCO (CATEGORY 2)**

The Government of the Republic of Korea

and

The United Nations Educational, Scientific and Cultural Organization (hereinafter jointly referred to as the "Parties"),

*Having* regard to the resolution whereby the UNESCO General Conference seeks to favour international cooperation in respect of the preservation of, and access to, documentary heritage,

*Considering* that the Director-General of UNESCO has been authorized by the General Conference to conclude, with the Government of the Republic of Korea, an agreement regarding the establishment of the International Centre for Documentary Heritage in conformity with the draft that was submitted to the General Conference,

*Desirous* of defining the terms and conditions governing the framework for cooperation between the Government of the Republic of Korea and UNESCO that shall be granted to the said Centre in this Agreement,

**HAVE AGREED AS FOLLOWS:**

**Article 1 – Definitions**

For this Agreement,

1. "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization;
2. the "Government" means the Government of the Republic of Korea;
3. the "Centre" means International Centre for Documentary Heritage.

**Article 2 – Establishment**

The Government shall agree to take, in the course of the year 2018, any measures that may be required for the setting up at Cheongju City of the Centre under the auspices of UNESCO, as provided for under this Agreement.

**Article 3 – Purpose of the Agreement**

The purpose of this Agreement is to define the terms and conditions governing the collaboration between the Parties 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, in accordance with the laws and regulations of the Republic of Korea, ensure that the Centre enjoys within its territory the functional autonomy necessary for the execution of its activities and the legal capacity:
  - (a) to contract;
  - (b) to institute legal proceedings; and
  - (c) to acquire and dispose of movable and immovable property.

#### **Article 5 – Constitutive Act**

The constitutive act of the Centre shall 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; and
- (b) a governing structure for the Centre allowing UNESCO representation within its governing body.

#### **Article 6 – Objectives and Functions**

1. The objectives of the Centre shall be to:
  - (a) provide a central hub for research, education, training and policy development in the area of documentary heritage, and bring an international perspective to developing solutions to challenges in preservation and access;
  - (b) raise awareness about the critical importance of documentary heritage for maintaining civilization and safeguarding cultures worldwide;
  - (c) facilitate the implementation of the legal instrument of UNESCO, the *Recommendation Concerning the Preservation of, and Access, to Documentary Heritage Including in Digital Form* (2015);
  - (d) carry out the activities itemized in the following sections of the Recommendation:
    - i) Article 5.1 In view of the need to intensify national and international cooperation and exchanges, in particular through the pooling of human and material resources to assist research and the protection and preservation of documentary heritage, Member States should support the exchange of research data, publications, and information; the training and exchange of specialist personnel and equipment. They should promote the organization of meetings, study courses and working groups on particular subjects, such as cataloguing, risk management, identification of endangered documentary heritage and modern research;

- ii) Article 5.2 Member States should encourage cooperation with international and regional professional associations, institutions and organizations concerned with documentary heritage preservation and access, with a view to implementing bilateral or multilateral research projects and publishing guidelines, policies and best practice models.
2. The functions of the Centre shall be to:
- (a) support the UNESCO Memory of the World Programme by:
    - i) collecting and monitoring information on the preservation status, accessibility and use of registered documentary heritage;
    - ii) participating in policy-making for the preservation of records and their content; such policies to include methods, procedures, techniques and technologies for records management in disaster situations;
    - iii) building an online platform for digitized records to protect analogue records from physical threats;
    - iv) initiating digitization of all Memory of the World-registered documentary heritage for increased accessibility;
  - (b) research the management and care of documentary heritage and develop new creative content, in cooperation with the Memory of the World Sub-Committee on Education & Research (SCEaR) by:
    - i) publishing regular reports and organizing international symposia to share results;
    - ii) creating opportunities for countries to share management strategies for documentary heritage in analogue and digital formats;
    - iii) cooperating with UNESCO in policy research and developing guidelines with a global application;
    - iv) providing Internet or web-based publishing portals and content for research purposes;
    - v) supporting UNESCO in revising or formulating standards and guidelines for digital records production, management and preservation;
  - (c) provide education and training support for countries to develop knowledge of the preservation, care and use of documentary heritage, in cooperation with SCEaR, by:
    - i) inviting experts and specialists in records management to offer education and training programmes for a range of needs;
    - ii) developing new training and capacity-building programmes in concert with the National Archives of Korea and existing training programmes;
    - iii) discovering unique elements of history and culture in documentary heritage, and developing creative educational programmes using these elements;
  - (d) engage in public relations activities to raise awareness around the world about the importance of documentary heritage. The Centre will therefore:
    - i) support UNESCO's Memory of the World Programme by publicizing its range of benefits on social media, websites and other forms of online communication;
    - ii) celebrate key dates in the field of documentary heritage management, and host international events or support other organizations' events;
    - iii) conduct case studies identifying best practices and share knowledge with the wider community.

## Article 7 – Governing Board

1. The Centre shall be guided and overseen by a Governing Board, which shall be renewed every three years and include no more than ten people, including:
  - (a) 2 representatives of the Government of the Republic of Korea;
  - (b) a representative of the Director-General of UNESCO;
  - (c) the Director of the Centre or his/her delegate;
  - (d) a representative of the Cheongju City;
  - (e) a representative of the Korean National Commission for UNESCO; and
  - (f) up to 2 representatives of UNESCO Member States wishing to participate in the Centre's activities that have sent to the Centre a notification of their desire to participate in the Centre's activities, in accordance with Article 10, paragraph 2, while ensuring, as far as possible, equitable geographical representation.
2. The Governing Board shall:
  - (a) approve the rules and procedures of the Centre;
  - (b) approve the long-term and medium-term programmes of the Centre;
  - (c) approve the annual work-plan of the Centre, including the staffing table;
  - (d) examine the annual reports submitted by the Director of the Centre, including a biennial self-assessment reports of the Centre's contribution to UNESCO's programme objectives;
  - (e) examine the periodic independent audit reports of the financial statements of the Centre and monitor the provision of such accounting records necessary for the preparation of financial statements;
  - (f) adopt the rules and regulations and determine the financial, administrative and personnel management procedures for the Centre in accordance with the laws of the Republic of Korea; and
  - (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 shall meet in extraordinary session if convened by its Chairperson, either on his/her own initiative or at the request of the Director-General of UNESCO or of a simple 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.
5. The Director of the Centre shall be appointed by the Government of the Republic of Korea in consultation with UNESCO, and shall supervise the overall operation and management of the Centre.

### **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 when appropriate, whereby the staff concerned shall remain on the payroll of the dispatching organizations; and
- (c) seconding members of its staff temporarily, as may be decided by the Director-General of UNESCO 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 shall 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, subject to its relevant and appropriate laws and regulations, and following the annual budget appropriation of the Republic of Korea, provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre.

2. Government support operates at two levels: the Government of the Republic of Korea and the local government of Cheongju City.

3. The Government undertakes, subject to its relevant and appropriate laws and regulations, and following the annual budget appropriation of the Republic of Korea, to:

- (a) make available to the Centre the financial, administrative and technical support for the Centre;
- (b) entirely assume, through Cheongju City, the construction and maintenance of the premises;
- (c) make available to the Centre, with the assistance of the National Archives of Korea, the administrative staff necessary for the performance of its functions, which shall comprise:
  - i) organizing the Governing Board meetings;
  - ii) executing the activities of the Centre in accordance with its annual work-plans and budget;
  - iii) proposing work-plans and budgets for adoption by the Governing Board.

## **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 the Parties to the Agreement and other Member States of UNESCO 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 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 UNESCO's strategic programme objectives and expected results aligned with the four-year programmatic period of C/5 document (Programme and Budget), including the two global priorities of UNESCO, and related sectoral or programme priorities and themes;
  - (b) whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.
2. UNESCO shall, for the purpose of the review of this Agreement, conduct an evaluation of the contribution of the Centre to UNESCO strategic programme objectives, to be funded by the Government or the Centre.
3. UNESCO undertakes to submit to the Government, at the earliest opportunity, a report on any evaluation conducted.
4. Following the results of an evaluation, each of the 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 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 14 – 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 Republic of Korea and by UNESCO's internal regulations have been completed. The date of receipt of the last notification shall be deemed to be the date of entry into force of this Agreement.

#### **Article 15 – Duration**

This Agreement is concluded for a period of six years as from its entry into force. The Agreement shall be renewed upon common agreement between Parties once the Executive Board has made its comments based on the results of the renewal assessment provided by the Director-General of UNESCO.

#### **Article 16 – Denunciation**

1. Each Party shall be entitled to denounce this Agreement unilaterally by written notification to the other Party.
2. The denunciation shall take effect on the ninetieth day following receipt of the notification sent by one of the Parties to the other.

#### **Article 17 – Revision**

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

#### **Article 18 – Settlement of disputes**

1. Any dispute between the Government and UNESCO 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 referred, upon consent of both Parties, 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, being duly authorized thereto by the Government and UNESCO, respectively, have signed this Agreement,

DONE in duplicate, at \_\_\_\_\_ on \_\_\_\_\_ in the English language.

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FOR THE GOVERNMENT OF  
THE REPUBLIC OF KOREA

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FOR THE UNITED  
NATIONS  
EDUCATIONAL,  
SCIENTIFIC AND  
CULTURAL  
ORGANIZATION



