

Constitution

Chapter 1 General Provisions

Article 1 Basis for Establishment and Objectives

This foundation is established based on the “Agreement between the Government of the Republic of Korea and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Regarding the Establishment in the Republic of KOREA of an International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO” (hereinafter referred to as “the Agreement”) and Article 17(2) of the Cultural Heritage Protection Act, and the objectives of the Centre shall be to:

- (a) promote the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage;
- (b) increase the participation of local communities, groups and individuals in the protection of intangible cultural heritage and raise the awareness thereof;
- (c) enhance the capacity for intangible cultural heritage (hereinafter referred to as “ICH”) safeguarding through coordinating and disseminating information on ICH; and
- (d) foster regional and international cooperation for ICH safeguarding.

Article 2 Name

1. This foundation shall be named “유네스코아시아태평양무형문화유산국제정보네트워킹센터” and shall be abbreviated as “유네스코아태무형유산센터”.
2. The English name shall be the “International Information and Networking Centre for Intangible Cultural Heritage in the Asia-Pacific Region under the auspices of UNESCO” and shall be abbreviated as “ICHCAP”.

Article 3 Office

1. The office shall be located at 132 Munji-ro, Yuseong-gu, Daejeon, Republic of Korea.
2. The Centre may establish an office or dispatch a residential officer where it is necessary to support efficient international networking and cooperation.

Article 4 Functions

In order to achieve the objectives in Article 1, the specific functions of the Centre will be to:

- (a) set up an information system to ensure the effective management of ICH data through building a database, supporting ICH identification and documentation, conserving and digitalising archival materials,

- and supporting the development of metadata standards, etc.;
- (b) make use of accumulated ICH information and data for the purpose of disseminating ICH, producing and publishing informational and promotional materials, and promoting the protection of intellectual property rights of ICH practitioners and creators who are included in the documentation and informational materials, etc.;
 - (c) build networks among concerned local communities, groups and individuals to reinforce ICH transmission and dissemination and to organise public events and meetings at the regional and international level, etc.;
 - (d) strengthen international and regional networks to exchange information and knowledge concerning ICH safeguarding, particularly among ICH centres and institutes, including those established under the auspices of UNESCO (Category 2) as well as among individual ICH experts, etc.; and
 - (e) carry out other duties and tasks as necessary to achieve the objectives of the Centre.

Article 5 **Cooperating Institutions**

In order to participate in the diverse activities of UNESCO and share information on related activities, the Centre shall cooperate with any of the following international organisations, foreign governments, institutions and organisations:

- (a) UNESCO;
- (b) governments of Member States of UNESCO in the Asia-Pacific region (hereinafter referred to as “Member States”) and the National Commissions established by Member States in accordance with Article 7 of the UNESCO Charter;
- (c) institutions and organisations established in accordance with the agreement between the Member States and UNESCO;
- (d) domestic and foreign local governments hoping to work with the Centre; and
- (e) international organisations, non-governmental organisations (hereinafter referred to as “NGOs”) and the institutions and organisations of Member States related to the activities of the Centre.

Article 6 **Special Organisations or Affiliated Organisations**

If deemed necessary, the Centre may establish and operate special organisations or affiliated organisations to achieve the objectives of the Centre and conduct the activities stipulated in Articles 1 and 4.

Chapter 2 **Officers**

Article 7 **Types and Number of Officers**

1. The Centre shall have any of the following officers:

- (a) at least seven Members of the Governing Board (hereinafter referred to as the “Member”) and that number shall not exceed fourteen and this number includes the Chairperson of the Governing Board and the Secretary-General of the Centre and
 - (b) one Auditor.
2. The Centre shall have the following Members:
- (a) the Administrator of the Cultural Heritage Administration of Korea (hereinafter referred to as “CHA”) or his/her appointed representative (hereinafter referred to as the “Chairperson“);
 - (b) one nominee of the Director-General of UNESCO;
 - (c) two representatives of the Government of the Republic of Korea:
 - (1) the Director General of the Heritage Promotion Bureau of CHA and
 - (2) the Director General of the Cultural Affairs Bureau of the Ministry of Foreign Affairs and Trade;
 - (d) up to five representatives of the Member States of the Centre;
 - (e) up to two representatives of associated or cooperative organisations in the Republic of Korea;
 - (f) up to two representatives of inter-governmental organisations or NGOs; and
 - (g) one Secretary-General of the Centre.
3. The Members and the auditor shall be non-standing, and the Secretary-General of the Centre shall be standing.

Article 8

Appointment of Officers

1. The ex-officio Chairperson shall be the Administrator of CHA or one who is appointed by the Administrator of CHA.
2. The Member representing UNESCO shall be appointed by the recommendation of the Director-General of UNESCO.
3. The Member, pursuant to Clause 2(d) to Clause 2(f) of Article 7, shall be appointed by the Governing Board at the recommendation of the Executive Committee.
4. The Secretary-General of the Centre shall be appointed by the Chairperson in consultation with the Director-General of UNESCO.
5. If there is any vacancy among the Members, a by-election shall be held within three months from the date when the vacancy takes place. If the mini-mum number of required Members is satisfied and there is no hindrance to conduct activities, the vacancy can be filled up at the earliest regular meeting of the Governing Board.
6. The auditor shall be appointed by the Governing Board at the recommendation of the Executive Committee.

Article 9

Reasons for Disqualification of Officers

The following persons cannot become officers of the Centre:

- (a) incompetent or quasi-incompetent persons;
- (b) bankrupt persons who have not been reinstated;
- (c) persons who were sentenced to imprisonment without labour or heav-

- ier punishment and for whom less than three years have passed since the execution of the sentence or confirmation of non-execution;
- (d) persons who were given a suspended sentence of imprisonment without labour or heavier punishment and for whom the suspended sentence is still in effect or less than two years have passed since the expiration of the period of the suspension of the execution;
 - (e) persons who were given a suspended sentence of imprisonment without labour or heavier punishment and for whom the suspended sentence is still in effect;
 - (f) persons who were disqualified by a court judgment or by other laws;
 - (g) persons who have committed a crime (related to their duties and prescribed in Article 355 and 356 of Criminal Law) during their period of service as government officials and who were sentenced with a monetary penalty of more than three million won and for whom less than two years have passed since the execution of the sentence or confirmation;
 - (h) persons who were expelled from their position and for whom less than five years have passed since the execution of the action; and
 - (i) persons who were dismissed from their position and for whom less than three years have passed since the execution of the action.

Article 10

Guarantee of the Status of Officers

1. In any of the following cases, officers may be dismissed with the resolution of the Governing Board:
 - (a) they conduct an act in violation of the Centre's purpose or the Constitution of the Centre;
 - (b) they cause grave damages to the Centre intentionally or by serious negligence;
 - (c) they cannot fulfil their duties due to physical or mental disorders; or
 - (d) they are disqualified in accordance with the clauses of Article 9.
2. To dismiss officers in accordance with Clause 1 of Article 10, more than two-thirds of the Members with voting rights shall agree on it, and the matter shall be immediately reported to the Administrator of CHA.

Article 11

Term of Office of Officers

1. The term of office of the Members and auditor shall be two years from the date of appointment. However, they may be reappointed once.
2. In the case where the Administrator of CHA is in office as a Member, pursuant to Clause 2(a) of Article 7, or in office as a Member, pursuant to Clause 2(c) of Article 7, the term shall be his/her incumbency.
3. The term of office of the Members, pursuant to Clause 2(d) to Clause 2(f) of Article 7, shall be his/her tenure for the Member State or Organisation.
4. The term of office of the Secretary-General of the Centre shall be three years.
5. The term of office of the Members appointed through by-elections shall be the remaining term of office of their predecessors.
6. The officers whose term has expired may act as a proxy until their suc-

cessors are appointed.

Article 12

Duties of Officers

1. The officers shall faithfully carry out their duties to accomplish the purpose of the Centre in accordance with domestic and international laws and the Constitution of the Centre.
2. The Chairperson and Members shall be present at the meeting of the Governing Board and vote on the agenda regarding the business of the Centre.
3. The auditor shall perform any of the following duties:
 - (a) auditing matters concerning the financial status and business of the Centre;
 - (b) reporting any illegality or injustice found as the result of auditing to the Governing Board and, when necessary, to the Administrator of the Cultural Heritage Administration of Korea; and
 - (c) stating his/her opinions to the Governing Board in relation to the duties of the auditor and requesting actions to be taken.

Article 13

Locum Tenens

1. In the absence of the Chairperson, the Member recommended by the Administrator of CHA or the acting Administrator of CHA shall act as a proxy until a new Chairperson is appointed.
2. In the absence of the Secretary-General of the Centre, the next person according to the organisational chart shall act as a proxy until a successor is appointed.

Article 14

Remuneration for Officers

No remuneration shall be paid to non-standing officers. However, expenses necessary for the execution of duties may be paid within the scope of the budget.

Chapter 3

Governing Board

Article 15

Composition

1. The Governing Board shall consist of the Members including the Chairperson and the Secretary-General of the Centre, and the Chairperson shall preside at the meetings.
2. The auditor may attend the meetings of the Governing Board and state his/her opinions.
3. The Secretary-General of the Centre shall attend the meetings of the Governing Board as a Member without voting rights.

Article 16

Types and Convocation

1. The meetings of the Governing Board are classified into Ordinary Session of the Governing Board and Extraordinary Session of the Governing

- Board, and the Chairperson shall convoke the meetings.
2. Ordinary Session of the Governing Board shall be held at least once a year.
 3. In any of the following cases, the Chairperson shall convoke an Extraordinary Session of the Governing Board:
 - (a) at the request of the Chairperson,
 - (b) at the request of the Director-General of UNESCO,
 - (c) at the request of more than two-thirds of Member States, and/or
 - (d) at the request of more than one-half of Members when they suggest the purpose of meeting.
 4. If the Chairperson convokes a meeting of the Governing Board, he/she shall notify the Members and the auditor of the purpose, time and place of the meeting two weeks prior to the meeting. If there are urgent reasons, however, an exception shall be made.

Article 17

Decision of the Governing Board

Except as otherwise provided for in the provisions of this Constitution, the Governing Board shall make resolutions by the attendance of the majority of its Members with the voting rights and the concurrent votes of the majority of the Members present. However, in a case of a tie vote, the Chairperson shall have a casting vote.

Article 18

Documentary Resolution

In the case where there is a minor or urgent matter for resolution, the Chairperson may resolve the matter by issuing a written resolution to Board Members for approval, and he/she shall report it at the next meeting of the Governing Board.

Article 19

Agenda

The Governing Board shall make resolutions on any of the following agendas:

- (a) election of Members, an auditor and the members of the Committee;
- (b) approval of medium-term and long-term programmes of the Centre;
- (c) approval of the annual work plan and budget of the Centre;
- (d) enactment and revision of the Constitution, Rules and Regulations of the Centre;
- (e) decisions on financial, administrative and personnel management procedures of the Centre;
- (f) decisions on the participation of regional inter-governmental organisations and organisations in the work of the Centre;
- (g) establishment of the Committee in the Governing Board; and
- (h) matters concerning the implementation of the important business of the Centre.

Article 20

Minutes of the Governing Board

As for the proceedings of the meetings of the Governing Board, the agenda, progress, results, and objectors (and the reasons for their objections) shall be

recorded in the minutes, and the Chairperson and the Members present shall sign the minutes.

Chapter 4 Committee in the Governing Board

Article 21 Committee in the Governing Board

1. In order to ensure the effective running of the Governing Board, a Committee may be established.
2. The matters on composition, operation and other necessary matters in Clause 1 shall be approved by the Governing Board.

Article 22 Executive Committee

1. The Executive Committee shall be established in the Governing Board by Article 21.
2. The Governing Board shall delegate to the Executive Committee part of the agenda of the Governing Board in Article 19, and the Executive Committee shall deliberate and make resolutions on any of the following:
 - (a) enactment and revision of the managerial rules and regulations for the management of the Secretariat of the Centre;
 - (b) determination and operation of the financial, administrative and personnel management procedures of the Centre;
 - (c) decisions on the participation of regional inter-governmental organisations and international organisations in the work of the Centre;
 - (d) appointment and recommendation to the Governing Board of Member and auditor candidates by Clause 3 and Clause 6 of Article 8;
 - (e) establishment of special organisations, affiliated organisations and advisory body;
 - (f) deliberation and making resolutions on the formulation of a revised supplementary budget (including special accounting) and on reserve fund expenditures; and
 - (g) other slight matters of the Governing Board's deliberations and resolutions.

Chapter 5 Secretariat

Article 23 Secretariat

1. The Secretariat shall be established to manage the business of the Centre.
2. The Secretariat shall consist of one Secretary-General of the Centre and any of the following members:
 - (a) persons appointed by the Secretary-General of the Centre in accordance with organisational regulations;
 - (b) public officials working at the Centre in accordance with the regula-

- tions of the Government;
- (c) UNESCO employees temporarily seconded to the Centre in accordance with the regulations of UNESCO and the decision of the Executive Committee; and
 - (d) persons temporarily seconded to the Centre in accordance with the decision of the Secretary-General of the Centre at the request of domestic or foreign governments or affiliated organisations.
3. Matters concerning the number of persons working at the Centre, pursuant to Clause 2(a) and the appointment, service, reward and penalty of employees, shall be determined by an additional regulation.

Article 24

Duties of the Secretary-General of the Centre

The Secretary-General of the Centre shall represent the Centre and discharge the following duties:

- (a) attend the meetings of the Governing Board as a Member without any voting rights;
- (b) prepare the agenda and report for the Governing Board and for the Committee in the Governing Board; and
- (c) appoint persons and responsibilities for operational management on the organisation and business operations.

Article 25

Advisors and Advisory Body

1. The Centre may establish a few advisors and an advisory body to receive advice on specialised matters.
2. Matters concerning the number of advisors, the name of the advisory body, and the operation thereof shall be additionally determined by the Secretary-General of the Centre.

Chapter 6

Properties and Accounting

Article 26

Classification of Properties

The properties of the Centre shall be classified into fundamental properties and general properties, and the details are as follows:

- (a) fundamental properties refer to the funds of the Centre at the time of establishment and properties that the Governing Board confirmed as fundamental properties, and they are listed in Annex 1 among the immovable or movable assets acquired to carry out the essential business of the Centre; and
- (b) general properties refer to all properties other than fundamental properties, and include the income profited from the business or properties of the Centre.

Article 27

Fiscal Year

The fiscal year of the Centre shall be the same as that of the Government.

Article 28**Formulation and Settlement of Budget**

1. The Secretary-General of the Centre shall draw up the business plan and budget bill for the next year, and they shall be resolved at the regular Governing Board.
2. The business performance and balance sheet of the year shall be audited by the auditor and reported to the Administrator of CHA by February of the next year.
3. The Centre may pay auditing expenses as needed by the auditor within the scope of the budget.
4. The report in Clause 2 shall include the list of fundamental properties and the audit report.

Article 29**Revised Supplementary Budget**

In cases where the budget needs to be added to or amended after confirmation, a revised supplementary budget bill may be made and executed through a resolution by the Governing Board and approval by the Administrator of CHA.

Article 30**Operating funds**

The expenses necessary for the operation of the Centre shall be funded by endowments, government subsidies, proceeds from the fundamental properties, profits from the business, donations, sponsorship, contributions and other sources of income.

Chapter 7**Supplementary Provisions****Article 31****Dissolution of the Centre**

1. The Centre shall be dissolved at the time of notification of renouncement by the Government of the Republic of Korea or UNESCO in accordance with Clause 1 of Article 20 of the Agreement.
2. The remaining properties at the time of resolution of the Centre shall be donated to the state, local governments or organisations with similar purposes to the Centre by approval of the Administrator of CHA.

Article 32**Revision of the Constitution**

In cases where the Constitution of the Centre needs to be amended, the revision shall be resolved by the attendance of a majority of the Members with voting rights and the concurrent votes of two-thirds or more of the Members present and shall be approved by the Administrator of CHA.

Article 33**Enactment of Regulations**

1. Rules and regulations necessary for the implementation of this Constitution shall be enacted through the resolution of the Governing Board.
2. If the following regulations, among those concerning the operation and management of the Centre as stipulated in Article 33, Clause 1, need to

be enacted or amended, prior consultation with CHA and the approval of CHA shall be required:

- (a) organisation regulation,
- (b) personnel regulation, and
- (c) remuneration regulation.

Article 34 **Others**

Matters other than those stipulated in the Agreement, the Cultural Heritage Protection Act and this Constitution shall comply with the provisions of the Civil Act.

ADDENDA

Article 1 **Enforcement Date**

This Constitution shall go into effect from the date of approval by the Administrator of CHA.

Article 2 **Interim Measures**

1. The business year, in which the Centre was established, shall be from the date of establishment approval to the end of the year.
2. The Centre shall succeed by universal title the properties, rights and obligations of ICHCAP, a special organisation of the Cultural Heritage Foundation at the time of the Centre's establishment.
3. As for the employees of ICHCAP, the type of profession, terms of office, position and rank shall be determined through evaluation procedures.

Article 3 **Appointment of Officers at the Time of the Centre's Establishment**

1. Despite the provisions in Chapter 2, the initial officers at the time of the Centre's establishment are as shown in Annex 2.
2. The term of office for officers in position at the time of the Centre's establishment shall be reckoned from the registration date of the establishment.

<Annex 1>

Fundamental Property List

Entry	Size(mm) and Types	Quantity	Price(KRW)	Note
Desk	L-Shaped (1600×1200×720)	1	120,000	2010
Chair	600×650×1150	1	120,000	2010
Computer	Samsung Magic Station (DM-C210)	1	1,210,000	2009
Total		3	1,570,000	

<Annex 2>

List of the Initial Officers at the Time of the Centre's Establishment
(Regarding Article 3 of Addenda)

Classification	Name	Affiliation and Position	Note	Term
Chairperson	Mr Chan Kim	The Administrator of CHA	Chairperson	Tenure
Members	Mr Timothy Curtis	UNESCO Office in Bangkok / Chief of Culture Unit	Nominee of the Director-General of UNESCO	2 years
	Mr Young Goon Park	Heritage Promotion Bureau of CHA / Director General	Representatives of the Government of the Republic of Korea	Tenure
	Mr Sang Il Kim	Cultural Affairs Bureau of Ministry of Foreign Affairs and Trade / Director General		Tenure
	Ms Dawnhee Yim	Committee for ICH Preservation/ Chair- person	Representatives of Affiliated or Cooperative Organisations in the Republic of Korea	2 years
	Mr Taeck-soo Chun	Korean National Commission for UNESCO / Secretary-General		2 years
	Mr Alisher Ikramov	National Commission of the Republic of Uzbekistan for UNESCO / Secretary-General	Representatives of the Member State of the Centre	2 years
	Ms Adi Meretui Tuvou Raturabuabua	Department of National Heritage, Culture & Arts, Ministry of Education, National Heritage, Culture & Arts, Youth & Sports / Principal Cultural Development Officer		2 years
	Ms Le Thi Minh Ly	Department of Cultural Heritage, Ministry of Culture, Sports and Tourism / Deputy Director General		2 years
	Mr Seong-Yong Park	Intangible Cultural Heritage Centre for Asia and the Pacific / Executive Director		Acting Secretary-General, until the Appointment of Secretary-General
		Total of 10 Officers		
Auditor	Mr Doo Soo Kim	Shinjung Accounting Corporation / Certified Public Accountant		2 years