

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 remediate 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 two copies in the English language.

For the United Nations Educational,
Scientific and Cultural Organization

For the Government

Irina Bokova
Director-General

28 AVR. 2010

Hamid Baghaei
Vice President of the Islamic Republic of Iran
and Head of the Iranian Cultural Heritage,
Handicraft and Tourism Organization