

**AGREEMENT
BETWEEN
THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
AND
THE REPUBLIC OF AUSTRIA**

**ON THE ESTABLISHMENT OF THE INTERNATIONAL CENTRE FOR THE PROMOTION
OF HUMAN RIGHTS AT THE LOCAL AND REGIONAL LEVELS
UNDER THE AUSPICES OF UNESCO (CATEGORY 2) IN GRAZ (AUSTRIA)**

The United Nations Educational, Scientific and Cultural Organization,

and

The Republic of Austria, (together referred to as the “Parties”),

Having regard to the provisions of the 2030 Agenda for Sustainable Development relating to the promotion of urban inclusion and notably Sustainable Development Goal 11 (Making cities inclusive, safe, resilient and sustainable) as well as to the relevant provisions of the New Urban Agenda adopted by Habitat III in October 2016,

Bearing in mind the ongoing work of UNESCO focusing on the promotion of urban inclusion, notably through the International Coalition of Inclusive and Sustainable Cities – ICCAR (formerly known as the International Coalition of Cities against Racism) as well as other UNESCO city-related platforms and networks,

Considering that the Director-General has been authorized by the General Conference at its 37th session to conclude with the Government of Austria 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 International Centre for the Promotion of Human Rights at the Local and Regional Levels 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” means the competent authorities of the Republic of Austria.
3. The “Centre” means the International Centre for the Promotion of Human Rights at the Local and Regional Levels, under the auspices of UNESCO, which will be composed of a newly created foundation and the existing European Training and Research Centre for Human Rights and Democracy – ETC Graz.

Article 2 – Establishment

The Government agrees to take, in the course of the years 2017 and 2018, any measures that may be required for setting up the Centre at Graz (Austria).

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 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) 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 body.

Article 6 – Objectives and functions

The main objective of the Centre shall be to contribute to efforts at the global, regional and sub-regional levels aimed at empowering regional and local authorities to mainstream human rights and gender equality and to promote inclusion across their areas of work in line with the goals of the 2030 Agenda for Sustainable Development and notably Sustainable Development Goal 11 *“Make cities and human settlements inclusive, safe, resilient and sustainable”* and also with relevant commitments of the New Urban Agenda.

The Centre shall promote:

1. Capacity-building, including the provision of technical advice and training through appropriate methodologies and implementation instruments, at the local and regional level to support the implementation of a human rights based approach (“HRBA”) throughout the programming cycle (planning, implementation, monitoring and evaluation);
2. Interdisciplinary research on mainstreaming human rights at the local level, including on monitoring and evaluation, to be widely disseminated and also to serve as knowledge base for other functions;
3. The setting up of a clearing-house encompassing, inter alia, the systematic collection, analysis and wide dissemination of good practices at city-level among various networks; and
4. Cooperation and networking with international, regional and local governments and organizations (particularly with UN agencies, programs and bodies, UNESCO chairs, the Council of Europe, the League of Arab States, the Organization of American States and others) and networks (such as ICCAR, United Cities and Local Governments, Conference of Human Rights Cities), local and regional authorities, academia and civil society organizations active in the field of local and regional human rights implementation.

Article 7 – Governing Board

1. The Centre shall be guided and overseen by a Governing Board renewed every two (2) years and include:
 - (a) a representative of the Republic of Austria;
 - (b) a representative of the Region of Styria;
 - (c) a representative of the City of Graz;
 - (d) representatives of Member State(s), which have sent to the Centre notification for membership, in accordance with the stipulations of Article 10, paragraph 2, and have expressed interest in being represented on the Board;
 - (e) 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, in accordance with which all fundraising efforts of the Centre will be conducted;
 - (b) approve the annual work plan of the Centre, including the staffing table;
 - (c) examine the annual reports submitted by the director of the Centre, including a biennial self-assessment report of the Centre's contribution to UNESCO's programme objectives;
 - (d) 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;
 - (e) adopt the rules and regulations and determine the financial, administrative and personnel management procedures for 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 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 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;
 - (b) engaging in temporary staff exchanges when appropriate, whereby the staff concerned will remain on the payroll of the dispatching organizations; and
 - (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 the resources, either financial or in kind, needed for the administration and proper functioning of the Centre, as well as for the implementation of its work-programme. For this purpose, the Government will contribute to the Centre a total amount of EURO 1,510,000 (one million five hundred and ten thousand).
2. With regard to the administration and proper functioning of the Centre, the Government builds upon the existing structure and resources of the European Training and Research Centre for Human Rights and Democracy – ETC Graz.
3. Additionally, the Centre receives valid and continuing grants of annually EURO 250,000 (two hundred and fifty thousand) from other sources and has the mandate to raise funds from all possible donors in conformity with the objectives and purpose of the Centre.
4. Within the framework of a cooperation agreement between the Centre and the University of Graz, the latter provides for the use, free of charge, of premises of appropriate size and equipment. These are shared with the UNESCO Chair for Human Rights and Human Security at the University of Graz.
5. In accordance with the cooperation agreement, the University entirely assumes the maintenance of the premises and its full infrastructure, including ICT.
6. The Centre employs the administrative staff necessary for the performance of its functions, management, secretariat, accounting and public relations officer. The Centre employs ten researchers, human rights trainers and consultants necessary for the fulfilment of the tasks according to the work-programme and adequate for the implementation of research and capacity-building activities. The staff comprises: two senior lawyers, two senior social scientists, two senior trainers and four graduate researchers, trainers and consultants in the overall interdisciplinary team.

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 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 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 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 the Organization, 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 category 2 Centre to UNESCO strategic programme objectives, to be funded by 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 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 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 necessary constitutional conditions to that effect by the domestic law of the Republic of Austria and all the formalities required 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 its entry into force. The Agreement shall be renewed upon common agreement between the Parties once the Executive Board made its comments based on the results of the renewal assessment provided by the Director-General. .

Article 16 – 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 17 – Revision

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

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 3 members one of whom shall be appointed by the Director-General of UNESCO, another by the Government, 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 [...]

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

.....
For the Republic of Austria