

No. 9368

MULTILATERAL

**Agreement establishing a Cultural and Social Centre for the
Asian and Pacific Region. Done at Canberra, on 1 August
1968**

Official text: English.

Registered by the Republic of Korea on 31 December 1968.

MULTILATÉRAL

**Accord portant création d'un Centre culturel et social de
l'Asie et du Pacifique. Fait à Canberra, le 1^{er} août 1968**

Texte officiel anglais.

Enregistré par la République de Corée le 31 décembre 1968.

No. 9368. MULTILATERAL: AGREEMENT¹ ESTABLISHING A CULTURAL AND SOCIAL CENTRE FOR THE ASIAN AND PACIFIC REGION. DONE AT CANBERRA, ON 1 AUGUST 1968

The Contracting Parties being members of the Asian and Pacific Council (hereinafter called "the Council"),

Recognizing that the Governments and peoples of the Asian and Pacific Region have a common interest in strengthening the existing bonds of solidarity among them and in co-operating to achieve their common objectives in various fields,

Being convinced that all countries of the region will benefit from the widening and deepening of mutual understanding and appreciation of their cultural heritages and civilizations,

Desiring to give effect to the decision of the Ministerial Meeting of the Council at its Second Session held in Bangkok from 5th to 7th July, 1967, that a Cultural and Social Centre for the Asian and Pacific Region should be established,

Have agreed as follows :

Article I

ESTABLISHMENT OF THE CULTURAL AND SOCIAL CENTRE

1. There is hereby established a Cultural and Social Centre for the Asian and Pacific Region (hereinafter called "the Centre").
2. The Centre shall be located at Seoul and shall operate in accordance with the provisions of this Agreement.

Article II

PURPOSE

The purpose of the Centre is to promote friendly relations and mutual understanding among the peoples of the Asian and Pacific Region through the furtherance of collaboration in cultural and related social fields.

¹ Came into force on 1 August by signature of the Governments of Australia, the Republic of China, Japan, the Republic of Korea, Malaysia, New Zealand, Philippines, Thailand and the Republic of Vietnam, in accordance with article XVII.

Article III

FUNCTIONS

In order to fulfil its purpose the Centre may undertake the following activities in cultural and related social fields :

- (i) Make recommendations on measures for achieving closer understanding between member governments of the Centre (hereinafter called " Members ");
- (ii) Assist Members to co-ordinate appropriate research programmes of their countries;
- (iii) Collect and disseminate information on relevant activities of the countries of Members;
- (iv) Act as a clearing house of information in respect of research activities in the countries of Members in the social and human sciences;
- (v) Promote programmes within its field of interest which encourage personal contacts and exchanges of ideas among the peoples of the region;
- (vi) Encourage and sponsor the holding of lectures, seminars, symposia and similar activities;
- (vii) Encourage and sponsor concerts, cultural exhibitions and theatrical performances in the region;
- (viii) Arrange for translations into the languages of the countries of Members of works of special distinction of the region;
- (ix) Study measures for the preservation of the cultural heritages of the countries of Members;
- (x) Co-ordinate and encourage as appropriate the activities of Members in the region, including training schemes;
- (xi) Foster co-operation between appropriate institutions;
- (xii) Establish awards for activities which contribute to the development of regional understanding;
- (xiii) Act as a repository for reference material of the countries of Members.

Article IV

MEMBERSHIP

1. Members and observers of the Council shall be entitled to membership in the Centre and shall become Members upon signature of this Agreement.

2. Governments which are neither members nor observers of the Council shall be admitted to membership in the Centre by the approval of the Council and the subsequent deposit of an instrument of accession to this Agreement.

Article V

ORGANIZATION

The Centre shall have an Executive Board (hereinafter called " the Board ") and a Secretariat.

Article VI

EXECUTIVE BOARD

1. The Board shall be composed of one representative of each of the Members of the Centre designated by the respective government.

2. The Board shall have the following powers and functions :

- (i) to adopt the Work Programme and the annual budget of revenue and expenditure of the Centre;
- (ii) to approve the annual report on the operation and the annual financial report on revenue and expenditure of the Centre, submitted by the Director;
- (iii) to report to the Council on the Work Programme, budget and activities of the Centre;
- (iv) to appoint the Director of the Centre;
- (v) to arrange for the auditing of the accounts of the Centre;
- (vi) to make recommendations referred to in Article III (i);
- (vii) to approve agreements or arrangements referred to in Article XII of this Agreement;
- (viii) to receive assistance referred to in Article XIII of this Agreement.

3. The Board shall hold an annual meeting in Seoul and such other meetings as may be required in accordance with its rules of procedure.

4. The Board shall elect the Chairman and Vice-Chairman in accordance with its rules of procedure.

5. The representative of each Member shall have one vote in the Board.

Except as otherwise provided in this Agreement, all matters before the Board shall be decided by a majority of the representatives present and voting. The Work Programme referred to in paragraph 2 (i) and recommendations referred to in paragraph 2 (vi) of this Article shall be decided by a unanimous vote of the total number of representatives of the Members.

6. A quorum for the meetings of the Board shall be a majority of the representatives of the Members.

7. The Board shall establish its own rules of procedure on the convening and operation of its meetings, the election of the Chairman and the Vice-Chairman, the appointment of the Director and other necessary matters.

8. The inaugural meeting of the Board shall be called by the Government of the Republic of Korea within three months after the coming into force of this Agreement.

Article VII

RELATIONSHIP WITH THE COUNCIL

The Council shall have the power to determine the general policies of the Centre.

Article VIII

SECRETARIAT

1. The Secretariat shall consist of a Director and such staff as may be approved by the Board.

2. The Director shall be appointed upon the recommendation of a Member for a term of three years under such conditions as the Board may determine. He shall be eligible for re-appointment. His appointment however shall not exceed two consecutive terms.

3. The Director shall assist the Board, to which he shall be responsible, and, for this purpose, shall, in addition to the powers assigned to him expressly by this Agreement, exercise all the powers delegated to him by the Board.

4. The Director shall be the legal representative of the Centre.

5. The Director shall participate, without voting rights, in meetings of the Board and may be invited to attend meetings of the Council.

6. The Director shall be the chief executive officer of the Secretariat. He shall be responsible to the Board for the formulation of the Work Programme and budget estimates and for carrying out the work of the Centre.

7. The Director shall appoint the staff of the Secretariat in accordance with staff regulations to be approved by the Board. In appointing professional staff, the Director shall, subject to the need to secure the highest standards of inte-

grity, efficiency and technical competence, pay due regard to the recruitment of staff on as wide a regional geographical basis as possible.

8. The Director and the members of the staff of the Centre, in the discharge of their offices, owe their duty entirely to the Centre and to no other authority. They shall not seek or receive instructions from any government or from any authority external to the Centre.

9. Rules and regulations governing the administration, organization and financial affairs of the Centre shall be decided by the Director with the approval of the Board.

Article IX

WORKING AND FISCAL YEAR

The working and fiscal year of the Centre shall begin on the first day of July and end on the thirtieth day of June.

Article X

BUDGET

1. The budget of the Centre shall be divided into administrative and operational costs as follows :

(a) *Administrative Costs*

These costs include rent, rates, utilities, office requisites, the salaries of the locally engaged general service personnel and insurance, maintenance and replacement costs of the Centre's premises, furniture, furnishings, fittings, equipment and vehicles.

(b) *Operational Costs*

These costs comprise all other costs of the Centre and include the programme costs and the recruitment costs, salaries and allowances of the Centre's professional staff.

2. The Government of the Republic of Korea shall be responsible for the administrative costs of the Centre.

3. The operational costs of the Centre shall be met from voluntary contributions of the other Members made on an agreed basis, in accordance with their respective national laws and regulations and within the limits of their respective annual budgetary appropriations, in money, property and services.

4. Contributions to the operational costs of the Centre will be decided by Members prior to the commencement of each fiscal year.

Article XI

CO-ORDINATION OF NATIONAL PROGRAMMES

Programmes of Members which are in accordance with the purpose of the Centre may, subject to the agreement of the Board, be co-ordinated with the Centre's Work Programme and be regarded as constituting part of the Member's contribution to the objectives of the Centre.

Article XII

RELATIONS WITH OTHER ORGANIZATIONS

In order to fulfil its purpose, the Centre may co-operate with governments and organizations external to it as well as other international organizations and, for this purpose, may conclude agreements or arrangements with these organizations. Such agreements may be concluded only after they have been approved by a two-thirds majority vote of total number of the representatives of the Board.

Article XIII

ASSISTANCE FROM OTHER ORGANIZATIONS

In order to fulfil its purpose the Centre may, by a two-thirds majority vote of the total number of the representatives of the Board, receive assistance from governments, public and private institutions and private persons, as well as other international organizations.

Article XIV

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

1. In the Republic of Korea—

- (i) the Centre shall enjoy such legal capacity and immunity from legal process as may be necessary for the attainment of its purpose and the exercise of its functions;
- (ii) the premises, property, assets and archives of the Centre shall be inviolable and shall be given, by the authorities of the Republic of Korea, adequate protection to enable the Centre effectively to fulfil its purpose and carry out the functions entrusted to it;
- (iii) the Centre may import free of duty such equipment and articles as are reasonably required to enable the Centre effectively to fulfil its purpose and carry out the functions entrusted to it;
- (iv) the Director and such members of the professional staff of the Centre as are duly notified by the Director to the appropriate authorities of the Govern-

ment of the Republic of Korea shall if they are not nationals of the Republic of Korea—

- (a) be allowed to import free of duty such furniture, vehicles and personal effects as are reasonably required for their personal use and the personal use of members of their families forming part of their households;
 - (b) be exempted from direct taxes imposed by the Government of the Republic of Korea on their salaries and emoluments received from the Centre, and
 - (c) be accorded exemption from immigration restrictions and alien registration requirements, and the same exchange facilities, as are accorded by the Republic of Korea to the members of the staff of comparable rank of other international organizations, and
- (v) the Director, members of the staff of the Centre and representatives on the Board shall, if they are not nationals of the Republic of Korea, be accorded immunity from legal process in respect of acts performed by them in the course of their duties for the Centre.

2. Members other than the Government of the Republic of Korea shall in their respective countries and in conformity with their laws and regulations in force accord to the Centre, its premises, property, assets and archives, and to the Director and members of the staff of the Centre, such legal capacity, privileges and immunities and other facilities as may be necessary to enable the Centre effectively to fulfil its purpose and carry out the functions entrusted to it.

3. The Centre shall have the right and the duty to waive the immunity of the Director and of any member of the staff of the Centre in any case where the immunity would impede the course of justice and can be waived without prejudice to the interests of the Centre.

Article XV

AMENDMENT

Any Member may propose an amendment to this Agreement. Such amendment shall come into force only after it has been accepted by all Members.

Article XVI

SIGNATURE

This Agreement shall remain open for signature by the governments of the countries referred to in Article IV paragraph 1 of this Agreement.

Article XVII

ENTRY INTO FORCE

1. This Agreement shall enter into force on the date on which at least five governments, including the Government of the Republic of Korea, have signed this Agreement.

2. For each government signing this Agreement after the date on which it has entered into force pursuant to the preceding paragraph, the Agreement shall enter into force on the date of signature.

3. For governments admitted to membership in the Centre in accordance with the provisions of Article IV, paragraph 2 of this Agreement, the Agreement shall enter into force on the date of the deposit of their instruments of accession with the Depositary Government.

4. The Depositary Government shall inform Members of the entry into force of this Agreement according to the preceding paragraphs of this Article.

Article XVIII

WITHDRAWAL

Any Member may, at any time after the expiration of five years after the date on which this Agreement enters into force withdraw from this Agreement by giving written notice of withdrawal to the Director. Such withdrawal shall take effect on the date specified in the notification which shall be not less than twelve months after the date on which it is received by the Director, subject to the Member having by that time carried out all financial and other undertakings given by it to the Centre, and otherwise on the date on which all such undertakings have been carried out.

Article XIX

OFFICIAL LANGUAGE

The official language of the Centre shall be English.

Article XX

DEPOSIT

The original of this Agreement shall be deposited with the Government of the Republic of Korea, which shall send certified copies thereof to Members and shall register the Agreement with the Secretary-General of the United Nations pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective governments, have signed the present Agreement.

DONE at Canberra in a single copy in the English language, this first day of August, One thousand nine hundred and sixty eight.

For the Government of Australia :

Paul HASLUCK

For the Government of the Republic of China :

WEI Tao Ming

For the Government of Japan :

Takeo MIKI

For the Government of the Republic of Korea :

KYU Hah Tchoi

For the Government of Laos :

For the Government of Malaysia :

Mohd. KHIR BIN JOHARI

For the Government of New Zealand :

Lance ADAMS-SCHNEIDER

For the Government of the Philippines :

Narciso RAMOS

For the Government of Thailand :

Th. KHOMAN

For the Government of the Republic of Viet Nam :

TRAN Tchanh Thanh