

No. 13470

**UNITED NATIONS
and
AUSTRIA**

Agreement for the establishment of the European Centre for Social Welfare Training and Research (with Statutes of the Centre and exchange of notes of 7 August 1974). Signed at New York on 24 July 1974

Authentic texts of the Agreement: English and German.

Authentic text of the Statutes: German.

Authentic text of the exchange of notes: English.

Registered ex officio on 7 August 1974.

**ORGANISATION DES NATIONS UNIES
et
AUTRICHE**

Accord relatif à la création du Centre européen de formation et de recherche en matière de protection sociale (avec Statuts du Centre et échange de notes en date du 7 août 1974). Signé à New York le 24 juillet 1974

Textes authentiques de l'Accord : anglais et allemand.

Texte authentique des Statuts : allemand.

Texte authentique de l'échange de notes : anglais.

Enregistré d'office le 7 août 1974.

AGREEMENT¹ BETWEEN THE FEDERAL GOVERNMENT OF AUSTRIA AND THE UNITED NATIONS FOR THE ESTABLISHMENT OF THE EUROPEAN CENTRE FOR SOCIAL WELFARE TRAINING AND RESEARCH

The Federal Government of Austria and the United Nations,

Recalling resolution 1406 (XLVI) of 5 June 1969² of the Economic and Social Council, which endorsed a recommendation of the International Conference of Ministers Responsible for Social Welfare, held in New York in September 1968, and invited the Secretary-General of the United Nations to consult with the Governments of Member States on the establishment of regional social welfare research and training centres,

Recalling also that the Conference of European Ministers Responsible for Social Welfare held in The Hague in August 1972, “acknowledged that the development of research and advanced training in social welfare is one of the most urgent priorities of European co-operation”,

Noting the relevant conclusions and recommendations of the United Nations Working Group on European Co-operation in the Development of Social Welfare Training and Research, held in Berne in February 1973,

Noting further the positive outcome of the consultations with Governments undertaken by the Secretary-General on the merits of establishing a European Centre for Social Welfare Training and Research,

Have agreed as follows:

Article 1. ESTABLISHMENT, PURPOSE AND FUNCTIONS OF THE CENTRE

1. The Federal Government of Austria (hereinafter referred to as “the host Government”) undertakes to establish the European Centre for Social Welfare Training and Research (hereinafter referred to as “the Centre”), in Vienna. The Secretary-General of the United Nations (hereinafter referred to as “the Secretary-General”) shall co-operate in this undertaking and shall endeavour to enlist the participation and support of the Governments of other States Members of the United Nations or members of the specialized agencies or the International Atomic Energy Agency, in particular those in Europe (hereinafter referred to as “other Governments”) in the establishment and operation of the Centre.

2. The purpose of the Centre shall be to promote co-operation in Europe in the field of social welfare, with special emphasis on training and research. In pursuing this objective the Centre shall seek to enhance the effectiveness of national training and research activities, to strengthen the European Social Development Programme of the United Nations, and to establish new channels of communication between those concerned with the formulation and imple-

¹ Came into force on 7 August 1974, the date of the exchange of notes provided for to that effect by article IX.

² United Nations, *Official Records of the Economic and Social Council, Forty-sixth Session*, p. 5.

mentation of social development programmes. The Centre shall in its activities foster co-operation between the different regions of Europe.

3. The main functions of the Centre shall be:

- (a) To carry out training activities, through the organization of working groups, seminars and courses;
- (b) To carry out and to foster research, including research projects involving collaboration between the Centre and organizations, national authorities and other bodies, or individuals;
- (c) To maintain relations with organizations, national authorities, and other bodies, and individuals, active in the field of social welfare, and to supply them with information concerning the programme of activities of the Centre and other matters of mutual interest.

Article II. LEGAL STATUS OF THE CENTRE

1. The host Government shall take the necessary steps to establish the Centre as an autonomous, non-profitmaking entity, having legal personality under Austrian law. The statutes of the Centre should be in accordance with the provisions of this Agreement, in particular the provisions relating to the purposes, functions and organization of the Centre.

2. The statutes of the Centre as well as any proposed changes in the statutes shall be communicated to the United Nations before being put into effect.

Article III. ORGANIZATION OF THE CENTRE

(A) *Board of Directors*

1. The Centre shall have a Board of Directors composed of four members appointed by the Secretary-General, four members appointed by the host Government, and the representative of the Secretary-General who shall be the Chairman of the Board. The duration of appointment of members shall be three years.

2. The four members appointed by the Secretary-General shall be experts in the field of social welfare and development, chosen on the basis of their professional qualifications from amongst nationals of States, other than Austria, participating in the Centre. In making such appointments the Secretary-General will have regard to achieving a balance in the representation of countries with different degrees of social and economic development.

3. The Executive Director shall be *ex officio* a non-voting member of the Board.

4. The Board of Directors shall be convened annually at the initiative of the Chairman. The Board shall consider all matters relating to the activities of the Centre brought to its attention by the Chairman or the Executive Director. The Executive Director shall submit to the Board each year, for its consideration and approval (i) a report covering the previous year's programme of activities; and (ii) the programme of activities which it is proposed to carry out during the coming year. The Board may request additional reports and may adapt the

reporting requirements (so as, for example, to permit reports to be made covering periods longer than one year) if, in the light of experience, this proves to be desirable.

5. The Executive Director shall also submit, in accordance with the procedures specified in article VII, the annual budget of the Centre, for the consideration and approval of the Board of Directors, in accordance with the provisions of that article.

6. The Board will, so far as possible, adopt its decisions and recommendations on a basis of unanimity. When, in the opinion of the Chairman, the Board is unable to reach unanimous agreement, a vote may be taken. Each member shall have one vote. The Chairman shall not vote, except in the event of a tie vote.

7. The Board of Directors may invite representatives of organizations forming part of the United Nations system and non-governmental organizations in consultative status with the Economic and Social Council to attend its meetings at their own expense.

8. The Board may establish such subsidiary bodies as it considers desirable which shall report to the Board.

(B) Staff

1. The Centre shall have the staff necessary to carry out the functions and shall, in particular, have the following basic staff:

- (a) An Executive Director nominated by the host Government, in consultation with the Secretary-General, and approved by the Board of Directors. His functions shall be:
- (i) To plan and direct, in consultation with the Senior Adviser, the programme of activities of the Centre;
 - (ii) To organize and direct, in consultation with the Senior Adviser, the administration of the Centre and to appoint, in consultation with the Senior Adviser, the other members of the staff, as indicated below;
 - (iii) To prepare and submit to the Board of Directors reports and the annual budget of the Centre, in accordance with paragraph (A), 4 and 5, above.
- (b) A Senior Adviser appointed by the Secretary-General in consultation with the host Government. His functions shall be:
- (i) To advise the Executive Director in the discharge of the latter's functions and provide appropriate liaison with the United Nations;
 - (ii) In association with the Executive Director, to assume responsibility for the administration of the Centre and the planning and conduct of research and training;
 - (iii) In association with the Executive Director, to promote and/or assist in the implementation of the objectives and activities of the Centre.
- (c) Teaching and research staff. Such staff shall consist of specialists made available by other Governments, by the host Government, or by the United Nations, the last, solely for short-term assignments.

(d) Administrative, clerical and maintenance staff, provided by the host Government.

(C) *Training and Research Fellows*

1. Fellows may be invited to the Centre by the Executive Director, in consultation with the Senior Adviser.

(D) *National Correspondents*

1. United Nations national correspondents for social welfare research may be invited to attend meetings at the Centre by the Executive Director, in consultation with the Senior Adviser.

(E) *Languages*

1. The working languages of the Centre shall be English, French and German.

Article IV. OBLIGATIONS OF THE HOST GOVERNMENT

1. The Government shall provide, in accordance with its budgetary regulations, at its expense:

- (a) The staff referred to in article III, paragraph B, 1 (a) and (d), and such of the Austrian staff referred to in paragraph B, 1 (c), as may be determined by the Government in consultation with the Executive Director and the Senior Adviser;
- (b) Furnished and equipped premises and maintenance thereof necessary for the Centre's purposes;
- (c) Supplies and services necessary for the operation of the Centre;
- (d) Board and lodging, or an allowance to cover the costs thereof, to non-Austrian members of the Board of Directors and United Nations national correspondents for social welfare research when attending meetings at the Centre, and to non-Austrian specialists assigned to the Centre on a short-term basis for the purposes of teaching or consultations.

2. The Government may also provide when required an allowance in respect of housing and local living costs to members of the teaching and research staff made available by other Governments.

Article V. OBLIGATIONS OF THE UNITED NATIONS

1. The Secretary-General shall co-operate with the Centre, subject to the availability of funds, by providing the following assistance:

- (a) A Senior Adviser;
- (b) Assigning teaching and research staff on a short-term basis;
- (c) The transportation costs of non-Austrian members of the Board of Directors and United Nations national correspondents for social welfare research attending meetings at the Centre, and of non-Austrian specialists assigned to the Centre on a short-term basis for purposes of teaching or consultations.

2. The United Nations shall encourage other Governments to participate in the establishment and operation of the Centre, in accordance with article VI below.

Article VI. PARTICIPATION OF OTHER GOVERNMENTS

1. Other Governments shall be encouraged to participate in and support the establishment and operation of the Centre. In particular they shall be invited to provide specialists who may form part of the teaching and research staff, in accordance with the provisions of article III, paragraph (B), 1 (c). The salary and related emoluments of such staff shall be provided by the Government concerned or by the organization by which they are normally employed. The Government concerned shall also be invited to provide an allowance for housing and local living costs, except in cases where the provisions of article IV, paragraph 2, are applied.

2. Other Governments may also make financial contributions to help meet the cost of particular research projects, of meetings organized by the Centre and held either at the Centre or elsewhere, or of the general operation of the Centre. The Secretary-General shall establish a Fund to receive such contributions and contributions made by organizations and individuals for the purposes of the Centre.

3. The Secretary-General and the host Government may consider, in consultation with States participating in and supporting the Centre, the conclusion of a multilateral agreement regarding the operation of the Centre. Such an agreement, if concluded, would replace the present Agreement, under detailed terms to be specified in the multilateral agreement or in a separate agreement between the Secretary-General and the host Government.

Article VII. FINANCIAL ARRANGEMENTS

1. After the competent authorities of the host Government and the United Nations have indicated what funds are available for the budget period under consideration, the annual budget of the Centre shall be drawn up by the Executive Director, in consultation with the Senior Adviser. The competent authorities of the host Government shall provide technical assistance. The annual budget shall be submitted to the Board of Directors for approval. Although the Board may make changes in the proposed budget as regards the funds to be allocated for specific programmes, it may not increase the total level of estimated expenditure. It may, however, make recommendations with respect to the total level of expenditure which it considers may be required in subsequent years.

2. The host Government shall determine the amount of its financial contribution to the Centre in accordance with the provisions of article IV and after taking into account such financial and other contributions as may be made by other Governments, or by organizations and individuals, to the expenses of the Centre.

Article VIII. ACCESS TO THE CENTRE

1. Subject to the normally applicable restrictions under Austrian law, the host Government shall grant such visas and permits as may be necessary in

order to ensure adequate conditions of work and stay and access to the Centre to all foreign members of the staff of the Centre and all persons officially invited to the Centre or the meetings held there.

Article IX. ENTRY INTO FORCE,
DURATION AND TERMINATION

1. This Agreement shall enter into force upon an exchange of notes between the Secretary-General and the duly authorized representative of the host Government. It shall remain in force for an experimental period of three years, subject to the availability of funds, unless within that time a multilateral agreement is concluded, in accordance with the provisions of article VI, paragraph 3, to replace the present Agreement. If no such multilateral agreement is concluded, this Agreement will be reviewed prior to the end of the third year for possible extension for a period to be determined in writing by the two Parties.

2. The Agreement may be terminated at any time by either Party upon written notice. The termination shall be effective six months after the receipt of such notice.

IN WITNESS WHEREOF, the respective representatives of the United Nations and the host Government, duly authorized thereto, sign the present Agreement.

DONE, in duplicate, in the English and German languages, both being equally authentic, at New York on the 24th day of July, nineteen hundred and seventy-four.

For the Federal Government
of Austria:

[Signed]

PETER JANKOWITSCH
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative
of Austria
to the United Nations

For the United Nations:

[Signed]

KURT WALDHEIM
Secretary-General

[TRANSLATION¹ — TRADUCTION²]

STATUTES OF THE "EUROPEAN CENTRE FOR SOCIAL WELFARE TRAINING AND RESEARCH" (EUROPÄISCHES ZENTRUM FÜR AUSBILDUNG UND FORSCHUNG AUF DEM GEBIET DER SOZIALEN WOHLFAHRT)

Article I. ESTABLISHMENT

(1) Considering resolution 1406 (XLVI) of the Economic and Social Council of the United Nations, the recommendations of the Conference of European Ministers Responsible for Social Welfare (The Hague, August 1972), based on the conclusions and recommendations of the United Nations Working Group on European Co-operation in the Development of Social Welfare Training and Research (Berne, February 1973), and the positive outcome of the consultations held by the Secretary-General of the United Nations with the Member Governments on the merits of establishing a European Centre, the founding committee has agreed to establish the "European Centre for Social Welfare Training and Research", hereinafter referred to as "the Centre", in accordance with the Agreement reached on the setting up of such a Centre between the United Nations and the Federal Government of Austria.

(2) The Centre shall be an autonomous institution and shall be based on co-operation between the Federal Government of Austria and the United Nations, especially the Governments of the other UN-Member States, the members of the specialized agencies or of the International Atomic Energy Agency, in particular those in Europe.

(3) The Centre shall be set up as a non-profit institution and shall be subject to the law and jurisdiction of the host country.

(4) The Centre's permanent headquarters shall be in Vienna.

Article II. PURPOSE

(1) The Centre shall promote co-operation in Europe in the field of social welfare, with special emphasis on training and research. In pursuit of this aim the Centre shall seek to enhance the efficiency of national training and research activities, to strengthen the European Social Development Programme of the United Nations, and to establish new channels of communication between all those who are engaged in the formulation and implementation of social development programmes. The activities of the Centre shall be designed to promote co-operation between the different regions of Europe.

(2) The main functions of the Centre shall be:

(a) to execute training programmes by organizing working groups, seminars and courses;

¹ Translation supplied by the Government of Austria.

² Traduction fournie par le Gouvernement autrichien.

- (b) to carry out and promote research, including research projects calling for co-operation between the Centre and organizations, governmental authorities and other bodies or individuals;
- (c) to maintain relationship with organizations, government authorities and other bodies and individuals active in the field of social welfare, and to supply them with information concerning the Centre's scheduled activities and other matters of mutual interest.

Article III. MEANS TO ACHIEVE THIS PURPOSE

(1) It shall be incumbent upon the Centre to make use of all such means as are suitable for the achievement of the aims set forth in article II. In particular, the Centre shall organize working groups, seminars and courses with a view to implementing training programmes, and shall carry out and foster research projects. In order to be able to perform these functions, the Centre shall be equipped with the necessary staff. In addition to the Executive Director and a Senior Adviser to be appointed by the United Nations, the Centre's staff shall be instructing and research personnel composed of specialists who shall be delegated by other Governments, the Government of the host country, or the United Nations. UN-assigned personnel shall, however, serve solely on a short-term basis.

(2) The funds necessary for the achievement of the aims set forth in article II shall be raised from out of membership fees.

(3) Additional funds shall be raised from the contributions made to the Centre by the United Nations and its European Member States, the specialized agencies of the United Nations, other international organizations and private organizations, as well as individuals. In addition, funds may be raised from donations, legacies and other kinds of contributions.

Article IV. MEMBERSHIP

(1) Ordinary membership is open to the Republic of Austria, other public bodies as well as international and private organizations. Ordinary membership is conditional upon the Member

- (a) accepting the statutes of the Centre as binding;
- (b) promoting the aims of the Centre through active co-operation;
- (c) fulfilling the financial and other obligations assumed with membership.

(2) Ordinary members may submit proposals to the Board and may, upon invitation, participate in board meetings in an advisory capacity. Such members shall receive the publications of the Centre and be informed of the results of its activities.

(3) Natural persons and legal entities may become promoting members by supporting the Centre through financial contributions. Such members are to be informed of the results of the Centre's activities.

(4) The Board shall decide on the admission of members. Before the Board is constituted, members shall be admitted by the founding members.

(5) Any member may withdraw from the Centre by giving notice to this effect as at the end of the current business year.

(6) The Board may state that a member has not fulfilled the financial or other obligations incumbent upon it pursuant to these Statutes. In this event, membership shall terminate on the day of, and pursuant to, the above statement.

Article V. COMMENCEMENT OF ACTIVITIES
AND BUSINESS YEAR

The Centre shall take up its activities upon constitution of the Board. The first business year shall end on the 31st of December following such date.

Article VI. ORGANIZATION

The organs of the Centre shall be:

- (a) the Board;
- (b) the Chairman;
- (c) the Management;
- (d) the Auditors.

Article VII. THE BOARD

(1) The Board shall consist of four members appointed by the Secretary-General of the United Nations, four members appointed by the Austrian Federal Government and the Representative of the Secretary-General of the United Nations, who shall be the Chairman of the Board.

(2) The members of the Board shall be appointed for a term of three years. Should a Board member be temporarily absent, the delegating authority may appoint a deputy.

(3) The four members appointed by the Secretary-General of the United Nations shall be experts in the field of social welfare and development, and be selected on the basis of their professional qualifications from among the nationals of those countries, other than Austria, which co-operate in the Centre. In making such appointments the Secretary-General of the United Nations shall endeavour to achieve a balanced representation of countries in different stages of social and economic development.

(4) The Executive Director of the Centre shall *ex officio* be a non-voting member of the Board.

(5) The Board shall be convened annually at the initiative of the Chairman. The Board shall consider all matters relating to the activities of the Centre brought to its attention by the Chairman or the Executive Director.

(6) Each year, the Executive Director shall for consideration and approval submit to the Board a report covering (i) the previous year's activities; and (ii) the activities scheduled for the coming year. The Board may request additional reports and may modify reporting requirements (for example, to obtain reports covering longer periods), should this prove desirable in the light of past experience.

(7) After the competent authorities of the host country and the United Nations have confirmed which funds shall be available for the relevant budget period, the annual budget of the Centre shall be drawn up by the Executive Director in consultation with the Senior Adviser. The competent authorities of the host country shall provide technical assistance to this end. The annual budget shall be submitted to the Board for approval. Although the Board may make changes in the proposed budget as regards the funds to be allocated for specific programmes, it must not increase the total amount of expenditures to be expected. It may, however, make recommendations as to the total amount of expenditures which it deems necessary for the following years.

(8) The Board shall, whenever possible, make its decisions and recommendations unanimously. Should the Chairman be of the opinion that the Board is not in a position to reach unanimous agreement, a vote shall be taken. Each member shall have one vote. Decisions shall be taken by a simple majority vote. The Chairman shall not vote, except in the event of a tie. In order to reach valid decisions, the presence of six members shall be required.

(9) The Board may invite representatives of organizations forming part of the United Nations system and of non-governmental organizations having consultative status with the Economic and Social Council, as well as representatives of the Ordinary Members, to attend its meetings at their own expense.

(10) The Board may appoint such additional bodies as it may deem desirable. These shall report to the Board.

Article VIII. THE CHAIRMAN

(1) The Chairman of the Board shall be the representative of the Secretary-General of the United Nations.

(2) The Chairman shall represent the Centre externally and shall be authorized to sign on its behalf jointly with the Executive Director. He may, however, authorize the Executive Director of the Centre to sign alone.

(3) The Chairman shall determine the agenda of the Board meetings, convene the meetings and chair them.

Article IX. THE MANAGEMENT OF THE CENTRE

(1) The Executive Director is entrusted with the management of the Centre.

(2) The Chairman shall represent the Centre externally and shall be authorized to sign on its behalf jointly with the Executive Director. He may, however, his appointment shall be approved by the Board. His functions shall be:

- (a) to plan and direct the Centre's programme of activities in consultation with the Senior Adviser;
- (b) to organize and direct the Centre's administration in consultation with the Senior Adviser, and to appoint the other staff members likewise in consultation with the Senior Adviser;
- (c) to prepare and submit to the Board the reports and the annual budget estimates of the Centre.

(3) The Senior Adviser shall be appointed by the United Nations in consultation with the Austrian Federal Government. His functions shall be:

- (a) to advise the Executive Director in the performance of the latter's functions and provide appropriate liaison with the United Nations;
- (b) by co-operating with the Executive Director, to assume responsibility for the administration of the Centre and the planning and conduct of research and training;
- (c) by co-operating with the Executive Director, to promote and/or assist the execution of the Centre's aims and activities.

Article X. AUDITORS

(1) The two auditors to be appointed by the Board must not be members of the Board.

(2) The auditors shall attend to the supervision of the current financial operations and shall audit the annual statement of accounts to be set up once a year. They shall report on the audit.

Article XI. SETTLEMENT OF DISPUTES

A Court of Arbitration shall be set up for the purpose of settling disputes among members. It shall consist of a chairman nominated by the Board and two representatives nominated by the disputing parties. The award of the Court of Arbitration shall be final.

Article XII. STATUTE AMENDMENTS

(1) Amendments to these Statutes may be proposed by any ordinary member.

(2) The proposed amendment shall be submitted in writing to all ordinary members prior to the Board meeting at which they are to be discussed, so that the members may make comments.

(3) The proposed statute amendments shall also be communicated *a priori* to the United Nations.

Article XIII. DISSOLUTION AND LIQUIDATION

(1) Pursuant to these Statutes the Centre shall be considered dissolved if the Board decides to dissolve the Centre, or if all but one of the ordinary members withdraw from membership.

(2) In case a decision to dissolve the Centre should be taken, the Board shall also decide upon the use of any property left. The existing assets shall be used in accordance with the aims pursued by the Centre.

EXCHANGE OF NOTES

I

7 August 1974

Sir,

On behalf of the Secretary-General, I have the honour to propose that this note and your reply constitute an exchange of notes in the terms of article IX of the Agreement between the United Nations and the Federal Government of Austria for the establishment of the European Centre for Social Welfare Training and Research signed at New York on 24 July 1974.

In connexion with the envisaged coming into effect of the afore-mentioned Agreement, I should like to inform you of my understanding that the Federal Government of Austria will take the necessary steps in order to ensure parliamentary approval for an exchange of notes which will extend the privileges and immunities prescribed in article XII of the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of UNIDO, of 13 April 1967,¹ to the United Nations officials (in the sense of article V of the Convention on Privileges and Immunities of the United Nations²) attached to the Centre.

It would be greatly appreciated if you would concur in this understanding, when acknowledging receipt of the present note.

Accept, Sir, the assurances of my highest consideration.

[Signed]

ERIK SUY

The Legal Counsel

Mr. Wolfgang Wolte
Acting Permanent Representative of Austria
to the United Nations
Austrian Mission to the United Nations
New York

¹ United Nations, *Treaty Series*, vol. 600, p. 93.

² *Ibid.*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

II

AUSTRIAN MISSION TO THE UNITED NATIONS
NEW YORK

August 7, 1974

No. 931-RES/74

Sir,

I have the honour to acknowledge receipt of your note dated August 7, 1974. Your note and this note shall constitute an exchange of notes in terms of article IX of the Agreement between the United Nations and the Federal Government of Austria for the establishment of the European Centre for Social Welfare Training and Research signed at New York on July 24, 1974.

In connection with the question of privileges and immunities for the United Nations officials (in the sense of article V of the Convention on Privileges and Immunities of the United Nations) attached to the Centre, I have the honour to inform you that the Federal Government of Austria will initiate action towards submitting an exchange of notes between the Republic of Austria and the Secretary-General of the United Nations containing the extension of privileges and immunities as laid down in article XII of the Agreement between the United Nations and the Republic of Austria regarding the Headquarters of UNIDO dated April 13, 1967, to the United Nations officials attached to the Centre to parliament for approval.

Accept, Sir, the assurance of my highest consideration.

[Signed]

WOLFGANG WOLTE

Minister Counsellor

Acting Permanent Representative of Austria
to the United Nations

The Legal Counsel
Mr. Erik Suy
Under-Secretary-General
Office of Legal Affairs
United Nations Headquarters
New York
