

No. 49375

**United Nations
and
Republic of Korea**

Agreement between the United Nations and the Government of the Republic of Korea regarding the establishment of the Regional Centre for Asia and the Pacific of the United Nations Commission on International Trade Law. Incheon, 10 January 2012

Entry into force: *8 February 2012 by notification, in accordance with article 20*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *ex officio, 8 February 2012*

**Organisation des Nations Unies
et
République de Corée**

Accord entre l'Organisation des Nations Unies et le Gouvernement de la République de Corée relatif à la création du Centre régional pour l'Asie et le Pacifique de la Commission des Nations Unies pour le droit commercial international. Incheon, 10 janvier 2012

Entrée en vigueur : *8 février 2012 par notification, conformément à l'article 20*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *d'office, 8 février 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE UNITED NATIONS
AND
THE GOVERNMENT OF THE REPUBLIC OF KOREA
REGARDING THE ESTABLISHMENT OF
THE REGIONAL CENTRE FOR ASIA AND THE PACIFIC
OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW**

The United Nations and the Government of the Republic of Korea (hereinafter referred to as the "Government") (together jointly referred to as the "Parties"):

WHEREAS the General Assembly of the United Nations noted, in its resolution 64/111 of 16 December 2009, the request by the United Nations Commission on International Trade Law (hereinafter referred to as "UNCITRAL") for its Secretariat to explore the possibility of establishing a presence in specific regions or countries with a view to facilitating the provision of technical assistance with respect to the use and adoption of UNCITRAL texts;

WHEREAS the Parties have agreed to cooperate in facilitating the provision of technical assistance in the Asia-Pacific region with a view to promoting the awareness, implementation and uniform interpretation of UNCITRAL texts by establishing the UNCITRAL Regional Centre for Asia and the Pacific (hereinafter referred to as the "Regional Centre");

WHEREAS the United Nations, following a comprehensive consultation with its Member States, decided to accept the offer from the Government to establish the Regional Centre in the Republic of Korea;

WHEREAS the Parties have agreed that the United Nations shall be responsible for the management of funds provided to the United Nations to meet the costs of the Regional Centre; and

WHEREAS the Government has agreed to grant the United Nations the necessary privileges and immunities as well as facilities for the Regional Centre to perform its functions;

HAVE agreed as follows:

Article 1

Establishment and Location

The Regional Centre shall be established and located in the Republic of Korea.

Article 2

Objective and Functions

1. The objective of the Regional Centre is to enhance international trade and development in the Asia-Pacific region by promoting certainty in international commercial transactions through the dissemination of international trade norms and standards, in particular relevant UNCITRAL texts.

2. The Regional Centre shall carry out the following functions:

- (a) provide technical assistance to States in the region with respect to the implementation and uniform interpretation of UNCITRAL texts;
- (b) consult closely with international and regional organizations active in the region with respect to law reform projects aimed at capacity building of States in the region;
- (c) collect and update information on case law and enactments of UNCITRAL texts in the region;
- (d) disseminate information about recent developments in the field of international trade law, including those of UNCITRAL;
- (e) serve as a liaison office of UNCITRAL in the region by building professional networks and undertaking outreach activities; and
- (f) undertake other activities mutually agreed upon by the Parties.

Article 3

Legal Capacity

The United Nations, acting through the Regional Centre, shall have the capacity to:

- (a) contract;
- (b) acquire and dispose of movable and immovable property; and
- (c) institute legal proceedings.

Article 4

Regional Centre Personnel

1. The Regional Centre shall be headed by an internationally-recruited staff (hereinafter referred to as the "Head of the Regional Centre"), and shall be comprised of other United Nations staff. The Head of the Regional Centre and all other United Nations staff of the Regional Centre are United Nations officials, irrespective of their nationalities.

2. All United Nations officials shall be recruited and appointed under the Staff Rules and Regulations of the United Nations, with the exception of persons who are recruited locally and assigned hourly rates, as noted in General Assembly Resolution 76(I) of 7 December 1946.

3. The United Nations shall provide the Government, from time to time, in writing, the list of United Nations officials and their families and any change thereto.

4. As appropriate, the United Nations may engage the services of non-staff personnel in accordance with United Nations regulations, rules, policies and procedures.

5. The level and number of United Nations officials shall be agreed upon separately by the Parties, subject to the needs of the Regional Centre and the availability of financial resources.

Article 5

Financing

The Government and its relevant authorities shall, subject to relevant and appropriate laws and regulations and the annual budget appropriation in the Republic of Korea, contribute substantially to financing the Regional Centre and its activities, as shall be separately agreed between the Parties.

Article 6

Applicability of the Convention to the Regional Centre

The Convention on the Privileges and Immunities of the United Nations of 1946 (hereinafter referred to as the "Convention"), to which the Government has been a party since 9 April 1992, without prejudice to the reservation made by the Government upon its accession thereto, shall apply to the United Nations, including the Regional Centre, its property and assets, its officials and experts on mission in the Republic of Korea.

Article 7

Premises and Security

1. The premises for the Regional Centre shall be deemed to constitute premises of the United Nations as referred to in Section 3 of the Convention.

2. The premises of the Regional Centre shall be used solely to further its functions. The Head of the Regional Centre may permit, in a manner compatible with the functions of the Regional Centre, the use of the premises and facilities for meetings, seminars, exhibitions and related purposes which are organized by the United Nations, including the Regional Centre, and other related organizations.

3. In case of fire or other emergency requiring prompt protective action, the consent of the Head of the Regional Centre or his/her representative to any necessary entry into the premises shall be presumed if neither of them can be reached in time.

4. The appropriate authorities of the Government shall exercise due diligence to ensure the security, protection and tranquility of the premises of the Regional Centre. They shall also take all possible measures to ensure that the tranquility of the Regional Centre is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity.

5. Without prejudice to and notwithstanding the foregoing paragraph, the United Nations may make any provisions relating to its security and the security of its personnel as it deems relevant and necessary in accordance with the relevant decisions and resolutions of the United Nations.

6. Except as otherwise provided in this Agreement or in the Convention, the laws applicable in the Republic of Korea shall apply within the premises of the Regional Centre.

7. The premises of the Regional Centre shall be under the control and authority of the United Nations, which may establish regulations for the execution of its functions therein.