AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF KOREA
AND
THE INTERNATIONAL ORGANIZATION FOR MIGRATION
ON THE ESTABLISHMENT AND OPERATION OF
THE IOM MIGRATION RESEARCH AND TRAINING CENTRE
The Government of the Republic of Korea (hereinafter referred to as "the Government") and the International Organization for Migration (hereinafter referred to as "IOM"),

RECOGNIZING the need to foster research and training regarding international migration, thereby contributing to the social, economic, and cultural development in the world, as well as facilitating freer international movement of human resources,

WILLING to respond to this need through the IOM Migration Research and Training Centre of the International Organization for Migration (hereinafter referred to as "the Centre") in the Republic of Korea,

DESIRING, through this Agreement, to define the objectives, functions and structure of the Centre and to set forth the commitments of both Parties with regard to its establishment and operation,

HEREBY AGREE as follows:

Article 1
OBJECTIVES

The objectives of the Centre shall be, in keeping with the principles set forth in the Constitution of IOM, to:
(a) promote international understanding of migrants and migration issues;
(b) contribute to the development of migration policies of States through research, information exchange, surveys and migration-related education;
(c) build the capacity of States through training on international migration law, migration management and human rights of migrants; and
(d) contribute to the advancement of the understanding of the linkages between migration and development, environment, security, human rights and employment
Article 2
FUNCTIONS

1. To achieve its objectives, the Centre shall carry out:
   (a) migration-related surveys, research, advisory services and information exchange on migration policies and States legislation;
   (b) social integration programmes and educational training;
   (c) training of specialists on international and national migration laws and policies;
   (d) international exchange and cooperation programmes as well as international conferences on migration policy and legislation;
   (e) activities to support institutes and their research on migration policy;
   (f) publication and dissemination of research papers, periodicals, reports and other professional documents; and
   (g) such other activities as are consistent with the objectives of the Centre.

2. The Centre may carry out its activities in cooperation with governments, international organizations, academia, civil society organizations and other relevant bodies.

Article 3
SEAT

The Centre is based in Gyeonggi Province, Republic of Korea.

Article 4
LEGAL STATUS

The Centre shall possess legal personality, with the capacity, inter alia, to contract, to acquire and dispose of movable and immovable property and to institute legal proceedings, in accordance with the laws of the Republic of Korea.

Article 5
BOARD

A Board of the Centre shall be established and operated, in accordance with the
Statutes of the Centre as follows:

1. There shall be a Board of the Centre, consisting of a Chairperson appointed by the Ministry of Justice of the Republic of Korea, the Director of the Centre appointed pursuant to Article 6, and no more than 12 additional members, at least two of whom shall be appointed by the Director General of IOM.

2. The members of the Board, excluding the Chairperson and the Director of the Centre, shall be appointed for terms of 2 years, and may be reappointed to additional terms.

3. The Board shall have the following responsibilities:
   (a) recommend candidate(s) for the appointment as the Director of the Centre;
   (b) appoint the Auditor;
   (c) establish rules for the appointment and supervision of the Director of the Centre and, based on these rules, the Chairperson, for and behalf of the Board, shall sign the employment contract with the Director at the beginning of his/her employment;
   (d) issue the employment contract for the Director of the Centre;
   (e) approve a yearly plan of activities, budget and financial reports submitted by the Director of the Centre and the audit report submitted by the Auditor;
   (f) evaluate completed and ongoing activities on the basis of annual reports submitted by the Director of the Centre, and approve such annual reports;
   (g) enact or revise the statutes and regulations needed for the operation of the Centre; and
   (h) consider matters submitted to it by the Director of the Centre.

4. The Board shall meet at least once a year, at the request of its Chairperson. It shall adopt its own rules of procedure.

5. The Board shall take its decisions by majority vote except as otherwise provided in its rules, provided that the Chairperson shall have a casting vote whenever an equal number of votes are cast for and against any proposal.

Article 6
DIRECTOR AND OTHER STAFF MEMBERS
1. The Director of the Centre shall be appointed by the Board, subject to the joint approval by the Director General of IOM and the Chairperson of the Board, upon recommendation by the Board.

2. The Auditor shall be appointed by the Board.

3. The Director of the Centre shall:
   (a) represent, promote and fundraise for the Centre both nationally and internationally;
   (b) supervise the activities of the Centre and be responsible for the administration of the Centre;
   (c) select and appoint the staff of the Centre;
   (d) submit to the Board yearly plan of activities and budget estimates of the Centre for the next year for its consideration and adoption; and
   (e) submit to the Board annual and ad hoc reports on the activities of the Centre and the execution of its activities, including yearly financial reports audited by the Auditor.

4. The Director of the Centre shall be appointed for a term of three years and may be reappointed to a second successive term. The Director of the Centre shall be evaluated at the mid-term point of his/her appointment by the Board in accordance with the evaluation criteria established by the Board.

5. If the Director of the Centre is unable to carry out his/her duties or is absent, the Deputy Director shall carry out the Director’s duty.

6. The Deputy Director and other staff of the Centre shall be appointed by the Director in accordance with the rules adopted by the Board.

7. The Director General of IOM may designate IOM staff to the Centre and the terms and conditions of service of such staff shall be in accordance with IOM’s Staff Regulations and Rules and paragraph 10 below.

8. The staff of the Centre shall be subject to the authority of the Director and shall
be responsible to him/her in the exercise of their functions.

9. The Director, Deputy Director, Auditor and staff of the Centre shall be paid by the Centre within the limit of the budget annually earmarked under Korean national law.

10. In regard to IOM staff designated in accordance with paragraph 7 above, any difference between the budget of the Centre and the actual cost may be covered by mutual agreement between IOM and the Centre.

11. The IOM Staff designated in accordance with paragraphs 7 and 10 above shall work within the management structure of the Centre.

Article 7
ADVISORY COMMITTEES

The Centre may, upon recommendation by the Director and by decision of the Board, establish Advisory Committees composed of financial, academic, governmental and other relevant representatives.

Article 8
FINANCE

1. The budget of the Centre shall be financed by the Government and/or other resources.

2. The Centre may accept voluntary contributions by governments, international organizations and other sources.

3. All financial commitments shall be incurred and expenditures effected under the authority of the Director of the Centre.

Article 9
AUDITING
The accounts of the Centre shall be audited at least once per year. The Auditor shall submit an audit report to the Board annually.

Article 10

PRIVILEGES AND IMMUNITIES OF IOM STAFF

IOM staff serving as staff members of the Centre, or performing other functions in the Republic of Korea in connection with the Centre, shall enjoy the privileges and immunities granted to IOM and its staff by the Cooperation Agreement concluded on 5 April 2005 between the Government of the Republic of Korea and IOM.

Article 11

RESPONSIBILITIES OF THE PARTIES

1. The Government shall be responsible for:
   (a) appointing the Chairperson and members of the Board referred to in Article
   (b) providing suitable premises and facilities for the Centre;
   (c) financing the budget of the Centre;
   (d) co-ordinating and facilitating the involvement of other Korean organizations in the activities and events of the Centre; and
   (e) ensuring that members of IOM staff performing functions in connection with the Centre in the Republic of Korea enjoy privileges and immunities in accordance with Article 10.

2. IOM shall be responsible for:
   (a) appointing members of the Board referred to in Article 5;
   (b) designating IOM staff in accordance with Article 6(7) above
   (c) providing, to the extent possible, substantive input to the Centre's activities and programmes, drawing on its expertise and its network of officials and experts;
   (d) associating the Centre, where it considers appropriate, with its various programmes; and
   (e) encouraging IOM Member States to actively participate in, cooperate with and provide support for the Centre.
Article 12
DISSOLUTION

Any dissolution of the Centre shall take place as follows, in accordance with the Statutes of the Centre:

(a) the Government and IOM may decide upon the dissolution of the Centre;
(b) the movable and immovable property of the Centre donated by the Government shall be returned to the Government, unless otherwise agreed between the Government and IOM; and
(c) the remaining funds and assets of the Centre shall be used in accordance with decisions of the Board, except to the extent that the disposal of the unspent balance of any contributions made to the Centre may be subject to conditions attached by the donors and accepted by the Director at the time such contributions were made.

Article 13
SETTLEMENT OF DISPUTES

Any dispute between the Government and IOM relating to the interpretation and application of this Agreement shall be settled amicably through negotiations between the Parties.

Article 14
GENERAL PROVISIONS

1. This Agreement shall enter into force on the date when the Parties have notified each other of the completion of their respective internal procedures for the entry into force of this Agreement.

2. Consultations with a view to amending this Agreement may be held at the request of either Party. Any amendments may be made by the mutual written consent of the Parties.

3. The Government and IOM may, by written agreement, enter into such supplementary
agreements as may be necessary. Any relevant matter for which no provision is made in this Agreement shall be settled by the Parties in keeping with the spirit of this Agreement. Each Party shall give full and sympathetic consideration to any proposal advanced by the other Party under this Paragraph.

4. This Agreement shall cease to be in force:
(a) six months after either of the Parties shall have given notice in writing to the other of its decision to terminate the Agreement;
(b) on the date when normal cessation of the remaining activities of the Centre and the subsequent disposal of its property in the Republic of Korea have been completed after the six-month period referred to under (a) above; or
(c) by mutual agreement of the Parties.

5. With the effect from the date of the entry into force of this Agreement, the Agreement between the Government of Republic of Korea and the International Organization for Migration on the Establishment of the Migration Research and Training Centre of the International Organization for Migration signed at Geneva on the 30th day of June, 2009 shall be replaced by this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by the Parties, have signed this Agreement.

Done in duplicate in Geneva, on 14 April 2014, in the English language.

FOR THE GOVERNMENT OF
THE REPUBLIC OF KOREA

FOR THE INTERNATIONAL
ORGANIZATION FOR MIGRATION