

Agreement on RACVIAC – Centre for Security Cooperation

Preamble

States participating in the South-East European Co-operation Process – (SEECP), Parties to this Agreement (hereinafter referred to as “the Parties”),

Recalling the “Agreement between the Government of the Republic of Croatia and the Government of the Federal Republic of Germany on the establishment of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC)”, done at Zagreb on 8 March 2001,

Recalling that in accordance with Article 1, paragraph (4) of that Agreement, the Italian Republic acceded to that Agreement on 21 August 2002, as well as the Republic of Turkey on 15 September 2004,

Recalling the Multinational Advisory Group (hereinafter referred to as “MAG”) decisions and deliberations on future legal status and new strategy of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC),

Mindful of the efforts invested in establishing a closer regional co-operation and determined to the enhancing of regional ownership,

Ready to closely cooperate with the Regional Cooperation Council (RCC), and all other regional initiatives and arrangements,

Whereas it is the responsibility and duty of all countries in the South Eastern Europe to foster dialogue and cooperation on security matters in South Eastern Europe through a partnership between themselves as well as their international partners,

Convinced of the necessity to reorganize the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) in order to contribute to the opening of RACVIAC activities to all Parties ready to observe the provisions of this Agreement,

Aware that it is in their common interest to participate in the activities of the modernized and reorganized Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) and to capitalize from the progress and achievements made by RACVIAC so far

Have agreed as follows:

Title I

Establishment, Mission and Activities

Article 1

Establishment

- 1) The Parties hereby establish RACVIAC - Centre for Security Cooperation (hereinafter referred to as "RACVIAC").
- 2) RACVIAC is the legal successor to the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) established by the "Agreement between the Government of the Republic of Croatia and the Government of the Federal Republic of Germany on the establishment of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC)", done at Zagreb on 8 March 2001, acceded by the Italian Republic on 21 August 2002 and Republic of Turkey on 15 September 2004.
- 3) RACVIAC - Centre for Security Cooperation is an international, independent, non-profit, regionally owned, academic organization.

Article 2

Mission

The mission of RACVIAC is to foster dialogue and cooperation on security matters in South Eastern Europe through a partnership between the Parties and their international partners.

Article 3

Scope of Activities

RACVIAC shall accomplish its mission by primarily promoting:

- a) Security dialogue and security sector reform, arms control as well as confidence and security building measures;
- b) Synergy with other organizations and institutions such as NATO, EU, OSCE, as well as bilateral partners on all issues of mutual interest and concern,
- c) Close cooperation with RCC and all other regional initiatives and arrangements,
- d) Dialogue with civil society, academia and opinion makers.

Title II

Members of RACVIAC

Article 4

Members

- 1) The Parties to this Agreement are Members of RACVIAC.
- 2) The Members shall second personnel to the Secretariat and make a financial contribution to the Budget of RACVIAC according to the Financial Regulations.
- 3) The position of the Chair of MAG and the position of the Director shall be exclusively open to secondment by Members. Other senior positions, open to exclusive secondment by Members shall be defined through a separate decision by MAG.

Article 5
Associate Members

- 1) Associate Member status shall be open upon a written request to any state that expresses its readiness to cooperate with and contribute to RACVIAC.
- 2) MAG shall decide regarding the application.
- 3) Associate Member status shall entail the secondment of personnel and / or financial contribution and / or contribution in kind to the operations of RACVIAC.
- 4) Associate Member status may be suspended or terminated by a decision of MAG, in accordance with the provisions of this Agreement.
- 5) Associate Members may attend MAG meetings and participate in its work, as appropriate.

Article 6
Observers

- 1) Other interested states, as well as international organizations, non-governmental organizations and institutions may participate in RACVIAC as Observers after approval by MAG.
- 2) MAG decides regarding the application to become an Observer in RACVIAC.
- 3) Observer status may be suspended or terminated by a decision of MAG, in accordance with the provisions of this Agreement.
- 4) Observers in RACVIAC may attend meetings and participate in the work of MAG but shall not have right to vote.

Title III
Organization and Structure of RACVIAC

Article 7
Multinational Advisory Group (MAG)

- 1) MAG is the sole decision making body of RACVIAC.
- 2) MAG acts as a steering committee for RACVIAC. MAG shall provide direction to ensure the operation and development of RACVIAC.

Article 8
Composition of MAG

- 1) MAG shall be comprised of one representative of each Member.
- 2) MAG appoints its Chairperson for a period of one year, which can be extended by MAG for an additional year. With the exception of a possible overlapping period, MAG Chairperson and the Director of RACVIAC shall not be representatives from the same State.
- 3) The Director of RACVIAC shall be a permanent advisor to MAG, shall participate in MAG meetings and shall have the right to make proposals to MAG.

Article 9 Procedures

- 1) MAG shall regularly meet twice a year.
- 2) Further meetings may be held as the Chairperson deems it necessary or upon request of at least 1/3 of MAG Members.
- 3) MAG can take decisions when more than half of its Members are present. The decisions of MAG are taken by consensus of its Members present. Consensus is understood as absence of objection.
- 4) If a MAG decision is required in-between MAG meetings that cannot be postponed to the next MAG meeting, a silence procedure may be implemented. The procedure provided in subparagraph 3) of this Article shall also apply for passing a decision by silence procedure.
- 5) A Member may not be represented by another Member during MAG meetings.
- 6) RACVIAC personnel may attend MAG meetings upon the request by MAG or the Director.
- 7) Representatives of States, international or regional organizations, bodies or individuals may be invited through MAG Chairperson, after consultation with the Members, as special guests to address MAG meeting or to inform MAG about specific areas of interest.

Article 10 Tasks of MAG

MAG decides:

- 1) on general guidelines for the operation of RACVIAC;
- 2) on the evaluation of measures carried out, the proposals made and reports submitted by the Director and reviews the progress of RACVIAC;
- 3) on the appointment of MAG Chairperson and the Director of RACVIAC;
- 4) on the adoption of MAG Terms of References (TOR), as well as on amendment on MAG TORs and all other regulations necessary for its work and the work of RACVIAC;
- 5) on the implementation of the current year's budget;
- 6) on the budget for the next fiscal year;
- 7) on the Annual Audit Report;
- 8) on the Annual Plan, including the proposed activities to be conducted, their financing and the resources required;
- 9) on Manpower Policy for RACVIAC personnel;
- 10) on changes to the overall structure of the Organisation and Manpower Table;
- 11) on the negotiation and signing of MOUs or political documents with third parties and authorizes either MAG Chairperson or the Director of RACVIAC to sign these documents;
- 12) on the date and venue of MAG meetings and approves the minutes of these meetings;
- 13) on all other issues that it deems relevant.

Article 11

Secretariat

- 1) RACVIAC shall have a Secretariat, which is the executive body of RACVIAC, headed by a Director. The Secretariat shall assist MAG and its subsidiary bodies in the performance of their functions. It shall carry out the duties provided for in this Agreement. It shall carry out the other functions entrusted to it under this Agreement as well as those functions delegated to it by MAG.
- 2) The Secretariat shall *inter alia*:
 - (a) prepare and submit to MAG the draft Annual Plan and budget of the organization;
 - (b) prepare and submit to MAG the draft report of the organization on the implementation of this Agreement and such other reports as MAG may request;
 - (c) provide administrative and technical support to MAG and its subsidiary bodies;
 - (d) address and receive communications on behalf of the organization to and from Members, Associate Members and Observers on matters pertaining to the implementation of this Agreement.
- 3) The Secretariat shall inform MAG of any problem that has arisen with regard to the discharge of its functions concerning the implementation of this Agreement that have come to its notice and that it has been unable to resolve or clarify through consultation with the Members, Associate Members and Observers concerned.
- 4) The Secretariat shall be responsible for ensuring that such tasks as may be required to ensure the proper functioning of RACVIAC, are carried out.

Article 12

Director

- 1) The Director shall be appointed by MAG upon the recommendation of Members, for a term of three years, renewable for a one further term, but not there after.
- 2) The Director shall be responsible to MAG for the appointment of the personnel and the organization and functioning of the Secretariat. Only citizens of Members shall serve as the Director.
- 3) The Director is the Head of the Secretariat and acts as the permanent advisor to MAG in accordance with Article 8 paragraph 3.
- 4) The Director is responsible for ensuring the regular and efficient functioning of RACVIAC. The Director reports to and is accountable to MAG.

Article 13

Personnel and Recruitment

- 1) RACVIAC organization shall be structured and approved by MAG to provide the most efficient, effective and flexible response to the needs of MAG States. Its organization shall provide a structure, which is regionally led and administratively and logistically self-sufficient.
- 2) RACVIAC Personnel includes Director, Deputy Director, seconded personnel and other administrative-technical personnel of the Secretariat.
- 3) RACVIAC is manned primarily by secondment of personnel who are open to coordination and cooperation, competent at finding multilateral solutions and have sufficient education, experience and background to meet their job descriptions. Where posts are reserved exclusively to the host nation, the Republic of Croatia as Host Nation shall ensure sustainable secondment of personnel.

- 4) Observers, international organizations, non-governmental organizations and institutions may second personnel, and / or assign personnel for specific projects on a temporary basis, pending a decision by MAG.
- 5) Regulations shall include rules, principles and procedures governing the selection of personnel, their recruitment, classification of posts and efficient operation of RACVIAC Secretariat in attainment of the objectives of this Agreement.

Article 14

Employment Conditions

- 1) MAG shall, by Decision, specify the Staff Regulations of RACVIAC. These shall reflect, at least, the following principles:
 - a) Unless otherwise provided in this Agreement, citizens of all the Members and Associate Members shall have equal access to employment in RACVIAC. Recruitment shall be guided by the necessity for the proper discharge of the responsibilities of the Secretariat.
 - b) Selection and promotion and all other aspects of personnel management shall be, according to the principle of merit, and respecting the requirements of fairness, transparency, diversity and representation from all Members.
- 2) The resolution of personnel disputes shall be processed by a Panel of Adjudicators to be established through a separate MAG decision.

Article 15

Impartiality

- 1) In the performance of their duties, the Director and personnel of the Secretariat shall neither seek nor receive instructions from any individual Member of MAG, or from any State or authority external to MAG.
- 2) Each Member, Associate Member or Observer shall respect the exclusively international character of the responsibilities of the Director and the other personnel and should not seek to influence them in the discharge of their responsibilities.

Title IV

Financial Management

Article 16

Financing

- 1) RACVIAC shall be financed from regular annual contributions of Members, as well as from voluntary contributions, donations, and other sources.
- 2) Scale of distribution of contributions and the timeframe of the transfer of contributions of Members shall be defined in the Financial Regulations.

Article 17

Annual Budget

- 1) RACVIAC budget shall be established on an annual basis and its content shall be defined in the Financial Regulations.
- 2) The Annual Budget sets forth total income and total expenditures for the year. The Annual Budget shall balance, with total annual income always covering total annual expenditures. RACVIAC is not permitted to enter into debt, unless decided by MAG.
- 3) The final authority for the Annual Budget rests with MAG based upon the proposal presented by the Director of RACVIAC, timely in advance, but not later than 90 days before the beginning of RACVIAC fiscal year.

Article 18

Financial Reporting

- 1) Director shall submit to MAG annual reports on the execution of the Annual Budget. The Report shall be a subject of approval by MAG.
- 2) There shall be an annual audit by independent auditors of the use of the Annual Budget. The Audit Report shall be subject to MAG approval. The Audit Report shall subsequently be made public.
- 3) MAG shall decide, on the independent external auditors, as well as on the extraordinary audit, which can be proposed by any MAG Member.

Title V

Legal Capacity, Privileges and Immunities

Article 19

Seat of RACVIAC

- 1) RACVIAC shall be seated in the Republic of Croatia.
- 2) A Host Nation Agreement shall be concluded between RACVIAC and the Government of the Republic of Croatia.
- 3) Official working language shall be English.

Article 20

Legal Capacity

- 1) RACVIAC shall enjoy such legal capacity to conclude international agreements with states and international organizations as may be necessary for the exercise of its functions and the fulfillment of its objectives.
- 2) It shall have the capacity to contract and to participate in legal proceedings, including acquiring and disposing of immovable and movable property.

Article 21
Privileges and Immunities of RACVIAC

RACVIAC, its premises and property shall enjoy in the Republic of Croatia, as Host Nation, a status equal to that accorded to diplomatic missions under the Vienna Convention on Diplomatic Relations of 18 April 1961.

Article 22
Privileges and Immunities of Personnel

- 1) Director, Deputy Director, as well as their spouses and members of their families forming part of their households, shall enjoy in the territory of the Republic of Croatia, as Host Nation, a status equal to that accorded to diplomatic agents and their spouses and members of their families forming part of their households, under the Vienna Convention on Diplomatic Relations of 18 April 1961.
- 2) All other members of RACVIAC Personnel and their spouses and members of their families forming part of their households shall enjoy in the territory of the Republic of Croatia, as Host Nation, a status equal to that accorded to administrative and technical staff and their spouses and members of their families forming part of their households under the Vienna Convention on Diplomatic Relations of 18 April 1961. In particular, they shall enjoy the right to import goods for their household requirements as well as to import or to purchase a motor vehicle for their personal use, exempt from customs duties and value added taxes (VAT), within one year of the day of their assuming duty in the Republic of Croatia as provided for by the national legislation.
- 3) If a member of RACVIAC Personnel is a national or permanent resident of the Republic of Croatia, as Host Nation, he/she shall however, on the territory of the Republic of Croatia, enjoy immunity with respect of acts done in his/her official capacity. This does not apply to personnel recruited in accordance with paragraph 4 of this Article.
- 4) The RACVIAC may recruit locally such auxiliary personnel as it requires, in accordance with national legislation of the Republic of Croatia.

Title VI
Final Provisions

Article 23
Amendments

- 1) This Agreement may be amended on the proposal of any Party.
- 2) Any such proposal shall be communicated to all other Parties by the Depositary for consideration and approval.
- 3) Parties shall notify Depositary as soon as possible of their acceptance of proposed amendments to this Agreement.
- 4) Amendments adopted by consensus in accordance with paragraph 3 shall enter into force in accordance with Article 27.

Article 24

Duration

This Agreement is concluded for an indefinite period of time.

Article 25

Reservations

No reservation may be made to this Agreement.

Article 26

Withdrawal

- 1) A Party to this Agreement may withdraw from this Agreement by written notice of withdrawal addressed to the Depositary. Such notice may take effect no earlier than the end of RACVIAC financial year in which the notice was received by the Depositary.
- 2) A Party to this Agreement shall not be discharged by reason of its withdrawal from financial obligations, which accrued while it was a Party to this Agreement.
- 3) A Party to this Agreement which has withdrawn from the present Agreement may subsequently apply to accede to the Agreement in accordance with Article 28 or to become an Observer in RACVIAC in accordance with Article 6.

Article 27

Entry into force

- 1) This Agreement shall be subject to ratification, acceptance or approval by the signatory States, in accordance with their respective legal requirements
- 2) This Agreement shall be opened for signature on the date 14th April 2010 and shall remain open for signature for two months thereafter.
- 3) This Agreement shall enter into force on the first day of the month following the date on which the fifth of the States, which have signed this Agreement, has deposited its instrument of ratification, acceptance or approval with the Depositary.
- 4) For the signatory State that ratifies, accepts or approves this Agreement after the date of its entry into force, in accordance with the paragraph 3 of this Article, this Agreement shall enter into force for that State on the first day of the first month following the date of deposit of its instrument of ratification, acceptance or approval with the Depositary.

Article 28

Accession

- 1) After the entry into force of this Agreement, any non-signatory SEECF participating State may accede to this Agreement.
- 2) The opening of this Agreement to the accession for the States outside SEECF participating States shall be subject of separate decision of MAG.

- 3) For the State which accedes in accordance with the paragraphs 1 and 2 of this Article, Agreement shall enter into force on the first day following the date of the deposit of its instrument of accession with the Depositary.

Article 29 **Transitional Provisions**

- 1) All past decisions of the Regional Arms Control Verification and Implementation Assistance Centre, in force at the date of entry into force of this Agreement shall be deemed as decisions of RACVIAC- Centre for Security Cooperation, to the extent that they do not contradict the provisions of this Agreement.
- 2) On the date of entry into force of this Agreement all property belonging to the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) shall be transferred to RACVIAC.
- 3) All States that are Associate Members of the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) shall enjoy that status as it is defined in this Agreement, unless they inform otherwise.
- 4) All countries, international organizations or institutions that are Observers to the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) shall enjoy that status as it is defined in this Agreement, unless they inform otherwise.

Article 30 **Settlement of Disputes**

In case of a dispute between two or more Parties or between a Party and RACVIAC concerning the interpretation or application of this Agreement, the Parties concerned shall seek a solution through mutual consultations and negotiations. When such disputes are not settled within six months, the Parties concerned shall submit the dispute to MAG for consideration and appropriate action.

Article 31 **Depositary**

The Government of the Republic of Croatia shall be the Depositary of the present Agreement.

In witness whereof, the undersigned, being duly authorized, have signed this Agreement.

Done at Budva, Montenegro, this Fourteenth of April 2010, in a single authentic copy in the English language.



Tomislav



Murat G.



Vladimir



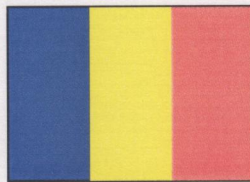
Stefan



Αγγελο



Stefan



CDUS

Zagreb, 18.02.2011



Stefan



Bkesozlu