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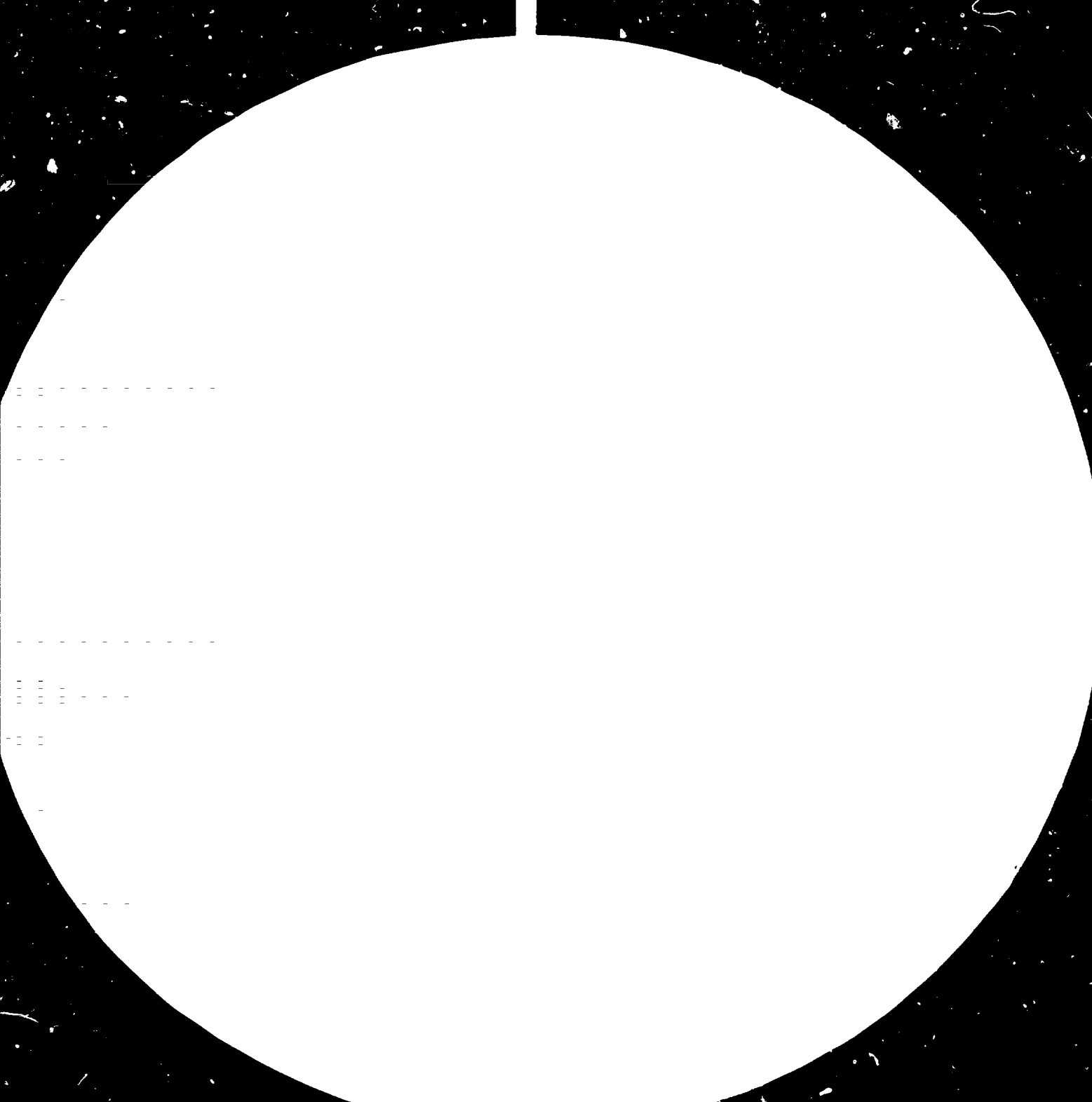
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3.2



4.0



Resolution test patterns are used to measure the resolving power of an optical system. The patterns consist of groups of three horizontal and three vertical lines of a given size. The size of the lines is specified by a number, such as 1.0, 1.1, 1.25, 1.4, 1.6, 1.8, 2.0, 2.2, 2.5, 2.8, 3.2, 4.0, etc. The resolving power of an optical system is the smallest size of lines that can be resolved. The resolving power is measured in cycles per millimeter (cycles/mm).



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United Nations Industrial Development Organization

High-Level Meeting on the Establishment of
the International Centre for Genetic Engineering
and Biotechnology,
Belgrade, Yugoslavia, 13-17 December 1982

DRAFT
MEMORANDUM OF UNDERSTANDING
AND
GUIDING PRINCIPLES OF THE
INTERNATIONAL CENTRE FOR GENETIC ENGINEERING
AND BIOTECHNOLOGY*

prepared by
the UNIDO Secretariat

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NOTE

In establishing the International Centre for Genetic Engineering and Biotechnology (ICGEB), the participating Governments will have to agree on essential aspects of its structure and operation. The adoption of Guiding Principles in this regard will facilitate early and orderly establishment of the Centre and its operation and also supplement the Work Programme and the budget document in serving as a basis for announcement of contributions from participating Governments.

To serve the above purposes Guiding Principles have been incorporated in the attached draft Memorandum of Understanding which has been prepared by the UNIDO Secretariat on the basis of the recommendations in the Report of Experts on the Establishment of the ICGEB (UNIDO/IS.254) and subsequent discussions with policy makers, scientists and technologists from several countries. The Board of Governors of the Centre may, in due course, amplify the Guiding Principles if necessary or adopt other instrumentalities as appropriate.

The meeting is requested to consider the draft Memorandum of Understanding and remit it with such comments and modifications as appropriate for adoption by the ministerial level meeting.

Draft

Memorandum of Understanding

Preamble

The Governments Parties to this agreement attending the . . .
meeting for at

Recognizing the need for applying genetic engineering and biotechnology for the benefit of mankind,

Urging that the potential of genetic engineering and biotechnology should be utilised to solve the pressing problems of development in the developing countries in industrial and other sectors,

Being aware of the need for international co-operation in this field, particularly in research, development and training,

Emphasizing the urgency of strengthening the scientific and technological capabilities of developing countries in this field,

Taking note of the Report of Experts on the Establishment of an International Centre for Genetic Engineering and Biotechnology (UNIDO/IS.254) and other papers prepared by the UNIDO Secretariat, and

Recognizing the important role that an International Centre would play in the application of genetic engineering and biotechnology for development,

Resolved on 1983 to engage themselves in establishing and maintaining at their common expenses the International Centre for Genetic Engineering and Biotechnology on the basis of the following:

Guiding Principles

1. Objectives

The objectives of the Centre shall be:

- (a) To develop and promote application of genetic engineering and biotechnology for solving the problems of development in developing countries;
- (b) To assist developing countries in strengthening their scientific and technological capabilities in the field of genetic engineering and biotechnology;
- (c) To promote international co-operation in applying genetic engineering and biotechnology for the benefit of mankind;
- (d) To serve as a forum for exchange of experience among scientists and technologists of all participating countries.

2. Functions

In fulfilment of its foregoing objectives, the Centre shall generally take all necessary and appropriate action, and in particular shall:

- (a) Carry out research and development and pilot plant activities in the field of genetic engineering and biotechnology with a view to develop applications;
- (b) Train and arrange the training elsewhere of scientific and technological personnel from participating countries;
- (c) Provide advisory services on request to participating developing countries for establishing or strengthening national institutions or programmes and related matters;
- (d) Promote interaction between the scientific and technological communities of the participating countries through programmes to enable visits of able scientists and technologists to the Centre, programmes of associateship and other activities;
- (e) Convene expert meetings to help the activities of the Centre and to monitor and assess scientific and technological development in the field of genetic engineering and biotechnology;
- (f) To promote networks of national and international institutions as appropriate to facilitate activities such as joint research programmes, testing and sharing of results, pilot-plant activities and information exchange;

- (g) Carry out a programme of bioinformatics to support in particular research and development and application;
- (h) Collect and disseminate relevant information.

3. Participation

- 3.1 This Memorandum of Understanding shall be open to the Governments of States members of the United Nations or a specialized agency or the International Atomic Energy Agency which associate themselves with the objectives and principles of the Centre.
- 3.2 Initial parties to this Memorandum of Understanding shall be the founding Participating Governments including the host Government.
- 3.3 The Governments of States other than those referred to in paragraph 3.2. may become parties to this Memorandum of Understanding in accordance with Article 15 after their request for participation has been approved by the Board of Governors.

4. Organs

- 4.1 The organs of the Centre shall be:
 - (a) The Board of Governors,
 - (b) The Council of Scientific Advisers,
 - (c) The Director and the Staff.
- 4.2 Other subsidiary organs may be established in accordance with the provisions of the Guiding Principles. *

5. Board of Governors

- 5.1 The Board of Governors shall consist of representatives of all Participating Governments.
- 5.2 Taking into account the initiative of the Secretariat of UNIDO, its contribution to the preparatory work for the establishment of the Centre and the role, it could play in furthering the aims and objectives of the Centre, the Executive Director of UNIDO or his representative shall be an ex-officio member of the Board.
- 5.3 The Board shall hold a regular session once a year, unless it decides otherwise. Regular sessions shall be held at the seat of the Centre unless otherwise determined by the Board.

5.4 The Board shall:

- (a) Determine the general policies and principles governing the activities of the Centre;
- (b) Decide on financial matters, particularly mobilization of resources for the effective operation of the Centre;
- (c) Upon recommendation of the Council, take any other appropriate action to enable the Centre to further its objectives and carry out its functions.

5.5 The Board shall adopt its own rules of procedures.

6. Council of Scientific Advisers

6.1 The Council shall consist of ten eminent scientists and technologists in the substantive fields of the Centre to be elected by the Board, and the Director of the Centre. The Director shall undertake the functions as a Member Secretary of the Council.

6.2 The members of the Council shall hold office initially for a period of two years.

6.3 In addition to exercising other functions specified in the Guiding Principles or delegated to it by the Board, the Council shall:

- (a) Examine the work programme of the Centre and make recommendations to the Board;
- (b) Review the implementation of the work programme and the corresponding budget and make appropriate report to the Board;
- (c) Assist the Director on all substantive, scientific and technical matters concerning the activities of the Centre.

6.4

- (a) The Council shall hold regular sessions twice a year, unless it decides otherwise.
- (b) Sessions shall be held at the seat of the Centre, unless otherwise determined by the Council.

7. The Director and the Staff

- 7.1 The staff shall comprise a Director, a Deputy Director and other professional and technical personnel as the Center may require.
- 7.2 The Director shall be elected by the Board upon recommendation of the Council and shall hold office for a period of five years.
- 7.3 The Director shall be the chief scientific/administrative officer of the Centre. Subject to directives of the Board or the Council, the Director shall have the overall responsibility and authority to direct the work of the Centre. The Director shall be responsible for the appointment and functioning of the staff.
- 7.4 In the performance of their duties the Director and the staff shall not seek or receive instructions from any government or from any authority external to the Centre. They shall refrain from any action that might reflect on their position as international officials responsible only to the Centre. Each Participating Government undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and not to seek to influence them in the discharge of their responsibilities.
- 7.5 The conditions of service of staff shall conform as far as possible to those of the United Nations common system. The paramount consideration in the employment of the staff and in determining the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity.
- 7.6 The Director shall act in that capacity at all meetings of the Board and the Council and shall perform such other functions as are entrusted to him by these organs.

8. Financial Provision

- 8.1 Contribution to the budget of the Centre, in the manner specified below, shall be made available by the Participating Governments.
- 8.2 The Host Government shall make available to the Centre without charge the necessary infrastructure (land, buildings, furniture, equipment, etc.) as well as resources for the operation of the Centre in the initial years of its operation.

8.3 The financing of the Centre shall consist of

- (a) Initial contributions by the Participating Governments,
- (b) Yearly contributions, and
- (c) Contributions to specific programmes of the work of the Centre

to be made in US Dollars or the equivalent in convertible currency.

8.4 The Director shall prepare and submit to the Board through the Council a programme of work for the following fiscal period together with the corresponding financial estimates.

9. Seat of the Centre

9.1 The seat of the Centre shall be

9.2 The Centre shall conclude a headquarter agreement with the Host Government.

10. Legal Capacity, Privileges and Immunities

10.1 The Centre shall have juridical personality.

10.2 The Centre, its property and assets wherever located shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

10.3 The headquarters of the Centre shall be inviolable. The property and assets of the Centre wherever located shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive administrative, judicial or legislative action.

10.4 The Centre, its property, assets, income and transactions shall be exempt from all taxation and from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Centre for its official use. The Centre shall also be exempt from any obligation relating to the payment, withholding or collection of any tax or duty, in accordance with existing practices as applied to the United Nations Industrial Development Organization.

- 10.5 Representatives of the Participating Governments shall enjoy such privileges and immunities as are provided for mutatis mutandis by Articles IV of the Convention on Privileges and Immunities of the United Nations.
- 10.6 Officials of the Centre shall enjoy such privileges and immunities as are provided for mutatis mutandis by Article V of the Convention on Privileges and Immunities of the United Nations.
- 10.7. All persons undergoing training or taking part in a scheme for the exchange of personnel at the headquarters of the Centre or organized elsewhere within the territory of the Participating Governments of the Centre in pursuance of the provisions of these Guiding Principles shall have the right of entry into sojourn, or exist as is necessary for the purpose of their training or the exchange of personnel. They shall be granted facilities for speedy travel and visas, where required, shall be granted promptly and free of charge.
- 10.8. The Centre shall co-operate at all times with the appropriate authorities of the Participating Governments of the Centre to facilitate the proper administration of justice, secure the observance of national laws and prevent the occurrence of any abuse in connexion with privileges, immunities and facilities mentioned in this Article.

11. Publications and Rights to Intellectual Property

- 11.1 The Centre may publish any results of its research activities provided that it does not contravene with its general policy regarding rights to intellectual property approved by the Board.
- 11.2 All rights, including title, copyright and patent rights, in any work or invention produced or developed by the Centre as part of its work shall be vested in the Centre.
- 11.3 It shall be the policy of the Centre to obtain patents or interests in patents on results of genetic engineering and biotechnology developed through projects of the Centre.
- 11.4 The Centre shall use its patent and other rights, and any financial or other benefits associated herewith, to promote the development, production and wide accessibility of biotechnology in the interest of developing countries.

12. Relations with other Organs

In undertaking activities and in pursuance of its objectives, the Centre may seek as appropriate co-operation with other governments not parties to this agreement, the United Nations and its subsidiary organs, the specialized agencies of the United Nations, international governmental and non-governmental organizations and national scientific institutes.

13. Amendments

13.1 At any time after the second regular session of the Board, any Participating Government may propose amendments to these Guiding Principles. Texts of proposed amendments shall be promptly communicated by the Director to all Participating Governments and shall not be considered by the Board until ninety days after the dispatch of such communication.

13.2 An amendment shall come into force and be binding on all Participating Governments when it is approved by the Board.

14. Duration and Withdrawal

14.1 This Memorandum of Understanding shall remain in force for an indefinite period.

14.2 Any party to this Memorandum may withdraw at any time after the expiration of the first five years from the date of the entry into force of this agreement upon giving one year's notice to the other parties.

15. Accession

15.1 After the entry into force of this Memorandum of Understanding in accordance with Article 16, Governments specified in Article 3 paragraph 3 that have not signed this Memorandum may accede to it by depositing instruments of accession with the Director of the Centre.

15.2 The Director shall transmit any information concerning accession to the Memorandum to the Participating Governments.

16. Entry into Force

This Memorandum of Understanding shall enter into force by signature of the authorized representatives of the founding Participating Governments including the Host Government.

17. Transitional Provisions

The Executive Director of UNIDO or his representative shall call the first meeting of the Board and, until the Director has been elected, perform his functions.

18. Authentic Text

The English text of this Memorandum of Understanding shall be authentic.

