

No. 27603

FRANCE
and
CÔTE D'IVOIRE

**Convention of accession for participation in the International
Institute of Scientific Research for Development (with
statute). Signed at Paris on 5 May 1988**

Authentic text: French.

Registered by France on 30 October 1990.

FRANCE
et
CÔTE D'IVOIRE

**Convention d'adhésion portant participation à l'Institut
international de recherche scientifique pour le dévelop-
pement (avec statuts). Signée à Paris le 5 mai 1988**

Texte authentique : français.

Enregistrée par la France le 30 octobre 1990.

[TRANSLATION — TRADUCTION]

CONVENTION¹ OF ACCESSION FOR PARTICIPATION IN THE INTERNATIONAL INSTITUTE OF SCIENTIFIC RESEARCH FOR DEVELOPMENT

The signatory Governments

Referring to the Protocol on the establishment of the International Institute of Scientific Research for Development dated 3 March 1988 between the Government of the Republic of Côte d'Ivoire and the Government of the French Republic² hereinafter referred to as "founding members";

Recalling in particular that in order to ensure that scientific, technical and technological research receives the necessary international exposure, the two founding members invite other States or Governments to become members of the Institute,

Have agreed as follows:

Article I

The International Institute of Scientific Research for Development shall be endowed with the statute annexed to this Convention.

Article II

This Convention shall be open to accession by any State or Government, hereinafter referred to as "participating member".

Article III

This Convention may be denounced at any time by any participating member subject to a year's notice.

Article IV

The legal capacity, immunities and privileges granted to the Institute shall be laid down in the Headquarters Agreement.

Article V

This Convention is concluded for an indefinite period.

It shall enter into force on the date of the last notification by one of the two founding members attesting that it has complied with the constitutional obligations required for such entry into force.

The notification shall be addressed to the Government of the Republic of Côte d'Ivoire, depositary of the Convention.

¹ Came into force on 25 September 1989, the date of the last of the notifications (of 17 October 1988 and 25 September 1989) by which the founding members informed each other of the completion of the required constitutional obligations, in accordance with article V.

² See p. 207 of this volume.

For any other signatory State or Government, this Convention shall enter into force on the date of the notification attesting that it has complied with the constitutional obligations required for such entry into force.

Nevertheless, the provisions of this Convention shall be provisionally applicable on the date of signature.

DONE at Paris on 5 May 1988.

For the Government
of the French Republic:

[Signed]

MICHEL AURILLAC
Minister for Cooperation

For the Government
of the Republic of Côte d'Ivoire:

[Signed]

SIMÉON AKÉ
Minister for Foreign Affairs

STATUTE OF THE INTERNATIONAL INSTITUTE OF SCIENTIFIC RESEARCH FOR DEVELOPMENT

Article I. AIMS

An international research centre for French-speaking countries, to be known as the “International Institute of Scientific Research for Development”, shall be established.

It shall possess legal personality.

Its aims are to:

- (1) Carry out any scientific and technological research work that is likely to contribute to economic, social and cultural development;
- (2) Participate in the training of researchers;
- (3) Disseminate scientific and technical information;
- (4) Help to apply and put to optimum use the results of the research.

Article II. AREAS OF ACTIVITY

The areas of activity of the Institute shall include in particular agricultural research and medical and health research.

Article III. FUNCTIONS

The Institute shall be authorized to take any action that will help it to realize its aims, and particularly:

- (a) To conduct research programmes;
- (b) To establish a scientific and technical documentation and information centre and to draw up periodically and disseminate inventories of resources of French-speaking countries in its areas of activity;
- (c) To provide international scientific leadership by organizing symposia and seminars;
- (d) To receive researchers and research staff with a view to their training and further training;
- (e) To receive visiting researchers and associate researchers, in accordance with protocols to be established;
- (f) To adopt any measure that will promote communication between research bodies active in the same areas and will put to optimum use the results of the research programmes it conducts;
- (g) To carry out such other tasks consistent with the aims of the Institute as are entrusted to it by the Board of Trustees.

Article IV

The Institute shall use two categories of programmes in the performance of its functions:

(a) Programmes which it conducts on its own initiative and with its own resources.

(b) Programmes which stem from agreements concluded with different partners and which not only state in scientific, administrative and financial terms, the object of the research and the procedures for carrying out research activities but also provide for possible inputs of resources and staff by participants in the programme.

Article V. MEMBERS

The founding members shall be: the Government of the Republic of Côte d'Ivoire and the Government of the French Republic, which shall provide the initial endowment and contribute to the general budget of the Institute.

Participating members shall be: the States and Governments which are parties to the Convention of accession and contribute to the general budget of the Institute.

Article VI. WORKING LANGUAGE

The working language of the Institute and all its organs shall be French.

Article VII. HEADQUARTERS

The headquarters of the Institute shall be at Adiopodoumé in Côte d'Ivoire.

Article VIII. ORGANS

The organs of the Institute shall comprise:

The Board of Trustees,

The Directorate General,

The Scientific Council,

The programme committees,

The Committee of Donors,

Any other subsidiary body that the Board of Trustees may deem useful for the smooth functioning of the Institute.

Article IX. THE BOARD OF TRUSTEES

The Board of Trustees shall consist of at least 10 seats; they shall be divided evenly between the founding members.

It shall consist in addition of:

Seven seats allocated, according to a scale adopted by the Board of Trustees, to participating members who contribute to the general budget.

Two seats allocated on a rotating basis every three years to those participating members who are not eligible under the agreed scale for one of the seats referred to in the preceding subparagraph.

Appointments

Members of the Board of Trustees shall be appointed by the members for three years and shall not serve for more than two consecutive terms of office. They shall

be selected from among prominent scientists or persons who hold or have held posts in the public or private sector in the area of development or research administration.

Vacancies that occur during a term of office shall be filled within three months. New members shall sit on the Board until the term of office of those they replace expires.

Functions

The Board of Trustees shall establish the general policy of the Institute and supervise its activities.

In particular, it shall consider and rule on:

- (1) The general programme of work and research;
- (2) The rules of the Institute and the administrative arrangements;
- (3) The staffing table and the descriptions of posts to be filled;
- (4) The Institute's own staff regulations;
- (5) The budget for the financial period;
- (6) The financial accounts;
- (7) The conclusion of agreements, contracts and leases;
- (8) Legal proceedings;
- (9) The purchase and disposal of real estate;
- (10) Loans;
- (11) Procedures for representation on the Board of Trustees of participating members.

Functioning

It shall meet at least once a year and whenever it is convened by its Chairman or is requested to meet by one third of its members.

The deliberations of the Board of Trustees shall be valid only when a quorum of two thirds of its current members are present. If there is no quorum, another meeting of the Board must be convened. At such meeting the quorum needed shall be the majority of members.

Those members present shall each be entitled to only one vote.

If the votes are equally divided, the Chairman shall have the casting vote.

Records shall be kept of meetings. Such records shall be signed by the Chairman.

The members of the Board of Trustees shall receive no remuneration. However, members shall be reimbursed for their mission and transport expenses.

Article X. THE CHAIRMAN OF THE BOARD OF TRUSTEES

The Chairman shall be elected by the Board of Trustees from among its members.

The Chairman of the Board of Trustees shall serve for three years. His term of office shall be renewable once, notwithstanding the length of his service on the Board of Trustees.

He shall represent the Institute in all matters of civil law.

He may delegate some of his powers to the Director-General.

In legal proceedings, the chairman may be represented by only an agent with written authorization in each case.

He shall recruit staff on the recommendation of the Director-general and shall approve visiting researchers.

Article XI. THE DIRECTORATE-GENERAL

The Institute shall be headed by a Directorate-General assisted by a Deputy Director-General.

The Director-General and the Deputy Director-General shall be appointed by the Chairman on the basis of a proposal by the Board of Trustees which, by a two-third majority, shall decide from among candidates selected for their scientific expertise and administrative experience.

The Chairman and the Director-General, on the one hand, and the Director-General and Deputy Director-General, on the other, must be of different nationalities and nationals of one of the member States.

The Director-General and the Deputy Director-General shall be appointed for a period of four years, which may be renewed twice.

Under the authority of the Board of Trustees, the Director-General shall be responsible for the scientific, administrative and financial management of the Institute, of which he is the chief certifying officer.

He may delegate all or some of these powers to the Deputy Director-General.

He shall draw up the annual report and submit it to the Board of Trustees.

Article XII. THE SCIENTIFIC COUNCIL

The Scientific Council shall consist of the Director-General and the Deputy Director-General, 10 members appointed by the Board of Trustees on the basis of their scientific expertise in the Institute's designated areas of activity, and two representatives of the programme committee appointed by the Director-General.

The Director-General shall preside.

Members of the Scientific Council shall be appointed for four years and may not serve for more than two consecutive terms of office. Half of the membership shall be renewed at four yearly intervals.

Vacancies that occur during a term of office shall be filled within three months. New members shall sit on the Council until the term of office of those they replace expires.

The Scientific Council shall:

Propose the scientific guidelines;

Consider the scientific programmes prepared in different sectors by the programme committees and ensure their coherence;

Assess the results and submit them to the Board of Trustees;

Advise on the allocation and use of the resources assigned to programmes;

Propose to the Director-General, on the advice of the programme committees concerned, the candidates to be recruited;

Determine arrangements for publishing research results.

Article XIII. THE PROGRAMME COMMITTEES

The programme committees shall be established by the Board of Trustees, on the proposal of the Scientific Council, for each of the Institute's areas of activity.

Each programme committee shall consist of scientists specialized in the area concerned.

The committees shall prepare the draft programmes and shall follow up the programmes selected.

They shall draw up the descriptions of posts to be filled.

They shall advise on candidates.

Article XIV. THE COMMITTEE OF DONORS

Any State, Government, international organization, non-governmental international association or public or private agency that contributes on a voluntary basis to the general budget or the programme budget of the Institute shall appoint one representative to sit on the Committee of Donors.

The Committee shall give opinions and make suggestions to the Board of Trustees and the Directorate-General regarding the policies of the Institute with respect to general matters and programmes.

It shall meet once a year.

Article XV. FUNDS AND RESOURCES

Initial endowment

The Government of the Republic of Côte d'Ivoire and the Government of the French Republic shall provide the initial endowment of the Institute in accordance with the protocol of 3 March 1988.

Resources

The resources of the Institute shall consist of:

Contribution of members to the general budget.

Subsidies of donors to the general budget and the programme budget.

Proceeds from the utilization of research results, such as licensing fees, or from the performance of scientific or technical services under contracts to third parties.

Grants and bequests, subject to their acceptance by the Board of Trustees.

The general budget shall cover investment, operating and general administration expenses which are not charged to the programme budget.

Article XVI. FINANCIAL CONTROL

Financial control shall be the responsibility of a controller appointed by the Board of Trustees.

Such control shall be the subject of an annual report submitted to the Board of Trustees.

Article XVII. PROVISIONS CONCERNING RESEARCH STAFF

(1) The research staff shall comprise:

(a) Staff recruited and administered directly by the Institute; they shall be covered by the staff regulations of the Institute.

(b) Staff assigned to the Institute by any State, Government or agency; such staff shall enjoy the advantages and privileges granted to staff recruited and administered directly by the Institute.

While their scientific careers shall continue to be administered and evaluated by their parent bodies, such staff shall be subject to the rules of the Institute in the same way as the other staff.

Staff assignments shall be the subject of agreements.

(c) Staff assigned to the Institute in connection with the implementation of a programme as provided for in article IV, paragraph (b).

Their assignments shall be subject to the approval of the Chairman of the Board of Trustees on the proposal of the Director-General.

(2) The research staff referred to in a paragraph (1) (a) and (1) (b) shall be selected, once the programme committees concerned have given their opinion, by the Scientific Council, which shall propose the top three candidates for each post to the Director-General.

The Director-General shall propose to the Chairman of the Board of Trustees the candidate to be recruited or accepted.

(3) The rules provide that research staff who participate in programmes or work of potential economic benefit or are acquainted with the results of such programmes or work through their cooperation with the Institute shall undertake to keep confidential any information relating to such research which is not in the public domain or whose publication has not been authorized.

Article XVIII. PUBLICATIONS

The Scientific Committee shall be responsible for making arrangements for the publication of research programmes and result. Such arrangements may be the subject of special provisions.

The Scientific Council shall refuse to publish only if secrecy needs to be maintained with a view to the enhancement of the economic value of the research results or for reasons that affect the national interests of one of the members.

In the latter case, the Scientific Council shall refer the matter to the Board of Trustees for its decision.

Any publication on research work performed either at the Institute or with the Institute's support must make mention of its origin, save as otherwise decided by the Scientific Council. It shall give the name of the Institute and the names of the agencies and staff members who participate in the research.

Article XIX. EXPLOITATION OF RESULTS; PATENTS

Members of the Institute shall have the right to priority use for scientific purposes of research results on their territory free of charge.

Agencies and inventors who have participated in any specific programme shall enjoy the same right, in respect of the particular programme, on the territory of the State of which they are nationals.

The Board of Trustees shall decide, when it deems it necessary, to protect any results or inventions, on the Board's behalf and at its expense, subject to the provisions of agreements concluded with its partners as referred to in article IV, by taking out a patent or any other type of legal protection in Côte d'Ivoire and in all other States where such protection would appear advisable.

The Board of Trustees shall, when it deems it desirable, decide to grant to member States, free of charge, licences for the use of protected research results.

Article XX. RULES

The rules adopted by the Board of Trustees shall lay down the conditions for the application of this statute.

Article XXI. SETTLEMENT OF DISPUTES BETWEEN MEMBERS

Any dispute between member States with respect to the interpretation and application of this statute and of subsequent texts shall be settled by the Board of Trustees.

Failing this, the dispute shall be submitted to an arbitration commission in accordance with a procedure agreed to by the members.

Article XXII. AMENDMENT OF THE STATUTE

This statute may be amended by a three-quarters majority of the members of the Board of Trustees.

The amendment shall come into force four months after their adoption by the Board of Trustees if none of the members lodges an objection with the depositary Government.

Article XXIII. LIQUIDATION

The Institute may be closed down only as a result of a decision taken by a three-quarters majority of the members of the Board of Trustees.

The Board of Trustees shall appoint a liquidator.

Should the Institute be closed down, on the basis of the principle of sovereignty, all the immovable property shall revert to Côte d'Ivoire.

The members of the Institute and the liquidator shall also determine the details of the distribution of the assets and liabilities of the Institute.