

7. STATUTES OF THE INTERNATIONAL CENTRE FOR GENETIC ENGINEERING AND BIOTECHNOLOGY

Madrid, 13 September 1983

ENTRY INTO FORCE: 3 February 1994, in accordance with article 21(1).
REGISTRATION: 3 February 1994, No. 30673.
STATUS: Signatories: 44. Parties: 64.
TEXT: United Nations, *Treaty Series*, vol. 1763, p. 91; see also hereinafter the Protocol of the reconvened plenipotentiary meeting (XIV.7a).

Note: The Statutes were adopted at the Ministerial Level Plenipotentiary Meeting on the Establishment of the International Centre for Genetic Engineering and Biotechnology held at Madrid, Spain, from 7 to 13 September 1983 under the auspices of the United Nations Industrial Development Organization. They were open for signature at Madrid on 12 and 13 September 1983 and remain open for signature at the United Nations Headquarters, New York, until their entry into force.

Pursuant to article 21 (1), the Statutes are to enter into force when at least twenty-four States, including the Host State¹ of the Centre, have deposited instruments of ratification or acceptance and having further ascertained among themselves that sufficient financial resources are ensured, have then deposited with the Secretary-General notifications indicating their agreement to the entry into force of the Statutes.

<i>Participant²</i>	<i>Signature, Signature ad referendum (s)</i>	<i>Confirmation of signature ad referendum(C)</i>	<i>Ratification, Acceptance(A), Accession(a)</i>	<i>Notification under article 21 (1)</i>
Afghanistan.....	13 Sep 1983	28 Mar 1984 C	6 Jul 1988	
Algeria	13 Sep 1983		11 Sep 1987	22 Dec 1992
Argentina	13 Sep 1983		8 May 1990	22 Dec 1992
Bangladesh.....			18 Jul 1996 a	
Bhutan.....	31 May 1984		7 May 1985	22 Dec 1992
Bolivia (Plurinational State of).....	13 Sep 1983			
Bosnia and Herzegovina			1 Feb 2005 a	
Brazil ³	5 May 1986		9 Mar 1990	4 Feb 1993
Bulgaria	13 Sep 1983		23 Jun 1986 A	
Burkina Faso.....			30 Sep 2014 a	
Burundi			22 Aug 2008 a	
Cameroon.....			27 Apr 2006 a	
Chile.....	13 Sep 1983		27 Apr 1994	
China ⁴	13 Sep 1983		13 Apr 1992 A	22 Dec 1992
Colombia	21 Nov 1986		3 Mar 1997	
Congo.....	13 Sep 1983			
Costa Rica.....	14 Aug 1990		11 Oct 1996	
Côte d'Ivoire			22 Jan 1999 a	
Croatia	20 Oct 1992		26 Aug 1993 A	20 Sep 1993
Cuba.....	13 Sep 1983		30 Jun 1986	22 Dec 1992
Democratic Republic of the Congo	13 Sep 1983			
Ecuador.....	13 Sep 1983		26 Oct 1994	
Egypt.....	13 Sep 1983		13 Jan 1987	22 Dec 1992
Eritrea			26 Jan 2010 a	

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Greece.....	13 Sep 1983			
Hungary.....	13 Jan 1987		13 Jan 1987 A	31 Aug 1993
India.....	13 Sep 1983		9 Jul 1985	22 Dec 1992
Indonesia.....	13 Sep 1983			
Iran (Islamic Republic of).....	29 Apr 1988		18 Dec 2001	
Iraq.....	28 Feb 1984		19 Feb 1985	22 Dec 1992
Italy.....	13 Sep 1983		20 Sep 1990	22 Dec 1992
Jordan.....			8 Nov 2002 a	
Kenya.....			30 Jul 2010 a	
Kuwait ⁵	13 Sep 1983		21 Oct 1986	
Kyrgyzstan.....			7 Oct 1994 a	
Liberia.....			22 Nov 2005 a	
Libya.....			30 Jun 2008 a	
Malaysia.....			11 Dec 2007 a	
Mauritania.....	13 Sep 1983			
Mauritius.....	19 Sep 1984		5 Jan 1989	11 May 1993
Mexico.....	13 Sep 1983	21 May 1984 C	21 Jan 1988	
Montenegro.....			6 Aug 2012 a	
Morocco.....	19 Oct 1984		28 Jun 1990	22 Dec 1992
Namibia.....			2 Nov 2012 a	
Nigeria.....	13 Sep 1983		13 Mar 1991	27 Apr 1994
North Macedonia.....			27 Apr 1994 a	
Pakistan.....	4 Nov 1983		5 Apr 1994	
Panama.....	11 Dec 1984		12 Aug 1986	22 Dec 1992
Peru.....	22 Mar 1984		6 Jan 1995	
Poland ⁶	[1 Aug 1990]		[9 Sep 1996]	
Qatar.....			16 Jan 2008 a	
Republic of Moldova.....			4 Feb 2019 a	
Romania.....			5 Dec 1995 a	
Russian Federation.....			30 Nov 1992 A	22 Dec 1992
Saudi Arabia.....			2 Jan 2006 a	
Senegal.....	29 Jun 1984		4 May 1985	23 Dec 1993
Slovakia.....			13 Jan 1998 a	
Slovenia.....			28 Dec 1994 a	
South Africa.....			6 Feb 2004 a	
Spain.....	13 Sep 1983			
Sri Lanka.....	12 Nov 1991		1 Oct 1993	3 Feb 1994
Sudan.....	13 Sep 1983		21 Oct 1991	22 Dec 1992
Syrian Arab Republic.....	17 Oct 1991		18 Apr 2001	
Thailand.....	13 Sep 1983			
Trinidad and Tobago.....	13 Sep 1983		13 Oct 2003	
Tunisia.....	27 Oct 1983		20 Sep 1990	22 Dec 1992
Turkey.....	22 Sep 1987		10 Jan 1989	22 Dec 1992
United Arab Emirates.....			22 Mar 2004 a	

<i>Participant²</i>	<i>Signature, Signature ad referendum (s)</i>	<i>Confirmation of signature ad referendum(C)</i>	<i>Ratification, Acceptance(A), Accession(a)</i>	<i>Notification under article 21 (1)</i>
United Republic of Tanzania.....			1 May 2001 a	
Uruguay			5 Dec 1995 a	
Venezuela (Bolivarian Republic of).....	13 Sep 1983		15 Oct 1985	22 Dec 1992
Viet Nam.....	17 Sep 1984		15 Apr 1993 A	15 Apr 1993
Zimbabwe			20 Dec 2018 a	

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or acceptance.)

CHILE⁷

(a) The Government of Chile hereby enters a reservation to article 13, paragraph 3, of the Statutes inasmuch as, under the provisions of its Constitution and internal law, the property and assets of the Centre may be expropriated by virtue of a general or special law authorizing such expropriation on the ground of public benefit or national interest as may be determined by legislation.

(b) The Government of Chile hereby enters a reservation to article 13, paragraphs 5, 6 and 7, of the Statutes inasmuch as the privileges and immunities of representatives of the Members and of officials and experts of the Centre shall be granted in accordance with the terms of the said paragraphs save where any such person holds Chilean nationality.

COLOMBIA

1. Pilot plant activities in Colombian territory

With respect to the scope of article 3 (a) of the Statutes, which refers to pilot plant activities in the field of genetic engineering and biotechnology, when pilot plants are established in Colombian territory they may not contravene the regulations in force in Colombia regarding management of genetic resources, biosafety, protection of life, health, food production and the cultural integrity of indigenous, black and peasant communities.

2. Functions of the Board of Governors

With regard to the scope of article 6, paragraph 2 (a), which specifies that the Board of Governors shall determine the general policies and principles governing the activities of the Centre, it is to be understood that when this provision is applied in Colombia it shall not contravene the domestic, supranational or international legal provisions regarding biosafety, management of genetic resources, and protection of biological, ethnic and cultural diversity and of life, health and food production.

3. Attributions of the Council of Scientific Advisers

Likewise, the Government of the Republic of Colombia makes the following statement with regard to the function of the Council of Scientific Advisers provided for in article 7, paragraph 4 (e), of the Statutes, giving it the power to approve safety regulations for the Centre, in other words the safety regulations governing the research work approved by the Council of Scientific Advisers. These provisions, when applied in Colombia, may not contravene the regulations in force in Colombia regarding management of genetic resources, biosafety, and protection of biological, ethnic and cultural diversity and of life, health and food production.

4. Intellectual property rights and patents

With respect to article 6, paragraph 2 (e), which specifies that one of the functions of the Board of

Governors is to "Establish ...rules which regulate patents, licensing, copyrights and other rights to intellectual property, including the transfer of results emanating from the research work of the Centre", the Government of the Republic of Colombia considers that these powers of the Board of Governors must be exercised in conformity with and subject to the national, supranational and international provisions in force in relation to industrial and intellectual property, especially with regard to the rights of ethnic and cultural minorities in respect of products derived from their knowledge.

The foregoing declaration also extends to article 14, paragraph 2, of the Statutes, which establishes the Centre's ownership of copyright and patent rights relating to any work produced or developed by the Centre; in other words, these rights must be exercised in conformity with and subject to the national, supranational and international provisions in force in relation to industrial and intellectual property, especially with regard to the rights of ethnic and cultural minorities in respect of products derived from their knowledge.

As a consequence of the foregoing declarations, the Government of the Republic of Colombia states that article 14, paragraph 3, referring to the policy pursued by the Centre to obtain patents or interests in patents on results of genetic engineering and biotechnology developed through projects of the Centre, shall apply in Colombia on the understanding that the rules in force under domestic, supranational and international regulations with regard to industrial and intellectual property will be complied with; specifically, the Government of the Republic of Colombia states that the scope of the paragraphs cited in article 14 of the present instrument is to be understood as being subject to the following conditions:

"The Centre may not acquire any right to any work developed or produced on the basis of Colombian biological or genetic material if the development or product is among those provided for in articles 6 and 7 of Decision 344 of 1993 of the Commission of the Cartagena Agreement or, in general, contravenes the regimes provided for in Decisions 344 and 345 of 1993 of the Cartagena Agreement" and

"The Centre shall not be able to patent or exercise any right over inventions deriving from traditional knowledge, utilization or exploitation of biological or genetic resources developed by Colombian black, indigenous and peasant communities, except in cases where the national communities, by common agreement and subject to payment of such fees as may be payable under the legislation in force, cede the rights in question."

Likewise, the Government of the Republic of Colombia wishes to indicate with respect to article 14, paragraph 4, dealing with access to intellectual property rights concerning the results emanating from the research

work of the Centre by Members and by developing countries that are not Members of the Centre, that this provision must be interpreted in conformity with the principles of equity and reciprocity governing Colombia's international relations. In particular, the Republic of Colombia considers that where such rights are the outcome of research conducted on the basis of Colombian biological or genetic material, Colombia should enjoy particularly favourable access to them.

5. Legal status, privileges and immunities

With respect to article 13, paragraph 2, of the Statutes, which provides that the property of the Centre "shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity", the Government of the Republic of Colombia accepts that provision on condition that, in the event of a legal dispute arising between an inhabitant of the national territory and the Centre in which the latter is acting as a private individual or subject to the rules of domestic or supranational law, recourse may be had to the judicial mechanisms prescribed by the national and international legal order in order that the conflict may be resolved in accordance with the legislation in force in Colombian territory.

With regard to the provisions of paragraph 3 of the same article, which refers to the inviolability of the premises of the Centre and states that wherever located, they shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative actions, the Republic of Colombia wishes to point out that this provision does not prevent the Colombian authorities from establishing effective control and inspection mechanisms that will enable the State to discharge its inescapable duty of monitoring compliance with the national, supranational and international legislation on biosecurity and protection of natural resources, cultural diversity, life, health and the production of food in Colombian territory.

CUBA

The Government of the Republic of Cuba formulates an express reservation to paragraphs 2, 3 and 4 of article 14 of the Statutes of the International Centre for Genetic Engineering and Biotechnology, because it considers that

the provisions thereof contravene the regulations of article 4 of the Paris Convention for the Protection of Industrial Property of 20 March 1883, to which Cuba is a party, and the Cuban legislation guaranteeing the implementation of that Convention.

ITALY

Pending adoption of the Headquarters Agreement, article 13, paragraphs 2 and 9, of the Statutes, will be implemented within the limits established by applicable norms of the Italian legal system.

MEXICO

In accordance with article 19 of the 1967 Paris Convention for the Protection of Industrial Property, the United Mexican States declares that it will apply the general policy regarding copyright established by the governing body of the International Centre for Genetic Engineering and Biotechnology, insofar as it reflects the principles relating to that subject embodied in the above-mentioned Paris Convention.

SPAIN

Reservation:

In respect of article 13 (4).

TRINIDAD AND TOBAGO

Reservation:

"The reservation of the Government of Trinidad and Tobago to articles 10 and 11 of these statutes relates specifically to the non-acceptance by the Government of Trinidad and Tobago of any obligation with respect to the financing of the International Centre by assessed contributions or by voluntary contributions on the part of the Government of Trinidad and Tobago, in the absence of any decision on the selection of a host country for the International Centre, and consequently in the absence of any reliable indication of the cost of the International Centre, and the proportion of that cost to be borne by the host country, on the one hand, or by other member States, on the other hand."

Notes:

¹ In accordance with the Protocol of the Reconvened Plenipotentiary Meeting on the Establishment of the International Centre for Genetic Engineering and Biotechnology of 4 April 1984 [see chapter XIV.7 (a)], the Governments of Italy and India are to host the Centre. For the date of deposit of their instruments of ratification and notifications under article 21 (1), see the table in this chapter.

² The former Yugoslavia had signed and ratified the Statutes on 13 September 1983 and 18 March 1987, respectively. Subsequently, on 22 December 1992, the Federal Republic of Yugoslavia deposited a notification under article 21 (1) of the Statutes. Some States indicated that, without prejudice to further decisions, they did not consider valid the notification by the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia in turn indicated that in its opinion there were no legal grounds whatsoever to question the legality of its notification. See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the

"Historical Information" section in the front matter of this volume.

³ On 15 May 2001, the Government of Brazil notified the Secretary-General that it had decided to withdraw from the Statutes, the date of effect being 14 May 2002. Subsequently, in a communication received on 9 May 2002, the Government of Brazil notified the Secretary-General that it had decided to withdraw its notification of withdrawal of 15 May 2001.

⁴ On 5 August 2008, the Government of the People's Republic of China notified the Secretary-General with the following declaration:

"In accordance with the provisions of Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and Article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Statutes of the International Centre for Genetic Engineering and Biotechnology and the Protocol to the

Statutes of the International Centre for Genetic Engineering and Biotechnology on the Seat of the Centre shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China from the date of the application of the protocol to the People's Republic of China.”

⁵ The instrument was accompanied by an understanding to the effect that the ratification by Kuwait of the said Convention does not mean a recognition of Israel nor that treaty relations will arise with Israel.

⁶ On 30 December 2016, the Government of Poland notified the Secretary-General of its decision to withdraw from the Statutes which shall take effect on 30 December 2017 in accordance with article 17 of the Statutes.

⁷ The International Centre for Genetic Engineering and Biotechnology informed the Secretary-General on 12 May 1994, that these reservations had been accepted by the Board of Governors on 27 April 1994.

