

No. 11524

MULTILATERAL

Agreement establishing a Registry of scientific and technical services for the Asian and Pacific Region. Signed at Manila on 16 July 1971

Authentic text: English.

Registered by Australia on 20 January 1972.

MULTILATÉRAL

Accord portant création d'un bureau d'enregistrement des services scientifiques et techniques pour la région d'Asie et du Pacifique. Signé à Manille le 16 juillet 1971

Texte authentique : anglais.

Enregistré par l'Australie le 20 janvier 1972.

AGREEMENT¹ ESTABLISHING A REGISTRY OF SCIENTIFIC AND TECHNICAL SERVICES FOR THE ASIAN AND PACIFIC REGION

The Contracting Parties being members or observers of the Asian and Pacific Council (hereinafter called the "Council"),

Recognising that the governments and peoples of the Asian and Pacific region have a common interest in strengthening their existing bonds of solidarity and co-operation,

Being convinced that the sharing of information and expertise in the scientific and technological fields related to development of the region can be greatly enhanced by promoting co-operation between professional groups concerned with the application of science and technology within the region,

Desiring to give effect to the decision of the Ministerial Meeting of the Council at its 6th Session held at Manila, Philippines from 14 July to 16 July 1971 that the Registry of Scientific and Technical Services for the Asian and Pacific region should now become a project of the Council,

Have agreed as follows :

Article I

TRANSFER OF CONTROL OF THE REGISTRY OF SCIENTIFIC AND TECHNICAL SERVICES

1. The Registry of Scientific and Technical Services (hereinafter called the "Registry") formally set up by agreement of the Council at its Second Ministerial Meeting in Bangkok and subsequently established and operated

¹ Came into force on 16 July 1971 between the following Governments, which signed it on that date, in accordance with article XVI (1):

Australia
Japan
Malaysia

New Zealand
Philippines
Republic of China

Republic of Korea
Republic of Viet-Nam
Thailand

by the Australian Government is hereby transferred to the control of the Council.

2. The Registry shall operate in accordance with the provisions of this Agreement and shall be located in the territory of one of the Contracting Parties as may be decided by the Council.

Article II

PURPOSE

The purpose of the Registry is to develop a central bank of information on the location of scientific and technical expertise within the ASPAC region by collecting information on the activities of organisations concerned with economic development within the ASPAC region and by other means. Such information shall be readily available for the benefit of the ASPAC countries.

Article III

FUNCTIONS

In order to achieve the above purposes in close co-operation with scientists and technologists in the region and with other international organisations, the Registry will undertake projects designed :

- (i) to enable professional groups in ASPAC countries to become aware of the work of their colleagues in similar fields;
- (ii) to encourage co-operative working arrangements on scientific and technical problems between ASPAC countries;
- (iii) to improve communication between professional groups engaged in fields of economic development in ASPAC countries;
- (iv) to enable developing countries to evaluate the availability of assistance for particular technical projects in ASPAC countries.

To achieve the above objectives the Registry shall publish reliable and up-to-date scientific and technical information. This will include a series of Registers which shall give details of individual scientific and technical groups

and their projects. Such information shall be readily available to ASPAC countries.

Article IV

MEMBERSHIP

1. Governments which are members or observers of the Council shall be entitled to membership in the Registry and shall become Members by signing this Agreement.

2. Governments which are neither members nor observers of the Council may be admitted to membership in the Registry upon the approval of the Council and the subsequent deposit of an instrument of accession to this Agreement.

3. Governments which are admitted to membership of the Registry as provided in this Article whether or not they are members or observers of the Council are hereinafter referred to as "Members".

Article V

RELATIONSHIP WITH THE COUNCIL

The Council shall have the power to determine the general policies of the Registry.

Article VI

ORGANISATION

The Registry shall have an Executive Board (hereinafter called the "Board") and a Secretariat with a Technical Advisory Committee.

Article VII

EXECUTIVE BOARD

1. The Board shall be composed of representatives of Members. Each Member shall designate one representative.

2. The Board shall have the following powers and functions:

- (i) to appoint the Director of the Registry;
- (ii) to adopt the Work Programme and the annual budget of revenue and expenditure of the Registry;
- (iii) to approve the annual report on the operation and the annual financial report on revenue and expenditure of the Registry, submitted by the Director;
- (iv) to report to the Council on the Work Programme, budget and activities of the Registry;
- (v) to arrange for the auditing of the accounts of the Registry;
- (vi) to make recommendations in accordance with Article III of this Agreement;
- (vii) to approve agreements and arrangements referred to in Article XI of this Agreement;
- (viii) to receive assistance referred to in Article XII of this Agreement;
- (ix) to appoint as necessary ad hoc committees composed of representative of Members;
- (x) to exercise such other functions as are appropriate under this Agreement.

3. The Board shall establish its own rules of procedure.

4. The Board shall hold an annual meeting and such other meetings as may be required in accordance with its rules of procedure.

5. The Board shall elect its Chairman and Vice-Chairman in accordance with its rules of procedure.

6. The representative of each Member shall have one vote in the Board. Except as otherwise provided in this Agreement, all matters before the Board shall be decided by a majority of the representatives present and voting. The Work Programme referred to in paragraph 2 (ii) and recommendations referred to in paragraph 2 (vi) of this Article shall be decided by a unanimous vote of the representatives of Members present and voting.

7. A quorum for the meetings of the Board shall be a majority of the representatives of Members.

8. The inaugural meeting of the Board shall be called by the Government of the Commonwealth of Australia within six months after the coming into force of this Agreement.

Article VIII

SECRETARIAT

1. The Secretariat shall consist of a Director and supporting staff, advised by a Technical Advisory Committee comprising representatives of those Government agencies nominated by their Governments to co-operate with the Registry on technical matters.

2. The Director shall be appointed by the Board upon the recommendation of a Member for a term of three years under such conditions as the Board may determine. He shall be eligible for reappointment. His appointment shall not, however, exceed two consecutive terms.

3. The Director shall assist the Board, to which he shall be responsible, and for this purpose shall, in addition to the powers assigned to him expressly by this Agreement, exercise all the powers delegated to him by the Board.

4. The Director shall be the legal representative of the Registry.

5. The Director shall participate, without voting rights, in meetings of the Board and may be invited to attend meetings of the Council.

6. The Director shall be the chief executive officer of the Secretariat. He shall be responsible to the Board for the formulation of the Work Programme and budget estimates and for carrying out the work of the Registry.

7. The Director shall appoint the staff of the Secretariat in accordance with staff regulations to be approved by the Board. In appointing the professional staff, the Director shall, subject to the need to secure the highest standards of integrity, efficiency, and technical competence, pay due regard to their recruitment on as wide a regional geographical basis as possible.

8. The Director and the members of the staff of the Registry, in the discharge of their offices, owe their duty entirely to the Registry and to no other authority. They shall not seek or receive instructions from any government or from any authority external to the Registry.

9. Rules and regulations governing the administration, organisation, and financial affairs of the Registry shall be determined by the Director with the approval of the Board.

10. The Technical Advisory Committee, provided for in Article VIII (1), shall meet at least once a year to make recommendations to the Secretariat for the Registry to carry out any tasks relating to the sharing of scientific and technical information within the region and to provide guidance to the Secretariat on Registry programmes as they relate to ASPAC countries. The Technical Advisory Committee member in each country shall act as a point of contact on technical matters with the country concerned.

Article IX

WORKING AND FISCAL YEAR

The working and fiscal year of the Registry shall be the same as that observed by the Government of the country in which the Registry is located.

Article X

FINANCE

1. The Registry shall be financed from voluntary contributions made by Members and from income derived from the sale of publications.

2. The Director shall submit for consideration by the Board at least six months in advance of the subsequent financial year the proposed work programme and budget estimates which have been calculated to achieve the work programme. The estimates shall be set out under the functional divisions of salaries, allowances, goods and services, publications and any other functional dissections required.

3. Contributions shall be agreed upon having regard to the Director's budget estimates. The budget estimates shall be considered by a working committee preparatory to Members pledging their contributions.

4. The final budget shall be determined in the light of total contributions pledged, and submitted to the Board for adoption.

Article XI

RELATIONS WITH OTHER ORGANISATIONS

The Registry shall, wherever appropriate, develop co-operative working relationships with non-member governments and national organisations as well as with other international organisations and, for this purpose, may conclude agreements and arrangements with them. Such agreements and arrangements may be concluded only after the Board has approved them by a two-thirds majority vote of the representatives of Members present and voting.

Article XII

ASSISTANCE FROM OTHER ORGANISATIONS

In order to achieve its purpose the Registry may, with the approval of the Board by a two-thirds majority vote of the representatives of Members present and voting, receive assistance from non-member governments, public and private institutions, and private persons, as well as from other international organisations.

Article XIII

LEGAL STATUS, PRIVILEGES AND IMMUNITIES

1. In the country where the Registry is located (hereinafter referred to as the "host country"),

- (i) the Registry shall enjoy such legal capacity and immunity from legal process as may be necessary for the attainment of its purpose and the exercise of its functions;
- (ii) the premises, property, assets, and archives of the Registry shall be inviolable and shall be given by the authorities of the host country adequate protection to enable the Registry to achieve effectively its purpose and carry out the functions entrusted to it;
- (iii) the Registry may import free of duty such equipment and articles as are reasonably required to enable the Registry to achieve effectively its purpose and carry out the functions entrusted to it;

- (iv) the Director and such members of the professional staff of the Registry as are duly notified by the Director after consultation with the appropriate authorities of the host country shall, if they are not nationals of that country,
 - (a) be allowed to import free of duty such furniture, vehicles, and personal effects as are reasonably required for their personal use and the personal use of members of their families forming part of their households when first taking up a post in the host country;
 - (b) be exempted from direct taxes imposed by the Government of the host country on their salaries and emoluments received from the Registry;
 - (c) be accorded exemption from immigration restrictions and alien registration requirements, and the same exchange facilities, as are accorded by the host country to the members of the staff of comparable rank of other international organisations;

- (v) the Director, members of the professional staff of the Registry and representatives on the Board shall, if they are not nationals of the host country, be accorded immunity from legal process in respect of acts performed by them in the course of their duties for the Registry.

2. Members other than the Government of the host country shall, in their respective countries and in conformity with their laws and regulations in force, accord to the Registry, its premises, property, assets, and archives, and to the Director and members of the professional staff of the Registry, such legal capacity, privileges and immunities and other facilities as may be necessary to enable the Registry effectively to achieve its purpose and carry out the functions entrusted to it.

3. The Director shall have the right and the duty to waive the immunity of any member of the professional staff of the Registry in any case where the immunity would impede the course of justice and can be waived without prejudice to the interests of the Registry. Similarly in any such case the Board shall have the right and duty to waive the immunity of the Director.

Article XIV

AMENDMENT

Any Member may propose an amendment to this Agreement. Such amendment shall come into force upon its acceptance by all Members.

Article XV

SIGNATURE

This Agreement shall remain open for signature by the governments referred to in Article IV, paragraph 1 of this Agreement.

Article XVI

ENTRY INTO FORCE

1. This Agreement shall enter into force on the date on which at least five governments have signed this Agreement.
2. For each government signing this Agreement after the date on which it has entered into force pursuant to the preceding paragraph, the Agreement shall enter into force on the date of signature.
3. For governments admitted to membership in the Registry in accordance with the provisions of Article IV, paragraph 2 of this Agreement, the Agreement shall enter into force on the date of the deposit of their instruments of accession with the Depositary Government.
4. The Depositary Government shall inform Members of the entry into force of this Agreement under the provisions of the preceding paragraphs of this Article.

Article XVII

WITHDRAWAL

Any Member may, at any time after the expiration of three years after the date on which this Agreement enters into force in accordance with the provisions of paragraph 1 of the preceding Article, withdraw from this Agreement by giving written notice of withdrawal to the Chairman of the Board.

Such withdrawal shall take effect on the date specified in the notification which shall be not less than twelve months after the date on which it is received by the Chairman, subject to the Member having by that time carried out all financial and other undertakings given by it to the Registry, and otherwise on the date on which all such undertakings have been carried out.

Article XVIII

OFFICIAL LANGUAGE

The official language of the Registry shall be English.

Article XIX

DEPOSIT

The original of this Agreement shall be deposited with the Government of Australia, which shall send certified copies thereof to Members and shall register the Agreement with the Secretariat of the United Nations pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective governments, have signed the present Agreement.

DONE at Manila in a single copy in the English language, this sixteenth day of July one thousand nine hundred and seventy-one.

[ABDUL TAIB BIN MAHMUD]¹
for the Government of Malaysia

NORMAN L. SHELTON
for the Government of New Zealand

[CARLOS P. ROMULO]
for the Government of the Philippines

[THANAT KHOMAN]
for the Government of Thailand

¹ Names of signatories have been supplied by the Government of Australia.

[TRAN VAN LAM]
for the Government of the Republic of Viet-Nam

LESLIE BURY
for the Government of Australia

[CHOW SHU-KAI]
for the Government of the Republic of China

KIICHI AICHI
for the Government of Japan

[YONG SHIK KIM]
for the Government of the Republic of Korea
