

No. 30885

**UNITED NATIONS
and
INDIA**

**Agreement regarding the Headquarters of the Asian and Pacific Centre for the Transfer of Technology (with annex).
Signed at New Delhi on 7 April 1994**

Authentic text: English.

Registered ex officio on 7 April 1994.

**ORGANISATION DES NATIONS UNIES
et
INDE**

**Accord relatif au siège du Centre de l'Asie et du Pacifique
pour le transfert de technologies (avec annexe). Signé à
New Delhi le 7 avril 1994**

Texte authentique : anglais.

Enregistré d'office le 7 avril 1994.

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF INDIA REGARDING THE HEADQUARTERS OF THE ASIAN AND PACIFIC CENTRE FOR THE TRANSFER OF TECHNOLOGY

THE UNITED NATIONS AND THE GOVERNMENT OF INDIA,

CONSIDERING that India is a member of the United Nations and wishes to contribute to the development of developing countries;

BEING AWARE of the need to strengthen the technology development, transfer and utilisation capabilities of the developing countries in Asia and the Pacific and to promote environmentally sound technologies for the rapid and sustainable development of the region;

RECALLING the decision taken by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) on 6 March 1975 at its 31st session, resolution 169² (XXXI),³ concerning the need to establish within the ESCAP region a Centre for Transfer of Technology;

RECALLING, further, the offer made by the Government of India to provide host facilities for such a Centre, and the acceptance of such offer, by ESCAP with great appreciation on 31 March 1976 at its 32nd session, resolution 164 (XXXII);⁴

NOTING that the Regional Centre for Technology Transfer (RCTT) was established at Bangalore, India on 16 July 1977;

¹ Came into force on 7 April 1994 by signature, in accordance with article XX (7).

² Should read "159" — Devrait se lire « 159 ».

³ United Nations, *Official Records of the Economic and Social Council, Fifty-ninth Session, Supplement No. 7*, p. 41.

⁴ *Ibid.*, *Sixty-first Session, Supplement No. 9*, p. 40.

NOTING further that following adoption of the Statute of the Asian and Pacific Centre for the Transfer of Technology by ESCAP at the 41st session on 29 March 1985, by resolution 243 (XLI),¹ the name was changed to the Asian and Pacific Centre for the Transfer of Technology (APCTT);

RECOGNISING that APCTT is a subsidiary body of ESCAP and that as such the relevant resolution, decision, regulations, rules and policies of the competent organs of the United Nations are applicable to the Centre;

DESIRING by means of this Agreement to establish the legal status, and the conditions under which the Asian and Pacific Centre for Transfer of Technology is established and will operate in India;

HAVE AGREED as follows:

Article I
DEFINITIONS

For the purpose of this Agreement:

1. "Appropriate authorities " means central, local and other competent authorities under the law of India;
2. "Convention " means the Conventions on the privileges and immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946,² to which India is a party since 13 May 1946;
3. "Government" means the Government of India;

¹United Nations, *Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 12*, p. 118.

²United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

4. "Parties" means the United Nations and the Government of India;
5. "The Centre" means the Asian and Pacific Centre for the Transfer of Technology (APCTT);
6. "ESCAP" means the United Nations Economic and Social Commission for Asia and the Pacific;
7. "Archives" means all records, correspondence, documents, publications, manuscripts, photographs, films, recordings, computer data files and software belonging to or held by the Centre, wherever located;
8. "Officials of the Centre" means the Director of the Centre and all members of the staff employed under Staff Regulations and the Rules of the United Nations, with the exception of persons who are recruited locally and assigned to hourly rates, as provided for in General Assembly resolution 76(I), adopted on 7 December 1946;¹
9. "The Director of the Centre" means the official in charge of the Centre;
10. "The Secretary-General" means the Secretary-General of the United Nations.

Article II

LOCATION AND MEMBERSHIP

1. The Centre shall be established in New Delhi, India.
2. The Parties shall cooperate in ensuring the uninterrupted operation of the Centre.

¹ United Nations, *Official Records of the General Assembly, First Session, Second Part (A/64/Add.1)*, p. 139.

3. The Centre shall be open to all Members and associate Members of ESCAP.

Article III

OBJECTIVES, FUNCTIONS, ORGANISATION AND MANAGEMENT

The objectives, functions, organisation and management of the Centre shall be as provided for in the Statute, a copy of which is set out in the Annex to the present Agreement.

Article IV

JURIDICAL PERSONALITY

The Centre, as a subsidiary body of ESCAP, shall have the capacity: a) to contract; (b) to acquire and dispose of movable and immovable property; (c) to institute legal proceedings.

Article V

ACADEMIC FREEDOM

The Centre shall enjoy the academic freedom required for the achievement of its objectives and functions.

Article VI

PREMISES

1. a) The premises of the Centre shall be inviolable. No officer or official of the appropriate authorities shall enter the premises of the Centre to perform any official duties therein except with the express consent of, and under conditions approved by the Director, or at his request.
- b) Nothing in this Agreement shall prevent the reasonable application by the appropriate authorities of measures