

Annex

Deviations from the Model Agreement

The point 12 of the Executive Board document (197 EX/16 Part XVII) clearly states that the Institute has no legal autonomy as it administratively belongs to the Sao Paulo State University (UNESP), which is responsible for all legal aspects of the Institute. This deviates from the model agreement established in 37 C/18 Part I and Annex.

If the Executive Board considers positively this deviation from the standard model then the article 4 of the draft agreement to be signed between UNESCO and the Government of Brazil should read:

Article 4. (Legal Status):

1. The Institute shall be independent of UNESCO.
2. The Institute will be part of the Sao Paulo State University (UNESP) and has no independent legal status.
3. UNESP is responsible for all legal aspects of the Institute, and shall enjoy, on its territory, the status and legal capacity necessary to exercise its functions for the Institute, in particular the capacity:
 - to contract;
 - to institute legal proceedings;
 - to acquire and dispose of movable and immovable property.
4. The Rector of UNESP shall represent the Institute in law and in civil acts, including litigations.

Explanation

UNESP is the host institution for the proposed institute which already exists and collaborates with ICTP. The proposed Centre is in fact of the System of Regional Centres and Institutes for Scientific Excellence, coordinated by the Abdus Salam International Centre for Theoretical Physics (ICTP) – a UNESCO Category I Institute.