

International Centre for Theoretical Physics: A new institutional framework

Under a new Tripartite Agreement, the IAEA, UNESCO, and Italy strengthen their co-operative support of the research centre

by Edwin
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Over more than three decades, the International Centre for Theoretical Physics (ICTP) in Trieste, Italy, has blossomed through the vision and energy of its creator, Professor Abdus Salam, and his collaborators into a leading international centre for research and training. Initially, the Centre's activities were mainly in the areas of nuclear physics and nuclear data, high energy physics, atomic physics, fusion physics and mathematics. Over time, they extended to broad areas of physics related to energy, solid state physics, environment, medicine, biology, space science, lasers and mathematics, including computer science in its various aspects.

Today, under the stewardship of its new Director, Prof. Miguel Angel Virasoro, the Centre continues to play a unique role as a forum for the training of scientists from the Third World and as a point of contact for the exchange of scientific expertise between industrialized and developing countries. Thousands of scientists study at the ICTP each year, participating in workshops, seminars, training courses, and a range of other scientific activities.

A number of important changes were recently made to the organizational framework of the ICTP. These took effect 1 January 1996, when a Tripartite Agreement between the IAEA, the United Nations Scientific, Cultural and Educational Organization (UNESCO), and the Italian Government came into force. On the same date, a new Joint Operation Agreement between the Agency and UNESCO also took effect. These steps transfer the administrative responsibility for the ICTP from the IAEA to UNESCO. This article reviews the background and the changes to the organizational framework of the Centre which were brought about by the two new agreements.

Historical legal background

The IAEA's support of the ICTP goes back more than 30 years. In 1963, the Agency's Board of Governors, acting on the recommendation of the General Conference, decided to establish at Trieste an international centre for theoretical physics on a provisional basis under IAEA auspices. Thereafter, the Agency negotiated an agreement with the Italian Government — the Agreement between the Agency and the Government of Italy Concerning the Establishment of an International Centre for Theoretical Physics at Trieste (INFCIRC/51) — which was approved by the Board in September 1963. This Agreement was to remain in force for 4 years subject to extension by mutual agreement of the parties.

Four years later, in 1967, the parties decided not to renew the earlier agreement but to conclude in its place a new one — the Agreement between the Agency and the Government of Italy Concerning the Seat of the International Centre for Theoretical Physics (INFCIRC/114) — hereinafter referred to as "the Seat Agreement". It dealt with five principal questions concerning the Centre: the seat of the Centre; provision of public services; privileges and immunities of the Agency at the Centre; liaison with the government; and settlement of disputes.

At the same time, the Agency left open the question of the participation of other interested international organizations in the running of the Centre. In 1969, the Agreement between the IAEA and UNESCO Concerning the Joint Operation of the International Centre for Theoretical Physics at Trieste (INFCIRC/132), hereinafter referred to as "Joint Operation Agreement" was concluded. Article 1 sets out the purpose of the Centre, which is to foster, through training and research, the progress of all branches of theoretical physics in accordance with the IAEA Statute and the UNESCO Constitution. The Centre's functions were the training of young physi-

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cists for research, especially from developing countries; help in fostering the growth of advanced studies of theoretical physics, especially in developing countries; conduct of original research; and the provision of an international forum for personal contacts between theoretical physicists from countries in all stages of development.

The Centre's administration was to be carried out by the Agency on behalf of both organizations. As a result, the ICTP's Director and staff were IAEA personnel. However, decisions on the appointment, promotion, and termination of the Centre's professional staff were to be taken jointly by the IAEA and UNESCO.

The Agreement also established a Scientific Council, jointly selected and appointed by the Directors General of the IAEA and UNESCO. The Council's terms of reference *inter alia* are the provision of advice to the Directors General of both organizations on the training, research, and other programmes of the Centre; the appointment of the Director and the staff needed to carry out the ICTP's programmes; and the institutes of theoretical physics in developing countries which will be affiliated to or enter into federation agreements with the Centre. The Council also evaluates the Centre's activities and reports thereon to the Directors General of both organizations.

On financial matters, the Agreement provided for both organizations to contribute to the Centre's budget, which would form part of the Agency's budget.

Changes in the ICTP's administration

Changes in the arrangements for the administration of the Centre were influenced by a number of factors. First, over the years, the Centre had expanded its activities considerably to include areas which were not related to the peaceful uses of atomic energy. It was therefore doubtful whether it could continue as a part of the Agency, while executing activities which were beyond the IAEA's mandate. Secondly, the ICTP's activities could fit more appropriately within the wide scientific mandate of UNESCO. Thirdly, the view was expressed that in consideration of Italy's role as the host and the highest contributor to the Centre, it should be given a more active role in the Centre's administration. Lastly, UNESCO had indicated its willingness, as a joint operator, to take over the administrative responsibility for the Centre.

In 1992, the IAEA Director General was mandated by the Board to transfer the ICTP's administrative responsibilities to UNESCO and to negotiate an agreement in that respect. Tripartite negotiations took place over several months

between the Agency, UNESCO, and the Italian Government. The talks resulted in the conclusion of two agreements. The first — Agreement between the IAEA, UNESCO, and the Government of the Republic of Italy concerning the International Centre for Theoretical Physics at Trieste (INFCIRC/418) — hereinafter referred to as the "Tripartite Agreement", laid down a new framework for the Centre's administration. The Joint Operations Agreement was replaced by a new and modified agreement of the same title (INFCIRC/499).

The Centre's President. As the Centre's activities grew, it became necessary to assign new responsibilities to the founding Director, Professor Salam, in recognition of his immense contributions. The IAEA and UNESCO as joint operators of the Centre and the Italian Government as the host state and major donor offered Professor Salam the position of the President of the Centre which he took on 1 January 1994. The functions of the President include, *inter alia*, the setting up of a forum for the co-ordination of programmes of activities of the international scientific institutions in the area of Trieste.

Tripartite Agreement

The Tripartite Agreement which entered into force 1 January 1996 contains a number of important provisions.

Seat Agreement. Article 1 amends the Seat Agreement to provide the framework for the transfer of the administrative responsibility from the Agency to UNESCO. UNESCO replaced the Agency as a party to, and took over all rights and obligations of the Agency, under the existing Seat Agreement on the understanding that the relevant provisions on the Agreement of the Privileges and Immunities of the Agency continues to be applicable *mutatis mutandis* with regard to the Centre after its transfer to UNESCO. Consequently, the words "the Agency" are replaced as appropriate with "UNESCO" in the existing Seat Agreement.

The Organization of the Centre. Article 2 establishes that the organizational framework of the Centre consists of the following: the Steering Committee; the Director; and the Scientific Council.

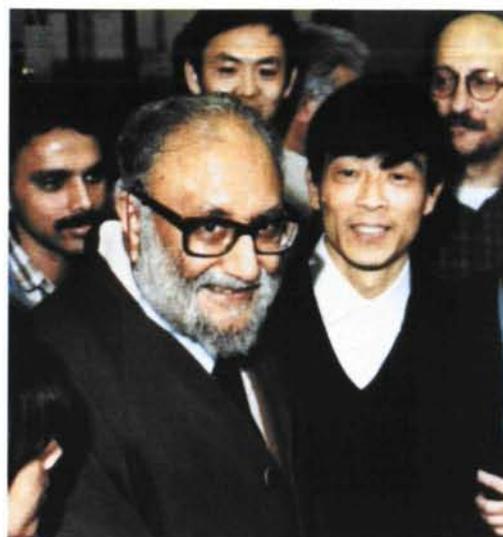
The Steering Committee. A Steering Committee was created by Article 3 as an apex authority for the Centre. An innovation in the organization of the Centre, it is to be composed of the following members: one high-level representative each designated by the Director General of UNESCO, the Director General of the Agency; and by the Italian Government; such



Prof. Miguel Angel Virasoro, new ICTP Director, with Directors General Blix of the IAEA (left) and Mayor of UNESCO (right).

Above right: Prof. Abdus Salam, founder and now President of the ICTP.

(Credit: ICTP)



other members as may be appointed by the Steering Committee in order to ensure appropriate representation of those countries or institutions having made particularly important contributions to or having a particular interest in the activities of the Centre; and the Director who is also the *ex officio* Chairperson of the Steering Committee.

The representatives of the two organizations and the Italian Government may be accompanied by experts to meetings of the Steering Committee. In addition, the Chairperson of the Scientific Council may attend meetings of the Steering Committee in an advisory capacity.

Article 4 sets out the functions of the Steering Committee, which are: to formulate the general guidelines for the Centre's activities, taking into account its objectives as specified in the joint Operation Agreement; subject to the budgetary appropriation by the respective competent organs, to determine the annual level of the budget, the level of respective contributions, the financial plans, and how the funds available for the operation of the Centre are to be used; to consider the proposals of the Director for the programme, work plans, financial plans, and budget proposals of the Centre and to take decisions thereon; to consider the annual and other reports of the Director on the activities of the Centre; to submit a report on the Centre's activities to UNESCO and the Agency; and to recommend to the Director General of UNESCO the names of candidates for the post of the Director of the Centre.

The Director. Article 5 provides for the appointment of the Director of the Centre by the Director General of UNESCO in consultation with the IAEA Director General and the Italian Government from candidates recommended by the Steering Committee. The Director shall hold office for a term of 5 years renewable and is the

Centre's Chief Academic and Administrative Officer. He or she is empowered to administer the Centre; prepare proposals for the Centre's general activities and work plans taking into account the advice of the Scientific Council for submission to the Steering Committee for its approval; prepare the financial plans and budget proposals of the Centre for submission to the Steering Committee for its approval; execute the ICTP's work programmes and make payments within the framework of general guidelines and specific decisions adopted by the Steering Committee in accordance with Article 4. Besides the above enumeration, the Director has such other functions and powers as may be prescribed by the Agreement pertaining to the structure of the Centre or as may be conferred on him or her by the Director General of UNESCO.

The Scientific Council. A new Scientific Council was created under Article 6 on a broad geographical basis composed of up to 12 distinguished specialists in disciplines relevant to the Centre's activities. The members sit in their personal capacity. The Council Chairperson is appointed jointly by the Directors General of UNESCO and the IAEA, after consultations with the Steering Committee and the ICTP Director. The appointment is for a term of 4 years and he or she is eligible for re-appointment. The Council's remaining members are appointed by the ICTP Director after consultations with the Council Chairperson and serve for a term of 4 years. Additionally, UNESCO, the IAEA, and the Italian Government may send specialists in scientific programmes to attend Scientific Council meetings.

The Council's functions are to advise the Centre on programmes of activity, having due regard to relevant global academic, scientific, and educational trends. The Steering Committee

and the Director may request the Council's advice on specific issues.

Financial Commitments. To strengthen the Centre's financial base, UNESCO, the Agency, and the Italian Government agreed to contribute to the Centre's budget. The level of contributions of UNESCO and the Agency (subject to budgetary appropriations approved by their competent organs) shall not be lower than that agreed in the exchange of letters dated 11 December 1990, augmented by the respective inflation factor employed by each organization in the calculation of its budget. The Italian Government is to maintain its financial contribution to the Centre at a level not lower than that specified in the same Exchange of Letters or any higher contribution decided upon by the Steering Committee pursuant to Article 4(a). (The Exchange of Letters terminated on the date the Tripartite Agreement entered into force.) As of 1991, the IAEA contributed just over US \$1.3 million, UNESCO just over \$331,000, and the Italian Government 20 billion Lire annually to the Centre's budget.

Funds allocated for the Centre's operation are paid into a special account set up by the Director General of UNESCO in accordance with the relevant provisions of that organization's financial regulations. The special account is operated and the Centre's budget administered in accordance with the same regulations.

Transfer Of Assets And Liabilities. Under Article 10, UNESCO shall take over in accordance with arrangements to be made between the two parties from the Agency all assets including property and liability pertaining to the Centre.

Article 11 provides for the transfer to UNESCO of Agency staff members posted at the Centre. The transfer is to be effected by agreement between the two organizations taking into account the provisions of the Tripartite Agreement and the new Joint Operation Agreement. All matters not expressly agreed upon by the Parties are to be dealt with in accordance with the relevant provisions of the Inter-Organization Agreement Concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances. It was underlined in the Article that the transfer itself should not adversely affect the conditions of employment of the said staff members posted at the Centre, including the duration of their contracts and fringe benefits, subject to the availability of the funds for the operation of the Centre. Agency staff members transferred to UNESCO pursuant to this provision shall become staff members of UNESCO.

The transfer to UNESCO of Agency staff posted to the Centre was perhaps the most intricate exercise. UNESCO offered the affected staff

new contracts. These staff will continue to enjoy the same conditions in respect of duration of contracts, promotion, and recruitment policy as existed before the transfer. The modalities for the transfer of staff, assets, and liabilities of the Centre to UNESCO were embodied in a Memorandum of Understanding concerning the Transfer of the Administrative Responsibility for ICTP from the IAEA to UNESCO. This document was signed in Trieste by the Directors General of both organizations at the formal transfer of the Centre on 11 January 1996.

Joint Operation Agreement. In view of the changes in the Centre's organizational framework, Article 12 of the Tripartite Agreement provided for amendments to the Joint Operation Agreement. A new Agreement was prepared to replace the old one. In it, the purpose of the Centre was amended by providing that it will foster, through training and research, progress in physics, particularly theoretical physics, in accordance with the constitution of UNESCO and the IAEA Statute. The provisions on the Centre's functions, its staff, and details of collaboration remain the same as in the old agreement. The new Joint Operation Agreement came into force on the same date as the Tripartite Agreement.

Renewed support for the ICTP

The transfer of the Centre's administrative responsibility from the IAEA to UNESCO does not mean the termination of the Agency's interests and participation in its activities. In accordance with the provisions of the Tripartite Agreement, the Agency will continue to play an important role in the operation of the Centre, including contributions to its budget and the determination of the programmes of activity.

A difference can, however, be discerned between the IAEA's approach to the administration of the Centre and that adopted by UNESCO. Before the transfer, the Centre was administered as a unit of the Agency's Secretariat and therefore enjoyed full administrative support services from headquarters. UNESCO, on the other hand, has granted the Centre a large measure of autonomy pursuant to which the Centre will cater for itself in terms of administrative support.

It is hoped that the ICTP's new institutional arrangement will invigorate activities and strengthen the co-operation of the IAEA, UNESCO, and the Italian Government in supporting the Centre's activities. □