

Bearing in mind Economic and Social Council resolution 1979/52 of 2 August 1979 and decision 79/13 of 27 June 1979 adopted by the Governing Council of the United Nations Development Programme, concerning the implementation of the provisions of General Assembly resolution 33/135,

1. *Invites* the Governments of the members and associate members of the Commission to carry out effective measures to improve training and to increase the number of qualified national personnel;

2. *Requests* the Executive Secretary to consult with the members and associate members of the Commission, in close co-operation with the United Nations Development Programme and the relevant specialized agencies, as to the measures which can be taken for the implementation of General Assembly resolution 33/135 at the regional level and to submit a progress report to the Commission at its thirty-seventh session.

557th meeting
27 March 1980

206 (XXXVI). Establishment of the Asian and Pacific Development Centre

The Economic and Social Commission for Asia and the Pacific,

Recalling its resolution 191 (XXXV) of 14 March 1979, in which, *inter alia*, it decided that the Asian and Pacific Development Institute, the Asian and Pacific Development Administration Centre, the Social Welfare and Development Centre for Asia and the Pacific and the Asian and Pacific Centre for Women and Development should be integrated into a single regional training and research institution to be known as the Asian and Pacific Development Centre,

Recalling also its request in the same resolution that the Executive Secretary should proceed to formulate a charter for the Asian and Pacific Development Centre and should submit the charter to the Governing Council of the Regional Training and Research Institutions and to the Commission at its thirty-sixth session for consideration,

Further recalling its recommendation in the same resolution that, in setting up the new Centre, a special organizational identity should be given to the programme area related to issues concerning women and development, and that sufficient emphasis should be given to activities in the field of social welfare and development,

Noting with appreciation that, pursuant to its request to the Executive Secretary, a draft Charter for the Asian and Pacific Development Centre has now been formulated,

Having considered the reports of the Governing Council and of the Executive Secretary recommending that the Centre be established initially by a resolution of the Commission for a period of three years, after which it would be permanently established as an inter-governmental institution with its own charter, pursuant to paragraph 12 of resolution 191 (XXXV),

Noting that an interim draft Statute for the Centre has been approved by the Governing Council,

Noting with appreciation the offer of the United Nations Development Programme to provide financing for a portion of the estimated requirement of approximately \$US 9.8 million for institutional support of the Centre for a five-year period in the amount of approximately \$US 4.2 million, on the understanding that such support will be provided at a declining annual rate commensurate with the increasing financial contributions of member Governments for the balance of the requirement for institutional support in the total amount of \$US 5.6 million over the said five-year period,

Noting further the United Nations Development Programme's position on institutional support to the Centre that such support will be offered on the understanding that a permanent intergovernmental institution will have been established by the member Governments as provided for in paragraph 12 of resolution 191 (XXXV),

Noting also with appreciation the offer of the United Nations Development Programme to provide additional financing for the programmes of the Centre,

Noting further with appreciation that the consultations which the Executive Secretary has had with Governments on the location of the headquarters of the Centre have concluded with the recommendation that it should have its headquarters at Kuala Lumpur, Malaysia,

I

1. *Expresses* its appreciation to the Government of Malaysia for its generous offer to serve as host country to the Asian and Pacific Development Centre;

2. *Decides* that the headquarters of the Centre shall be established at Kuala Lumpur, Malaysia;

II

1. *Adopts* the Statute of the Asian and Pacific Development Centre, the text of which is attached as annex I to the present resolution, as an interim basis for the operations of the Centre pending permanent establishment of the Centre as a separate intergovernmental institution by July 1983, on the understanding that the Statute will terminate upon the entry into force of the Charter of the Centre, or on 1 July 1985

in the event that the Charter has not entered into force by that date;

2. *Requests* the Executive Secretary to continue the appropriate arrangements and procedures necessary for the establishment of the Centre and its programmes by 1 July 1980;

3. *Requests* the Executive Secretary to report on such arrangements to the Commission at its thirty-seventh session;

III

1. *Requests* members and associate members of the Commission to consider the draft Charter of the Asian and Pacific Development Centre, the text of which is attached as annex II;

2. *Requests* the Executive Secretary to convene an intergovernmental meeting of members and associate members of the Commission, not later than 31 December 1980, for the purpose of reviewing the basic framework and the provisions of the draft Charter and proposing a final draft for the consideration and approval of the Commission at its thirty-seventh session.

558th meeting
27 March 1980

Annex I

Statute of the Asian and Pacific Development Centre

Establishment

The Asian and Pacific Development Centre (hereinafter referred to as the "Centre") is hereby established as an institution for policy research and training relating to development in the Asian and Pacific region.

Functions

1. The Centre shall assist member and associate member Governments of the Economic and Social Commission for Asia and the Pacific (ESCAP) of the Asian and Pacific region and collaborate with non-governmental research and training institutions and other institutions of public education in the Asian and Pacific region in the study, formulation, implementation, management and evaluation of development strategies and policies.

2. For this purpose, the Centre shall:

(a) Conduct research on its own in areas where research is deemed necessary and where a regional research effort is most appropriate;

(b) Encourage, among institutions in the region, research on current development issues and problems;

(c) Conduct programmes for exchange of experience in development in the countries of the region.

through meetings of senior researchers, officials and other persons at the policy-making level related to development;

(d) Facilitate and arrange training at the working level in countries of the region and, for this purpose, utilize networks of national, subregional and regional research and training institutions and also conduct training at the Centre as appropriate;

(e) Function, through its publications and high-level meetings, as a clearing-house for information on development;

(f) Provide consultancy services, in co-operation with national institutions, where appropriate, to countries of the region.

3. In carrying out these functions, the Centre shall maintain a judicious balance between research and training activities.

Structure and headquarters

4. The Centre shall have a Management Board and a Director and staff.

5. The headquarters of the Centre shall be at Kuala Lumpur, Malaysia.

6. The Financial and Staff Regulations of the United Nations shall apply to the Centre except as may otherwise be provided by the General Assembly. The Financial and Staff Rules of the United Nations shall apply to the Centre except as may otherwise be decided by the Secretary-General.

Management Board

7. The Centre shall have a Management Board consisting of: (a) a representative of the host country of the Centre; (b) 14 members from within the Asian and Pacific region who shall be elected by the Commission to serve in their individual capacities; (c) up to three members from within or outside the region who may be selected by the Management Board and who will also serve in their individual capacities; and (d) the Director of the Centre and the Executive Secretary of ESCAP or his representative, who shall be *ex officio* members. Members of the Management Board shall be elected for a period of three years. If one or more of the elected members of the Management Board should be unable to serve for a full term of three years, the vacancy shall be filled by the Management Board, which shall select a replacement from within the region.

8. The Management Board shall meet in regular session at least once every year and shall adopt its own rules of procedure.

9. The first, and inaugural, regular session of the Management Board shall be convened by the Executive Secretary of ESCAP as soon as possible after the adoption of this Statute.

10. The Management Board shall meet in special session whenever a majority of its members request the Executive Secretary to convene a special session.

11. A quorum for meetings of the Management Board shall be a majority of its members.

12. Each member of the Management Board shall have one vote. Decisions of the Management Board shall be made by consensus or, where this is not possible, by a majority of the members present and voting.

13. The Management Board shall at each regular session elect a Chairman and a Vice-Chairman. They shall hold office until the next regular session of the Management Board. The Chairman or, in his absence, the Vice-Chairman shall preside at meetings of the Management Board.

14. International and national bodies deemed appropriate by the Management Board may be invited to attend its meetings in a consultative capacity.

15. The Management Board shall review the operations of the Centre and shall consider and adopt the annual and long-term programmes of work of the Centre. The Management Board shall submit an annual report on these operations and programmes to each session of the Commission.

Director and staff

16. The Centre shall have a director who shall be appointed by the Secretary-General of the United Nations for a term of three years.

17. The Director shall be responsible to the Management Board and to the Commission in the performance of his functions.

18. The Director shall:

(a) Administer the Centre and its programmes with a view to ensuring that the Centre becomes an institution of high academic standing;

(b) Prepare and submit to the Management Board for review and approval the areas identified for research and proposals for their development as well as the areas for training, seminars and workshops, the budget estimates and the accounts of the Centre;

(c) Report on the Centre and its programmes to the Management Board and the Commission;

(d) Select the other staff of the Centre;

(e) Arrange all matters relating to the publication of materials produced by the Centre, having in view the objectives of the Centre and its academic character, and consistent with applicable United Nations policies, regulations and rules;

(f) Perform such other duties as may be required

of him under this Statute or pursuant to decisions of the Management Board or of the Commission.

Resources

19. The financial resources of the Centre may be composed of:

(a) The contributions of the members and associate members of the Commission;

(b) Funds received from other Governments;

(c) Funds received from international and national institutions;

(d) Moneys received for services furnished by the Centre;

(e) Other funds or moneys received by the Centre.

20. The Centre may also receive contributions of a non-financial nature.

21. The Commission shall at each session review the state of the resources of the Centre, on the basis of the report of the Management Board, and make such recommendations as it may deem appropriate, to ensure that timely and adequate resources are always available to the Centre and its programmes.

22. The Centre shall be administered on a sound economic and financial basis.

Relations with other United Nations bodies and specialized agencies and other international institutions

23. The Centre may establish and maintain such relations as it may deem appropriate with other United Nations bodies and specialized agencies and other international institutions.

Facilities, privileges and immunities

24. The Centre shall conclude with Malaysia, as the country in which the headquarters of the Centre shall be located, a headquarters agreement relating to the facilities of the Centre and other appropriate provisions.

Annex II

Draft

Charter of the Asian and Pacific Development Centre

The Parties to this Charter being members and associate members of the United Nations Economic and Social Commission for Asia and the Pacific (hereinafter referred to as the "Commission" or "ESCAP");

Recalling Commission resolution 191 (XXXV) of 14 March 1979 on, *inter alia*, the integration of the following regional training and research institutions:

the Asian and Pacific Development Institute, the Asian and Pacific Development Administration Centre, the Social Welfare and Development Centre for Asia and the Pacific and the Asian and Pacific Centre for Women and Development,

Concurring in the Commission's recommendation that a single integrated regional training and research institution, named the Asian and Pacific Development Centre, should be established in the ESCAP region,

Concurring also in the Commission's recommendation that such a single integrated regional training and research institution should maintain a close co-operative and working relationship with ESCAP,

Desiring to establish such a single integrated regional training and research institution, named the Asian and Pacific Development Centre, in the ESCAP region,

Agree as follows:

Article I

Establishment of the Centre

The Asian and Pacific Development Centre (hereinafter referred to as the "Centre") is hereby established as an independent institution for policy research and training in the Asian and Pacific region to serve the entire region.

Article II

Purpose

1. The Centre shall assist Governments of countries members of the Centre and, on such terms as the Centre may deem appropriate, Governments of countries of the ESCAP region not members of the Centre, in the formulation, implementation and management of development strategies and policies.

2. For this purpose, the Centre shall:

(a) Encourage, among institutions in the region, research on current development issues and problems and also conduct research on its own in areas where research is deemed necessary and a regional research effort is most appropriate;

(b) Conduct programmes for exchange of experience in development in the countries of the region through meetings of senior researchers, officials and other persons at the policy-making level related to development;

(c) Facilitate and arrange training at the working level in countries of the region and, for this purpose, utilize networks of national, subregional and regional research and training institutions and also conduct training at the Centre as appropriate;

(d) Function, through its publications and high-level meetings, as a clearing-house for information on development;

(e) Provide consultancy services, in co-operation with national institutions, where appropriate, to countries of the region.

Article III

Membership

1. All countries that are members or associate members of the Commission shall be eligible for membership in the Centre. Any such country shall become a member of the Centre on becoming a party to this Charter.

2. Each such country, on becoming a member of the Centre, shall recognize that the financial viability of the Centre is the responsibility of its member countries and shall therefore ensure that contributions to the resources of the Centre are made in a timely and adequate manner.

Article IV

Status, structure and headquarters

1. The Centre shall have juridical personality. It shall have the capacity:

(a) To contract;

(b) To acquire and dispose of immovable and movable property;

(c) To institute legal proceedings.

2. The Centre shall have a General Council, a Management Board and a Director and staff.

3. The headquarters of the Centre shall be at Kuala Lumpur, Malaysia.

Article V

General Council: composition

1. The General Council shall be composed of all the members of the Centre and the Director of the Centre, who shall serve as an *ex officio* member.

2. The Director of the Centre shall also serve as Secretary of the General Council.

Article VI

General Council: functions

The General Council shall:

(a) Establish policies and principles which will govern the activities of the Centre;

(b) Establish the Management Board of the

Centre in accordance with the provisions of article VIII;

(c) Establish such other subsidiary bodies as it may deem appropriate;

(d) Appoint the Director of the Centre in accordance with the provisions of article IX;

(e) Receive and consider the reports of the Management Board and the Director;

(f) Exercise such other functions as it may be authorized to perform or as may be necessary under this Charter.

Article VII

General Council: meetings and procedure

1. The General Council shall meet in regular session once every two years.

2. The first, and inaugural, regular session of the General Council shall be convened by the Executive Secretary of ESCAP as soon as possible after the entry into force of this Charter.

3. The General Council shall meet in special session whenever a majority of the members of the Centre request the Chairman of the General Council to convene a special session.

4. A quorum for meetings of the General Council shall be a majority of the members of the Centre.

5. Each member of the Centre shall have one vote in the General Council.

6. The General Council shall endeavour to reach its decisions by consensus. Where consensus is not possible, decisions of the General Council shall, unless otherwise provided in this Charter, be made by a majority of the members present and voting.

7. The General Council shall at each session elect a Chairman and a Vice-Chairman. They shall hold office until the next session of the General Council. The Chairman or, in his absence, the Vice-Chairman shall preside at meetings of the General Council.

8. Representatives of Governments not members of the Centre, representatives of ESCAP and other appropriate United Nations bodies and specialized agencies, representatives of such other organizations as the General Council may deem appropriate and experts in fields of interest to the General Council may be invited to participate in meetings of the General Council in the capacity of observers without the right to vote.

9. The General Council shall, subject to the provisions of this Charter, adopt its own rules of procedure.

Article VIII

Management Board

1. The General Council shall at its first, and inaugural, session establish the Management Board of the Centre.

2. The Management Board shall be composed of: (a) a representative of the host country of the Centre; (b) 12 members from within the Asian and Pacific region elected by the General Council to serve in their individual capacities; (c) up to three members from within or outside the region who may be selected by the Management Board; and (d) the Director of the Centre, who shall serve as an *ex officio* member.

3. The General Council shall, in establishing the Management Board, define its terms of reference and delegate to the Board the authority necessary to enable it to serve as an effective management authority, without prejudice to the responsibilities of the Director, as provided in article IX.

4. The Management Board shall meet at least once every year.

Article IX

Director and staff

1. The Director of the Centre shall be appointed by the General Council for a term of three years. The Director shall be eligible for reappointment for an additional term of two years only, provided, however, that the first Director may serve for no longer than a cumulative period of five years, including service as Director of the Centre prior to the entry into force of this Charter.

2. The Director shall be responsible to the General Council and to the Management Board in the performance of his functions.

3. The Director shall:

(a) Administer the Centre and its programmes with a view to ensuring that the Centre becomes an institution of high academic standing;

(b) Prepare and submit to the Management Board for review and approval the areas identified for research and proposals for their development as well as the areas for training, seminars and workshops, the budget estimates and the accounts of the Centre;

(c) Report on the Centre and its programmes to the Management Board and the General Council;

(d) Select the other staff of the Centre;

(e) Arrange all matters relating to the publication of materials produced by the Centre, having in view the objectives of the Centre and its academic character;

(f) Perform such other duties as may be required of him under this Statute or pursuant to decisions of the General Council or of the Management Board.

Article X

Resources

1. The financial resources of the Centre shall be composed of:

(a) The contributions of the members of the Centre;

(b) Funds received from Governments not members of the Centre;

(c) Funds received from international and national institutions;

(d) Moneys received for services furnished by the Centre;

(e) Other funds or moneys received by the Centre.

2. The Centre may also receive contributions of a non-financial nature.

3. The General Council shall at each session review the state of the resources of the Centre and make such recommendations to the members of the Centre as it may deem appropriate, to ensure that timely and adequate resources are always available to the Centre and its programmes.

4. The Centre shall be administered on a sound economic and financial basis.

5. Regulations for receipt, custody and expenditure of the financial and non-financial resources of the Centre shall be established.

Article XI

Relations with the United Nations Economic and Social Commission for Asia and the Pacific

1. The Centre shall establish and maintain a close consultative, co-operative and working relationship with ESCAP.

2. The Centre may enter into an agreement with ESCAP on the modalities of that relationship.

3. The Executive Secretary of ESCAP or his representative shall be invited to attend meetings of the General Council and of the Management Board and may make such statements and present such papers as he may deem appropriate.

4. The General Council or the Management Board, as appropriate, shall each year submit to ESCAP at its annual session a report on the Centre and its programmes.

Article XII

Relations with other United Nations bodies and specialized agencies and other international institutions

The Centre may establish and maintain such relations as it may deem appropriate with other United Nations bodies and specialized agencies and other international institutions.

Article XIII

Facilities, privileges and immunities

1. The Centre shall conclude with Malaysia, as the country in which the headquarters of the Centre shall be located, a headquarters agreement relating to the facilities, privileges and immunities which the Centre, representatives of its members, its officials and its consultants will receive while in Malaysia for the purpose of exercising official duties.

2. The Centre shall also conclude with all other members of the Centre an agreement relating to the facilities, privileges and immunities which the Centre, representatives of its members, its officials and its consultants will receive while in their territories for the purpose of exercising official duties.

Article XIV

Withdrawal from the Centre

1. Any member of the Centre may withdraw from the Centre and this Charter by giving written notification of withdrawal to the Chairman of the General Council and to the Secretary-General of the United Nations as depositary of this Charter.

2. The Chairman of the General Council shall inform all other members of the Centre and the Secretary-General of the United Nations as depositary of this Charter of his receipt of such a notification.

3. A notification of withdrawal shall take effect six months after the date of receipt of the notification by the Secretary-General of the United Nations.

4. A member withdrawing from the Centre shall continue to be responsible for obligations incurred within the period of its membership.

Article XV

Dissolution of the Centre

1. The General Council may, by a two-thirds majority of the members present and voting, resolve that the Centre be dissolved.

2. On approval of such a resolution by two thirds of the members of the Centre, in notifications addressed to the Chairman of the General Council, the necessary

steps shall be taken by the General Council for the dissolution of the Centre. These steps shall include establishment by the General Council of a committee to advise the General Council on the manner in which the assets and obligations of the Centre should be liquidated prior to the dissolution of the Centre.

3. The General Council shall, at the appropriate stage, adopt a final declaration stating that on a specified date the Centre shall be deemed dissolved. The declaration shall be communicated by the Chairman of the General Council to the members of the Centre and to the Secretary-General of the United Nations as depositary of this Charter.

Article XVI

Signature, ratification, acceptance or approval

1. This Charter shall be open for signature, at the headquarters of ESCAP in Bangkok from to and thereafter at the Headquarters of the United Nations in New York, to all countries eligible under article III to become members of the Centre.

2. This Charter shall be subject to ratification, acceptance or approval by signatories. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

Article XVII

Accession

This Charter shall be open for accession to all countries eligible under article III to become members of the Centre. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XVIII

Associate members of ESCAP

If an associate member of ESCAP is not fully responsible for the conduct of its international relations, it shall when signing, ratifying, approving, accepting or acceding to this Charter present a document issued by the Government of the State responsible for the conduct of the international relations of the associate member confirming that the associate member has authority to be a party to, and to assume rights and obligations under, this Charter.

Article XIX

Entry into force

1. This Charter shall enter into force on the thirtieth day after the deposit of instruments of ratification,

approval, acceptance or accession by five countries, including Malaysia, the country in which the headquarters of the Centre shall be located, eligible under article III to become members of the Centre. It is understood, however, that the Charter shall not enter into force prior to 1 July 1983.

2. For countries whose instruments of ratification, acceptance, approval or accession are deposited after the ratifications, acceptances, approvals or accessions required under paragraph 1 of this article for the entry into force of this Charter, the Charter shall enter into force on the thirtieth day after deposit, provided, however, that such entry into force shall not occur prior to 1 July 1983.

Article XX

Amendment

1. Any party to this Charter may propose an amendment to this Charter.

2. The proposed amendment shall be considered by the General Council and if approved by a two-thirds majority in the General Council shall enter into force for all parties to this Charter on the thirtieth day after the deposit with the Secretary-General of the United Nations of instruments of acceptance of the proposed amendment by two thirds of the parties to this Charter.

Article XXI

Depositary

1. The Secretary-General of the United Nations is hereby designated as the depositary of this Charter.

2. The original text of this Charter shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to do so by their respective Governments, have signed this Charter, opened for signature at the headquarters of ESCAP in Bangkok on 19....

For (Signature) (Date)
(Name and title)

For

For

For