

order to ensure co-ordination of environmental activities within the Commission and to promote co-ordination with other agencies,

Recalling its recommendations at its thirty-fifth session on institutional arrangements, commending the decision to establish the Environmental Co-ordinating Unit as an essential initiative in fulfilling the environmental objectives of the Commission,

Bearing in mind its suggestion at its thirty-seventh session that the secretariat's efforts should be continued by ensuring that environmental considerations are taken into account in the activities of the Commission in the priority areas as identified by the Commission at its thirty-fifth session,

Considering the report of the Committee for Programme and Co-ordination of the United Nations on its twenty-first session, on the question of distribution of tasks and responsibilities in the field of the environment between the regional commissions and other United Nations entities,

Taking note of the environmental situation in the region as presented in the Executive Secretary's report to the Commission at its thirty-eighth session,

Recognizing the valuable catalytic role which the United Nations Environment Programme has played in supporting the Environmental Co-ordinating Unit during its time of establishment,

Being aware of the fact that the question of support from the United Nations Environment Programme to the regional commissions on environmental matters vis-à-vis the Programme's Regional Office will be reconsidered by the Governing Council of the Programme at its tenth session, to be held at Nairobi from 20 May to 2 June 1982,

1. *Urges* Governments of its members and associate members to reiterate their support for the activities of the Commission in the field of the environment;

2. *Requests* the Executive Secretary, in the context of the support of the United Nations Environment Programme to the Environmental Co-ordinating Unit, to have consultations as a matter of urgency with the Executive Director of the Programme in order to ensure the continued incorporation of environmental considerations in the activities of the Commission at the existing level;

3. *Calls upon* all Governments of its members and associate members to communicate their views on the need to continue the environmental activities of the Commission at the existing level to the Governing Council of the Programme at its tenth session;

4. *Requests* the Executive Secretary to ensure that three regular budget posts are available for the Environmental Co-ordinating Unit by exploring the possibility of redeploying existing resources within the United Nations or by other possible means and to report to the Commission at its thirty-ninth session on the progress achieved in the implementation of the present resolution.

583rd meeting
1 April 1982

225 (XXXVIII). Charter of the Asian and Pacific Development Centre⁶

The Economic and Social Commission for Asia and the Pacific,

Recalling its resolutions 191 (XXXV) of 14 March 1979, 206 (XXXVI) of 27 March 1980 and 215 (XXXVII) of 19 March 1981,

Having received and considered the report of the Executive Secretary on negotiations and consultations undertaken in pursuance of resolution 215 (XXXVII),

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

1. *Adopts* the Charter of the Asian and Pacific Development Centre, the text of which is annexed to the present resolution;

2. *Requests* the Executive Secretary to open the Charter for signature in accordance with article XVI of the Charter;

3. *Urges* the General Council and the Management Board, taking into consideration the value to the Centre of having the host country representative as Chairman of the Management Board for an initial period, to ensure that the representative of the host country of Malaysia becomes its Chairman for a period of three years commencing from the date of the establishment of the Board;

4. *Expresses its hope* for the widest possible adherence to the Charter.

583rd meeting
1 April 1982

⁶ See paras. 815-816 above.

Annex

CHARTER OF THE ASIAN AND PACIFIC DEVELOPMENT CENTRE

Article I

Establishment of the Centre

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

Article II

Purpose and functions

1. The purpose of the Centre shall be to 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, and collaborate with governmental and 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 have the following functions:

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

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

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

(f) To 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.

4. Special organizational identity shall be given to the programme area related to issues concerning women, youth, children and the handicapped, and sufficient emphasis shall be given to activities in the field of social welfare and development.

Article III

Membership

1. All countries that are members or associate members of the United Nations Economic and Social Commission for Asia and the Pacific (also referred to in this Charter as "ESCAP") 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, recognizes that the financial viability of the Centre is the responsibility of its member countries. Members shall ensure that voluntary contributions to the Centre are made in a timely and adequate manner.

Article IV

Status, structure and headquarters

1. The Centre shall have juridical personality and shall have the capacity, in accordance with the national laws and regulations of the members of the Centre:

(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.

2. The Director of the Centre shall 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, approve the broad framework of the programmes of the Centre, and approve the budget estimates and accounts of the Centre for each biennium;

(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, paragraph 1;

(e) Receive and consider the reports of the Management Board and the Director on the functions delegated to them;

(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 requests 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 regular session elect a Chairman and a Vice-Chairman. They shall hold office until the next regular 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 the following members: (a) a representative of the host country of the Centre; (b) up to fourteen persons from within the Asian and Pacific region elected by the General Council to serve in their individual capacities; (c) up to three persons from within or outside the region who may be co-opted by the Management Board and who will also serve in their individual capacities; and (d) the Director of the Centre.

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. It shall be the responsibility of the Management Board to ensure the proper implementation of the work programme and ensure that expenditure is incurred in a properly accountable manner.

4. The Management Board, which shall be responsible to the General Council in the performance of its functions, shall ensure that the activities of the Centre are conducted in accordance with this Charter and the resolutions and decisions of the General Council.

5. The Management Board shall meet at least once every year and shall elect its own Chairman and two Vice-Chairmen each 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 on the recommendation of the Management Board. 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. If the post of the Director falls vacant, the Management Board shall appoint a suitable person as Acting Director during the interim period until such time as a new Director is appointed by the General Council.

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

4. 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 General Council through the Management Board, for review and approval, a report on the areas identified for research and proposals for their development, a report on the areas identified for training, seminars and workshops, and 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) Appoint 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 Charter 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 voluntary contributions of the members of the Centre in accordance with a formula for the determination of the periodic targets of such contributions as agreed to by the General Council from time to time;

(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, as presented by the Management Board, 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, and that a balance between these resources and programmes is maintained.

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

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.

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 total membership of the Centre, 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 and accession

1. Countries eligible, under article III, to become members of the Centre may become parties to this Charter by:

(a) Signing the Charter without reservations as to ratification, acceptance or approval;

(b) Signing the Charter subject to ratification, acceptance or approval, and, thereafter, depositing instruments of ratification, acceptance or approval;

(c) Acceding to the Charter.

2. This Charter shall be open for signature at the headquarters of ESCAP in Bangkok from 1 September 1982 to 30 April 1983 and thereafter at the Headquarters of the United Nations in New York.

3. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

Article XVII

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 XVIII

Entry into force

1. This Charter shall enter into force on the thirtieth day after five countries eligible under article III to become members of the Centre, including Malaysia, the country in which the headquarters of the Centre shall be, have become contracting parties to this Charter in accordance with article XVI, paragraph 1. It is understood, however, that the Charter shall not enter into force prior to 1 July 1983.

2. For countries signing this Charter under article XVI, paragraph 1 (a), or depositing instruments of ratification, acceptance, approval or accession after the date of the five signatures, 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 such signature or deposit, provided, however, that such entry into force shall not occur prior to 1 July 1983.

Article XIX

Amendment

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

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 XX

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 1 September 1982.

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

For

For

For