

# **STATUTE**

## **INTERNATIONAL CENTER**

### **FOR THE PUBLIC ENTERPRISES IN DEVELOPING COUNTRIES**

THE PARTICIPANTS AT THE CONFERENCE OF REPRESENTATIVES OF GOVERNMENTS OF DEVELOPING COUNTRIES FOR THE ESTABLISHMENT OF THE INTERNATIONAL CENTER FOR PUBLIC ENTERPRISES IN DEVELOPING COUNTRIES.

Considering:

- the growing role and importance of the public sector in the national economies of the developing countries;
- the fact that the number of public enterprises in developing countries is increasing;
- the determinations of developing countries to achieve full sovereignty over their natural recourses;
- that the destabilizing influence of transnational corporations constitutes a fact the developing countries have to face in the process of their economic emancipation;
- that there is a growing perspective for the establishment of multinational enterprises by developing countries based on their real interest;
- that the principles and decisions on mutual cooperation between non-aligned and other developing countries, inscribed in the Economic Declaration and Programme of Action adopted at the Conference of Heads of State of Government of Non-Aligned Countries held in Algiers, 5 - 9 September, 1973, have acquired concrete form in international forums in the form of the Establishment of a New International Economic Order, the adoption of the Charter of the Economic Rights and Duties of States, the Declaration of Dakar (February, 1975);
- the fact that in the Socialist Federal Republic of Yugoslavia the International Center for Public Enterprises has already been founded in Ljubljana, the Socialist Republic of Slovenia, and that the Government of the Socialist Federal Republic of Yugoslavia, in response to the wishes of representatives of developing countries, has consented for the Center to become a joint institution of developing countries;
- that the Conference of Ministers of Foreign Affairs of Nonaligned Countries held August 25 to 29, 1975, in Lima, invited nonaligned and other developing countries to join the International Center for Public Enterprises in Ljubljana, founded by the Socialist Federal Republic of Yugoslavia;
- the vital need of intensifying and promoting mutual cooperation and exchange of information and in particular cooperation between institutions concerned with the advancement of public enterprises, for the purpose of facilitating the task of governments in developing their national economies and stimulating economic growth;
- the diversity of forms characterizing the development and cooperation of enterprises which are not privately owned in developing countries - social enterprises, self managed enterprises, cooperative enterprises, etc., the term "public enterprises" has been used to express briefly and succinctly such diversity of forms.

HAVE AGREED ON THE FOLOWING:

#### **CONSTITUTION**

##### **Article 1.**

The International Centre for Public Enterprises in Developing Countries (hereinafter to as a Center) is hereby established.

##### **Article 2.**

The Headquarters of the Centre is located in the city of Ljubljana the Socialist Federal Republic of Yugoslavia.

## **ACTIVITIES OF THE CENTER**

### **Article 3.**

The purposes of the Center are to carry out studies, research projects and an exchange of information on all aspects of the operation and development of public and social enterprises, and of the role of this sector in the national economy, and to contribute to the development of the new international economic order, founded on the principles adopted in the Declaration and Programmes of Action for the Establishment of a New International Economic Order and on the Charter of the Economic Rights and Duties of States.

In pursuit of the aforementioned purposes, the Center shall facilitate, organize and stimulate cooperation between, member-states and assistance in research projects in the field of education, consultation, and in the mutual exchange of information and documentation.

### **Article 4.**

The Center, in accordance with the Governments of Member States and their national institutions:

- shall plan and carry out research projects and other studies with respect to the status, organization, direction, business management, financing and planning of public enterprises, and the management and organization of public multinational enterprises, and with the respect to the organization and work of those administrative (government) organs concerned with public enterprises;
- shall collect, compile, collate and make available information and research findings on the method of organization, direction, financing and operation of public enterprises in various countries and on the technological advances achieved in various countries;
- shall organize cooperation and exchange of information on the management of public enterprises;
- shall organize courses and devise various other ways of training personnel for the needs of public enterprises in developing countries;
- shall organize symposia, seminars, discussions, consultations and courses on topics relating to the status, organization, direction, business management, financing and planning of public enterprises; it shall also organize post-graduate courses related to the field of its activity in cooperation with academic centers;
- at the request of any Member State, their national institutions or public enterprises, the Center shall provide other services relating to research, studies, consultation and information.

### **Article 5.**

In pursuit of its aims, the Centre shall cooperate with international, regional and interregional organizations whose activities are similar to those for which the Center was founded and above all with organs and organizations of the United Nations system. Should a necessity be felt for opening a branch or branches in other countries at a subsequent date, that should be allowed upon the authority of the Assembly.

## **MEMBERSHIP**

### **Article 6.**

- (1) The Members of the Center shall be developing countries, signatories to the Statute.
- (2) Any other developing country may become a member if it accedes to the obligations entailed by membership in the Center.
- (3) The Assembly shall decide on the admission of members upon the recommendation of the Council, by majority vote.

## **Article 7.**

Under a special agreement, the Center may cooperate with other states, their national organizations and international organizations which are interested in the subject of the management of public enterprises or which deal with this matter, in each case subject to ratification by the Assembly.

## **ORGANS**

### **Article 8.**

- (1) The organs of the Centre are
  - (a) the Assembly
  - (b) the Council
  - (c) the executive, consisting of the Director and two Assistant Directors.
- (2) The Assembly and Council shall normally hold their meeting at the Headquarters of the Center.

### ***The Assembly***

### **Article 9.**

- (1) The Assembly is the supreme organ of the Center.
- (2) The Assembly shall be composed of delegates representing the Member States of the Center.
- (3) At sessions of the Assembly, each Member State shall have one vote.
- (4) Representatives of international organizations in the United Nations system may be invited to participate as observers in sessions of the Assembly.

### **Article 10.**

The Assembly shall convene a regular session every second year, but may also meet in special sessions at the request of the Council or at the request of a majority of members of the Center.

### **Article 11.**

At each session the Assembly shall elect a President, the appropriate number of Vice-Presidents and a Rapporteur.

### **Article 12.**

The Assembly shall adopt its own rules of procedure.

### **Article 13.**

- (1) The Assembly:
  - shall formulate policy and lay down general guidelines for the work of the Center;
  - shall adopt mid-term and two-year programmes of work of the Center and shall consider reports on complete work;
  - shall approve the budget of the Center, shall determine the regular contributions of members for financing the adopted programme of work of the Center and shall approve the annual balance sheet of the Center;
  - shall decide on amendments to the present Statute;
  - shall decide on recommendations of the Council concerning the admission of new members;
  - shall elect the President and members of the Council;

- shall elect the Executive Director of the Center;
  - shall approve all special agreements between the Center and other states and international organizations.
- (2) The Assembly may also consider any other matters relating to the objectives and work of the Center.
  - (3) Decisions of the Assembly shall be made by a majority of the members present, unless otherwise specified in the Statute.

### ***The Council***

#### **Article 14.**

- (1) The Council shall consist of countries in a ratio of one council member to four Assembly members, or a minimum of fifteen.
- (2) Due consideration shall be given to achieving an equitable geographic representation of the members of the Council.
- (3) Members of the Council shall be elected for a term of two years.
- (4) The executive Director shall act in that capacity in all meetings of the Assembly and the Council.
- (5) The Council will meet once a year. In the Years of Assembly meetings, the Council will hold its meeting immediately before that of the Assembly.

#### **Article 15.**

- (1) The Council shall elect the President and Vice-President from among its members. The terms of office of the President and Vice-President shall be equivalent to the tenure of the Council.
- (2) The President, Vice-President and members of the Council may be re-elected for a one-year term.

#### **Article 16.**

The Council shall adopt its own rules of procedure.

#### **Article 17.**

- (1) In conformity with the Statute and conclusions of the Assembly, the Council:
  - shall propose to the Assembly the programmes of work of the Center and shall supervise the implementation of the accepted programmes;
  - in conjunction with the Executive Director of the Center shall adopt the measures necessary to implement the programme of work of the Center and to put into effect the other conclusions and recommendations of the Assembly;
  - shall consider request for admission of new members and submit recommendations to this effect to the Assembly;
  - shall consider the reports of the Executive Director on the work and activities of the Center;
  - shall propose to the Assembly long-term, mid-term and annual programmes of work of the Center, shall propose a budget for the financing of these programmes and the apportionment of financial obligations among members of the Center;
  - shall propose to the Assembly the budget of the Center;
  - shall approve the agreements for the implementation of the programmes of the Center with the Governments of member-states;
  - shall approve the rules regulating the rights and duties of the administrative staff of the Center;
  - shall approve the annual plan for the financing of the Center under the budget and the annual balance sheet;

- shall adopt general regulations concerning the organization, composition and terms of employment of the research, professional and administrative and technical personnel of the Center and the conditions for cooperation with research associates;
  - shall perform any other functions entrusted to it by the Assembly.
- (2) Decisions of the Council shall be made by a majority of members.

**Article 18.**

- (1) The President shall be authorized to represent the Council between sessions.
- (2) The President of the Council shall submit reports on behalf on the Council to the Assembly.

***The Executive Director***

**Article 19.**

The Executive Director shall be elected by the Assembly for a term of office of four years.

**Article 20.**

- (1) The Executive Director shall be executive officer of the Center, shall administer the current affairs of the Center according to the instructions given by the Council and shall submit a report to the Council. He shall be responsible for the organization of work and for the engaging and dismissal of staff with the exception of the two assistant directors to the Executive Director in conformity with the directives adopted by the Council.
- (2) The two assistant directors will be appointed by the Council at the suggestion of the Executive Director.
- (3) The staff of the Center shall be accountable for their work to the Executive Director.
- (4) The Executive Director shall be the legal representative of the Center.

***Consultative Bodies***

**Article 21.**

The Council may set up consultative bodies composed of experts of international renown, recruited from developing countries, to evaluate various research projects, but their decisions may not limit the rights of the Council as defined in the Statute.

**STAFF**

**Article 22.**

- (1) The Secretariat shall comprise the Executive Director, the two assistant directors to the Executive Director and such staff as the Center may require.
- (2) The staff shall be appointed by the Executive Director, under regulations established by the Council.
- (3) The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standard of efficiency, competence and integrity.

## **THE BUDGET AND FINANCING OF THE CENTER**

### **Article 23.**

- (1) The Center shall be financed by: the regular membership contributions, voluntary contributions or donations and other funds, including the funds provided under special agreement on cooperation envisaged under Article 7 of the Statute.
- (2) The amount of the regular contributions of Member States shall be voluntary until decided otherwise by the first Assembly. The amount of the minimum obligatory contribution of Member States shall be determined by the Assembly in accordance with the adopted budget for each Member State separately, according to criteria to be elaborated by a group of experts before the Statute comes into force.

### **Article 24.**

Every year by September 30<sup>th</sup>, the Executive Director shall propose to the Council a plan of revenues and expenditures for the coming year.

## **STATUS**

### **Article 25.**

The Center is a juristic person.

### **Article 26.**

- (1) The Member States of the Center shall provide all the facilities for the normal work of the Center in their territories, in conformity with the approved programmes.
- (2) The Socialist Federal Republic of Yugoslavia shall grant the Center the use of the site, building and necessary furnishing and equipment against a token remuneration.
- (3) The Socialist Federal Republic of Yugoslavia shall also provide the necessary facilities for the normal work of the Center and its organs in its territory, in conformity with approved programmes.
- (4) In connection with items 1 to 3 of these special arrangements will be concluded.

## **AMENDMENT OF THE STATUTE**

### **Article 27.**

- (1) Proposal for amendments to the present Statute shall be sent to the Executive Director, who must communicate them to all Members for their consideration six months prior to the session of the Assembly.
- (2) The Assembly shall adopt amendments by two-thirds majority of all its members.
- (3) Amendments shall come into force for all members when two-thirds of the States Members notify the depositary of their concurrence with the amendments.

## **I. WITHDRAWAL FROM MEMBERSHIP**

### **Article 28.**

- (1) Any Member may withdraw from membership in the Center one year after submission of a written notice of withdrawal to the depositary.
- (2) A withdrawing Member of the Center shall be obliged to pay contributions on a pro rata basis until such time as withdrawal becomes effective.

## **WORKING LANGUAGE**

### **Article 29.**

- (1) The working language of the Center shall be Arabic, English, French and Spanish.
- (2) The authentic text of this Statute is in the Arabic, English, French and Spanish languages.

## **CONCLUDING PROVISIONS**

### **Article 30.**

The Government of the Socialist Federal Republic of Yugoslavia shall be the depositary of this Statute.

This Statute shall be open to signature by the States Participants in the founding conference 10 (ten) months from the day of its adoption.

The Statute shall come into force on the thirtieth day from the day when the 15<sup>th</sup> Signatory has officially notified the depositary that it accepts the Statute and assumes the obligations entailed by membership.

Done in Ljubljana, this fourth day of March, one thousand nine hundred and seventy six in a single copy, in the Arabic, English, French and Spanish languages.