

**AGREEMENT TO ESTABLISH
THE SOUTH CENTRE**

1994



AGREEMENT TO ESTABLISH THE SOUTH CENTRE

Preamble

The developing States Parties to the present Agreement:

Commending the work of the South Commission, including its Report "The Challenge to the South", and welcoming the activities of the South Centre during the two years of follow-up to the South Commission;

Acknowledging the recommendations made in "The Challenge to the South", and in United Nations General Assembly resolution 46/155 on the Report of the South Commission inviting Governments and international organizations to contribute to the implementation of its recommendations;

Stressing the need for close and effective cooperation among developing countries;

Reaffirming the importance of establishing mechanisms to facilitate and promote South-South cooperation on a South-wide basis;

Have agreed as follows:

Article I

Establishment and Headquarters of the Organization

1. The Parties to this Agreement hereby establish the South Centre, hereinafter called "the Centre".
2. The headquarters of the Centre shall be in Geneva, Switzerland. The Centre shall be authorized to have regional offices.

Article II

Objectives

The Centre shall have the following objectives:

- (a) To promote South solidarity, South consciousness and mutual knowledge and understanding among the countries and peoples of the South;
- (b) To promote various types of South-South cooperation and action, South-South links, networking and information exchange; to cooperate to these ends with concerned groups and persons who are willing and able to exchange ideas and/or to work together with the Centre for a common purpose;
- (c) To contribute to South-wide collaboration in promoting common interests and coordinated participation by developing countries in international forums dealing with South-South and North-South matters, as well as with other global concerns;
- (d) To contribute to better mutual understanding and cooperation between the South and the North on the basis of equity and justice for all, and to this end to the democratization and strengthening of the United Nations and its family of organizations;
- (e) To foster convergent views and approaches among countries of the South with respect to global economic, political and strategic issues related to evolving concepts of development, sovereignty and security;
- (f) To make continual efforts to develop and maintain links with interested individuals of proven achievement and with intergovernmental and non-governmental organizations, particularly of the South, and with academic and research bodies, as well as with international and national entities;
- (g) To give all developing countries and interested groups and persons access to the Centre's publications and to the results of its work, regardless of membership, for the use and benefit of the South as a whole, in pursuance of the objective set out in this Article.

Article III

Functions

In order to meet its objectives, the Centre shall:

(a) Assist in developing points of view of the South on major policy issues, for example by providing focused policy analyses through convening working groups and expert consultations, and by developing and maintaining close cooperation and interaction with a network of institutions, organizations and individuals, particularly of the South. In this context, the Centre shall also promote the implementation of the policies and actions proposed in "The Challenge to the South", and review and update them, as appropriate;

(b) Generate ideas and action-oriented proposals for consideration, as appropriate, by Governments of the South, institutions of South-South cooperation, intergovernmental organizations and non-governmental organizations, and the community at large;

(c) Respond, within the bounds of its capacity, resources and mandate, to new issues or events, and to ad hoc needs or requests for policy advice, and for technical and other support from collective entities of the South such as the Non-Aligned Movement (NAM), the Group of 77, the Group of 15 and others;

(d) Perform these functions by, inter alia:

- (i) Defining and implementing programmes of analysis, research and consultation;
- (ii) Collecting, systematizing, analysing and disseminating relevant information concerning South-South cooperation, as well as North-South relations, multilateral organizations, and other matters of concern to the South;
- (iii) Making accessible, and giving wide distribution to, the results of its work and, whenever possible, to views and positions which reflect analyses and deliberations of South

institutions and experts, through publications, the mass media, electronic and other appropriate means.

(e) Extensively involve, where appropriate, intergovernmental and non-governmental organizations, particularly of the South, as well as academic and research bodies and other entities in its work and activities, thereby supplementing the Centre's capacities while promoting South-wide cooperation and the pooling of resources.

Article IV

Methods of Work

The Centre shall discharge its responsibilities in the following manner:

(a) The Centre shall be a dynamic, action-oriented mechanism in the service of the countries and peoples of the South. It shall enjoy full intellectual independence, based on the precedent established by the South Commission and by the Centre during the first two years of work as the follow-up mechanism of that Commission.

(b) The Centre shall operate in a non-bureaucratic and flexible manner and shall continue and develop the methods of work initially used by the South Commission. The functions and structure of the Centre shall be reviewed periodically, in order to respond to evolving needs and to adjust the Centre's structure and methods of work to changing realities.

(c) The Centre shall perform its tasks in a transparent manner and remain an independent body focusing on substantive issues.

Article V

Membership

Membership of the Centre shall be open to all developing countries members of the Group of 77 and China listed in the Annex, and other

developing countries considered eligible for membership by the Council of Representatives.

Article VI

Organs

The Centre shall consist of a Council of Representatives, a Board and a Secretariat.

Article VII

The Council of Representatives

1. The Council of Representatives, hereinafter called "the Council", shall be the highest authority established by the present Agreement. It shall be composed of one representative of each member State. Representatives shall be high-level persons known for their commitment and contribution to the development of the South, and to South-South cooperation.
2. The Council shall elect from amongst its members a Convenor who shall hold office for three years and who may be re-elected. The Convenor shall convene the sessions of the Council and preside over them.
3. The Council shall meet at least once every three years in ordinary session. Extraordinary meetings may be called by the Convenor, if requested to do so by one third of the Members.
4. The Council shall formulate and adopt its rules of procedure.
5. The Council shall examine the Centre's past, present and future activities. It shall, in particular, offer general advice and specific recommendations concerning the Centre's future activities. It shall also perform any other function assigned to it by the present Agreement.

6. The Council shall review the Executive Director's Annual Reports, the Centre's work and fund-raising programmes, and the budgets and accounts presented by the Board in conformity with Article X.
7. The Council shall endeavour to take its decisions by consensus. If all efforts to achieve consensus have been exhausted, and no agreement has been reached, the Council shall, as a last resort, take decisions by a majority of two-thirds of its members present and voting. Each State Party shall have one vote in the Council.
8. The views expressed during Council meetings, and the Council's recommendations, shall guide the Board and the Executive Director in planning and implementing the next phase of the Centre's activities, fully bearing in mind the requirement that the Centre remains at all times free from encumbrances and deficits.

Article VIII

The Board

1. The Board of the Centre, hereinafter called "the Board", shall consist of nine members appointed by the Council, plus the Chairperson. The Board membership shall reflect a broad geographical balance among countries of the South. The Chairperson shall, after wide consultations with the members of the Council and the Board and other persons of standing in the South, present a list of candidates for Board membership to the Council for its consideration and approval.
2. Members of the Board shall be appointed for a three-year term. In no case shall a member of the Board serve for more than three consecutive terms. The members of the Board shall serve in their personal capacity. They should be persons highly respected for their integrity and personal qualities, should enjoy a high professional and intellectual reputation in their respective areas of competence, and should have been active in the cause of promoting development and South-South cooperation.
3. An appropriate formula to secure both continuity and change in the Board's membership shall be approved by the Council, which shall also

approve the arrangements for filling vacancies arising in the Board through death or resignation.

4. The Chairperson of the Board shall be elected by the Council from among a short list prepared by the Board after consultation with Council members and with other South institutions and persons of high standing in the South. Candidates so nominated for consideration by the Council should be known for independence of mind, meritorious experience, intellectual ability and leadership qualities. The Chairperson shall be appointed for a three-year term. In no case shall the Chairperson serve more than three terms.

5. The Board shall meet at least once a year in ordinary session. Extraordinary meetings may be called by its Chairperson.

6. The Board shall formulate and adopt its rules of procedure.

7. The Board shall review and approve the Executive Director's Annual Report, the Centre's work programme, fund-raising programme, budget and yearly accounts, which shall be externally audited. After approval, the Board shall submit to the Council the Annual Report, the work and fund-raising programmes, the budget and the accounts.

8. The Board shall appoint the Executive Director referred to in Article IX, paragraph 1, on the recommendation of its Chairperson.

9. The Board shall also perform any functions that may be assigned to it by the present Agreement or delegated to it by the Council.

10. Other persons from the South may attend Board meetings upon invitation, as appropriate.

11. The Board shall endeavour to take its decisions by consensus. If all efforts to achieve consensus have been exhausted, and no agreement has been reached, the Board shall, as a last resort, take decisions by a simple majority of its members present and voting. In the event of an equally divided vote, the Chairperson of the Board has the casting vote.

Article IX

The Secretariat

1. The Secretariat of the Centre, headed by the Executive Director who shall be a person of recognized stature from the South, shall consist of a small team of experienced and committed associates.
2. The Secretariat shall cooperate with a global network of institutions and individuals. Its size shall be kept to the minimum necessary for the proper carrying out of the Centre's functions.
3. The Secretariat shall assist the Chairperson of the Board, the Board and the Council in the performance of their duties. It shall in particular undertake substantive work to fulfil the objectives and functions of the Centre, with the Executive Director working in close consultation with the Chairperson. It shall also prepare the Annual Report of the Executive Director referred to in Article VII, paragraph 6, and Article VIII, paragraph 7.
4. The Secretariat shall draft financial and administrative rules and a set of staff regulations based on United Nations practice. These regulations shall be submitted to the Board and considered for adoption by the Council.

Article X

Finance

1. The Board, with the cooperation of the Board Chairperson and the members of the Council, shall be responsible for raising funds to fulfil the Centre's requirements for meeting the objectives set out in Article II.
2. Member States are invited to make voluntary contributions to finance the Centre. The Centre shall also be empowered to accept contributions from other governmental or non-governmental sources, predominantly from the South including international, regional and subregional sources and the business sector. Additional funds may be sought for specific projects or programmes.

3. An appropriate part of the contributions shall be paid into a capital fund which shall be established for the purpose of generating an income to support the activities of the Centre. That fund will be managed by the Executive Director who shall be responsible for ensuring the appropriate professional management of the fund and who shall be accountable for it to the Chairperson and through him to the Board and Council. The accounts of any such capital fund shall be subject to annual independent audit, together with all other accounts of the Centre, which shall be approved by the Board and submitted for review to the Council at its regular sessions.

4. The financial year shall be the twelve-month period from 1 January to 31 December inclusive. The budget for the following year and the externally audited accounts for the preceding year shall be submitted to the Board and to the Council in conformity with Articles VIII, paragraph 7, and VII, paragraph 6.

5. The financial situation and perspectives of the Centre shall be reviewed by the Council at each of its regular sessions.

Article XI

Personality, Legal Capacity, Privileges and Immunities

1. The Centre shall have international legal personality. In addition, it shall have the capacity to contract, to acquire and to dispose of movable and immovable property, and to institute legal proceedings.

2. The Centre shall enjoy the privileges and immunities usually granted to intergovernmental organizations.

3. The Centre shall seek to conclude with the Swiss Government a headquarters agreement relating to its status and its privileges and immunities.

Article XII

Interpretation

Any dispute between States Parties concerning the interpretation or application of the present Agreement, which is not settled by the good offices of the Board or the Chairperson of the Board, shall be submitted to an arbitration panel appointed by the Board.

Article XIII

Signature, Definitive Signature, Ratification,
Acceptance, Approval

1. The present Agreement shall be open for signature by all States as defined in Article V from 1 September to 27 September 1994 at the South Centre in Geneva, Switzerland. Subsequently, the Agreement will be open for signature at the United Nations Headquarters in New York from 30 September to 15 December 1994.
2. The present Agreement shall be subject to:
 - (a) Signature not subject to ratification, acceptance, or approval (Definitive Signature);
 - (b) Signature subject to ratification, acceptance, or approval.
3. Instruments of ratification, acceptance or approval shall be deposited with the depositary who shall notify the Executive Director of the Centre of any such deposit.

Article XIV

Accession

This Agreement shall be open for accession by States referred to in Article V. The instruments of accession shall be deposited with the depositary.

Article XV

Entry into Force

1. The present Agreement shall enter into force on the sixtieth day after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession or signature not subject to ratification, acceptance or approval.

2. For each Contracting Party which signs definitively, ratifies, accepts or approves this Agreement or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession or signature not subject to ratification, acceptance or approval (definitive signature), it shall enter into force on the sixtieth day after the date of definitive signature or deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.

Article XVI

Reservations

No reservations shall be allowed to the present Agreement.

Article XVII

Amendments

1. Amendments to the present Agreement may be proposed by any State Party. A two-thirds majority of the Council shall be required for their adoption.

2. Amendments shall enter into force for all States Parties to the present Agreement when they have been accepted by three quarters of the States Parties. Instruments of acceptance of the amendments shall be deposited with the depositary.

Article XVIII

Withdrawal

1. Any State Party may withdraw from the present Agreement by written notice given to the Depository. The Depository shall inform the Executive Director of the Centre and the States Parties of any such notice.
2. Withdrawals shall become effective sixty days after the notice has been received by the Depository.

Article XIX

Termination

1. The Centre shall remain in existence until the Council, acting in consultation with the Board, has decided its liquidation and, thereafter, for as long as may be necessary to wind it up.
2. After meeting all the outstanding liabilities of the Centre, the Council shall decide on the disposal of the remaining assets, giving due consideration to returning these funds on a pro rata basis to all contributors to the Centre, and/or to transferring them to support South-South cooperation activities and non-profit development work.
3. The present Agreement shall lapse once the Centre has been wound up.

Article XX

Depositary

The Secretary-General of the United Nations shall be the depositary of the present Agreement.

IN WITNESS WHEREOF, the undersigned representatives, duly authorized by their respective Governments, have signed this Agreement.

Open for signature at Geneva this first day of September of 1994 in a single copy in the English language.

Annex

1. Afghanistan
2. Algeria
3. Angola
4. Antigua and Barbuda
5. Argentina
6. Bahamas
7. Bahrain
8. Bangladesh
9. Barbados
10. Belize
11. Benin
12. Bhutan
13. Bolivia
14. Botswana
15. Brazil
16. Brunei Darussalam
17. Burkina Faso
18. Burundi
19. Cambodia
20. Cameroon
21. Cape Verde
22. Central African Republic
23. Chad
24. Chile
25. Colombia
26. Comoros
27. Congo
28. Costa Rica
29. Côte d'Ivoire
30. Cuba
31. Cyprus
32. Democratic People's Republic
of Korea
33. Djibouti
34. Dominica
35. Dominican Republic
36. Ecuador
37. Egypt
38. El Salvador
39. Equatorial Guinea
40. Ethiopia
41. Fiji
42. Gabon
43. Gambia
44. Ghana
45. Grenada
46. Guatemala
47. Guinea
48. Guinea-Bissau
49. Guyana
50. Haiti
51. Honduras
52. India
53. Indonesia
54. Iran (Islamic
Republic of)
55. Iraq
56. Jamaica
57. Jordan
58. Kenya
59. Kuwait
60. Lao People's Democratic
Republic
61. Lebanon
62. Lesotho
63. Liberia
64. Libyan Arab Jamahiriya
65. Madagascar
66. Malawi
67. Malaysia
68. Maldives
69. Mali
70. Malta
71. Marshall Islands
72. Mauritania
73. Mauritius

74. Micronesia
75. Mongolia
76. Morocco
77. Mozambique
78. Myanmar
79. Namibia
80. Nepal
81. Nicaragua
82. Niger
83. Nigeria
84. Oman
85. Pakistan
86. Panama
87. Papua New Guinea
88. Paraguay
89. Peru
90. Philippines
91. Qatar
92. Republic of Korea
93. Romania
94. Rwanda
95. St. Kitts and Nevis
96. St. Lucia
97. St. Vincent and the Grenadines
98. Samoa
99. Sao Tome and Principe
100. Saudi Arabia
101. Senegal
102. Seychelles
103. Sierra Leone
104. Singapore
105. Solomon Islands
106. Somalia
107. South Africa
108. Sri Lanka
109. Sudan
110. Suriname
111. Swaziland
112. Syrian Arab Republic
113. Thailand
114. Togo
115. Tonga
116. Trinidad and Tobago
117. Tunisia
118. Uganda
119. United Arab Emirates
120. United Republic of Tanzania
121. Uruguay
122. Vanuatu
123. Venezuela
124. Viet Nam
125. Yemen
126. Yugoslavia (cannot participate in the activities of G-77)
127. Zaire
128. Zambia
129. Zimbabwe
130. People's Republic of China

I hereby certify that the foregoing text is a true copy of the Agreement to Establish the South Centre, opened for signature at Geneva on 1 September 1994, the original of which is deposited with the Secretary-General of the United Nations.

Je certifie que le texte qui précède est la copie conforme de l'Accord portant création du Centre Sud, ouvert à la signature à Genève le 1er septembre 1994, et dont l'original se trouve déposé auprès du Secrétaire général des Nations Unies.

For the Secretary-General,
The Legal Counsel
(Under-Secretary-General
for Legal Affairs)

Pour le Secrétaire général
Le Conseiller juridique
(Secrétaire général adjoint
aux affaires juridiques)



Hans Corell

United Nations, New York
1 September 1994

Organisation des Nations Unies
New York, le 1er septembre 1994