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UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL

ECONOMIC COMMISSION FOR AFRICA

REPORT OF THE AD HOC INTERGOVERNMENTAL EXPERTS MEETING ON
AFRICAN REGIONAL CENTRE FOR INDUSTRIAL DESIGN AND MANUFACTURING

Addis Ababa, 31 October - 2 November 1978

ADDENDUM

CONSTITUTION OF THE AFRICAN REGIONAL CENTRE
FOR ENGINEERING DESIGN AND MANUFACTURING

Preamble

The Governments of the African States on whose behalf this Constitution is signed:

Aware of the need to promote the establishment of industries producing machinery and machine parts as an essential foundation for national industries within African countries,

Recognizing that a major obstacle to the manufacture of machinery and machine parts in African countries is the inadequate development of national capability in the conception design and adaptation of machinery;

Recognizing that the establishment of an African Regional Centre for Engineering Design and Manufacturing will promote, directly and indirectly through the intermediary of national institutions, the development of the capability for conception and design of machinery and machine parts and their manufacture within African countries,

HEREBY AGREE AS FOLLOWS:

ARTICLE I

Establishment

The African Regional Centre for Engineering Design and Manufacturing (hereinafter referred to as "the Centre") is hereby established and shall operate in accordance with the provisions of this Constitution.

ARTICLE II

Objectives of the Centre

The Objectives of the Centre shall be to:-

1. undertake the design of machinery and equipment in areas of priority essential to member States for their economic development.
2. manufacture prototypes or limited quantities of machinery and equipment designed or adapted at the Centre.
3. develop and bring to satisfactory operating status, machines and equipment designed for or adapted to specific tasks under the operating conditions required in any member State or States.
4. assist member States create or improve national institutions or teams capable of undertaking the design and adaptation of machinery and equipment in selected sectors of industry.
5. assist member States in the establishment or improvement of engineering workshops, foundries and forges for the production of machine parts and components necessary for industrial development.
6. undertake on behalf of or assist member States produce prototype machines and equipment developed in answer to local needs and specifications.
7. assist in the further training and development of skills of technical personnel employed in African institutions engaged in the design and/or manufacture of machines and machine parts in member States.
8. organize and maintain within the Centre a data bank on engineering design and manufacturing in various sectors of industry which are of economic interest to member States.
9. assist in the development of machinery specifications and standards within the African region with a view to the reduction of unnecessary variety in the machinery and equipment imported into member States.
10. co-operate with national institutions and organizations within member States which are devoted to similar or related objectives.
11. co-operate with public and private institutions in other countries outside Africa and with international institutions which are devoted to similar or related objectives.
12. disseminate within member States information on the activities of the Centre and on technological progress in design and manufacturing which may be of assistance to institutions and organizations operating in this field.

ARTICLE III

Functions of the Centre

In order to attain the objectives set out in Article II of this Constitution, the Centre shall perform any or a combination of the following functions, namely:

- (a) On request from Governments of its member States, to assist in the creation of national centres for engineering design and manufacturing.
- (b) Assist member States, at their request, or on its own initiative:
 - (i) in the adaptation of machinery and equipment imported into their countries;
 - (ii) in the development of machines and equipment based on indigenous design;
 - (iii) to undertake the design and manufacture of equipment, machines and tools specially selected for the particular country.
- (c) Provide, on request, technical assistance to national workshops.
- (d) Assist member States to promote national capability for engineering design and manufacturing.
- (e) Provide effective assistance to member States in the further training of engineers and technicians for the design and development of machinery and equipment.
- (f) Co-operate with existing national institutions which are working in the field of engineering design and manufacturing.
- (g) Organize an information service on the activities of the Centre and in the fields in which the Centre is engaged.

ARTICLE IV

Membership of the Centre

The member States of the African Regional Centre for Engineering Design and Manufacturing shall consist of such member States of the United Nations Economic Commission for Africa and the Organization of African Unity as adhere to this Constitution in accordance with Article XVIII of this Constitution.

ARTICLE V

Obligations of member States of the Centre

The member States of the Centre shall co-operate in every way possible with a view to assisting the Centre in achieving its objectives. They shall, in particular, use their best endeavours to:

- (a) take all such steps as may be necessary to implement the decisions of the Council and of the Executive Board;
- (b) facilitate the exchange and dissemination of information on the kinds of spare parts, components, instruments, industrial equipment and simple machine tools manufactured in their countries;
- (c) make available any reports, agreements and information relating to the development of any facilities for engineering design and manufacturing which they possess and which are not classified as confidential, whenever such information is requested by the Regional Centre;
- (d) make available to the Centre any mechanical workshops, forges or foundries within their countries to whom the Centre might subcontract the manufacture of machine parts, under conditions agreed with the appropriate organ of the Centre;
- (e) provide where feasible suitable national personnel for the operations and activities of the Centre from all categories within the organizational structure of the Centre, on suitable conditions agreed with the appropriate organs of the Centre;
- (f) pay their annual contributions and such special contributions as may be determined by the Council or by common agreement for particular programmes or projects carried out in their countries and insure a proper accounting for any grants or loans received from or through the good offices of the Centre;
- (g) accord such facilities, privileges and immunities as may be required under Article XIV of this Constitution.

ARTICLE VI

Organs of the Centre

The Centre shall have the following organs:

A Council
An Executive Board
A Management, and

such other subsidiary organs as may be established in accordance with the provisions of this Constitution.

ARTICLE VII

The Council - establishment, composition and functions

1. There is hereby established the Council of the Centre (hereinafter referred to as "the Council"), which shall be the supreme policy-making organ of the Centre.
2. The Council shall consist of:
 - (a) The Minister or Commissioner responsible for industry in the Government of each member State of the Centre.
 - (b) The Executive Secretary of the United Nations Economic Commission for Africa or his representative, ex officio, who shall not have a vote.
 - (c) The Executive Director of the United Nations Industrial Development Organization or his representative, ex officio, who shall not have a vote.
 - (d) The Administrative Secretary-General of the Organization of African Unity or his representative, ex officio, who shall not have a vote.
 - (e) The Executive Director of the Centre, ex officio, who will provide secretarial services to the Council, but shall not have a vote.
3. It shall be the responsibility of the Council to formulate policy and provide general guidelines within the framework of which the management of the Centre shall operate to achieve its objectives; in particular, it shall be the responsibility of the Council to:-
 - (a) approve the general policies and principles governing the activities of the Centre;
 - (b) approve the long-term programme of work and the estimated cost of implementing it;
 - (c) determine the annual and special contributions to be paid by the member States of the Centre and matters related thereto;
 - (d) elect the members of the Executive Board, having regard to equitable geographical and linguistic distribution;
 - (e) appoint, on the recommendation of the Executive Board, the Executive Director of the Centre and to prescribe his terms and conditions of service, provided that in making any appointment under this sub-paragraph the Council shall appoint a competent person with considerable experience and the requisite qualifications in the field of engineering design and manufacturing, and in management;

- (f) examine proposals submitted to it by the Executive Board relating to the objectives of the Centre and to take decisions thereon, or when necessary to make its own proposals on any of such objectives with a view to their application by the Centre or the member States;
- (g) select the headquarters of the Centre;
- (h) approve periodical reports on the activities of the Centre;
- (i) create its own special or technical committees as it may deem necessary or desirable;
- (j) prescribe and/or approve the staff, financial and other regulations of the Centre in accordance with this Constitution;
- (k) undertake such other functions as may be necessary or desirable for the realization of the objectives of the Centre.

ARTICLE VIII

Sessions of the Council

1. The Council shall meet in ordinary session at the headquarters of the Centre every two years. It may meet at such convenient place as it may determine.
2. The Council shall meet in extraordinary session if required by at least two-thirds of the member States of the Centre; unless otherwise decided such meeting will take place at the headquarters of the Centre.
3. Decisions of the Council shall normally be by consensus.
4. Subject to the provisions of this Constitution, the Council shall determine its own procedure, including that for the convening of its sessions, quorum, the conduct of business thereat and at other times, and for the rotation of the Office of Chairman and other offices among the members of the Council.
5. The provisions that the Council may make under paragraph 4 of this Article for the dispatch of business at times when it is not meeting, may, if it so determines, include arrangements under which the exercise of any function of the Council under this Constitution is delegated, subject to such conditions as the Council may specify, to a committee of the Council, the Executive Board or the Executive Director of the Centre.
6. The Council may on the recommendation of the Executive Board and subject to its procedure, invite such persons, Governments or institutions as it deems desirable to attend all or particular sessions of the Council as observers.

ARTICLE IX

Executive Board: establishment, composition and functions

1. There is hereby established the Executive Board of the Centre.
2. The Executive Board shall consist of:
 - (a) the Executive Secretary of the United Nations Economic Commission for Africa, ex officio, Chairman;
 - (b) one-third of the number of the member States of the Centre elected by the Council in accordance with the provisions of sub-paragraph (d) of paragraph 3 of Article VII of this Constitution, who shall hold office in accordance with the provisions of paragraph 3 of this Article;
 - (c) a representative of the United Nations Industrial Development Organization; ex officio, who shall act in an advisory capacity only and shall not have a vote;
 - (d) a representative of the Organization of African Unity; ex officio, who shall act in an advisory capacity only and shall not have a vote;
 - (e) the Executive Director of the Centre, ex officio, who shall provide secretarial services to the Executive Board and shall not have a vote.
3.
 - (a) one-third of the member States as directed by the Council shall retire two years after they have been elected to the Executive Board and shall be replaced by the same number of member States elected by the Council for that purpose;
 - (b) one-third of the member States as directed by the Council shall retire three years after they have been elected to the Executive Board and shall be replaced by the same number of member States elected by the Council for that purpose;
 - (c) the remaining one-third of the member States shall retire four years after they have been elected to the Executive Board and shall be replaced by the same number of member States elected by the Council for that purpose.
4. A member State of the Centre elected to serve on the Executive Board shall be represented thereon by the head of the national institution concerned with engineering design and manufacturing, or in the absence of such an institution, by a suitable person with qualifications and responsibilities in this field of activity.
5. The Executive Board shall:
 - (a) subject to such directions of a general nature as the Council may give, have the responsibility to approve the work programmes of the Centre.

- (b) approve the annual work programme, and the corresponding budget of the Centre submitted to it by the Executive Director of the Centre.
 - (c) mobilize and co-ordinate assistance from co-operating Governments, States and institutions referred to in Article XIII of this Constitution.
 - (d) submit through its Chairman to each ordinary session of the Council, a periodic report on the activities of the Centre including financial statements.
 - (e) propose for the consideration of the Council, the annual and special contributions to be paid by member States of the Centre;
 - (f) determine from time to time, the offices of the Management other than those of the Executive Director of the Centre and appoint persons to such offices;
 - (g) propose for the approval of the Council, the staff, financial and other regulations governing the activities of the Centre;
 - (h) recommend to the Council the person to be appointed Executive Director of the Centre;
 - (i) establish such special or technical committees as it may deem necessary or desirable and prescribe for such committees rules for the conduct of their affairs;
 - (j) perform such other functions as the Council may from time to time determine;
 - (k) exercise such other powers and perform such other functions as are conferred or imposed upon it under this Constitution.
6. The Executive Board may delegate any of the powers and functions conferred or imposed on it by this Article to a committee of the Executive Board, or to the Executive Director of the Centre.

ARTICLE X

Meetings of the Executive Board

1. The Executive Board shall meet in ordinary session once a year. It may meet in extraordinary session if so requested by its Chairman or by two-thirds of its members.
2. Meetings of the Executive Board shall be held at the headquarters of the Centre or at such other convenient place as may be determined by the Executive Board.
3. The Executive Secretary of the United Nations Economic Commission for Africa shall be Chairman of the Executive Board to ensure continuity as well as smooth functioning of the Board.

4. The Executive Board shall adopt its own procedure including that for the convening of the meetings, quorum and the conduct of business thereat and at other times.

5. Subject to such directives as the Council may give, the Executive Board may invite such persons and representatives of such Governments, or organizations other than those referred to in paragraph 2 of Article 9 of this Constitution, as it may deem necessary or desirable, to attend its meetings as observers.

ARTICLE XI

The Executive Director and the Management

1. The Centre shall be headed by the Executive Director who shall be appointed as provided for in this Constitution to serve in such office for a term of five years and be eligible for reappointment for another term of five years.

2. The Executive Director of the Centre shall be the Chief Executive Officer of the Centre and shall in accordance with the policies, decisions and directives of the Council and the Executive Board, have responsibility for the organization, direction and administration of the Centre.

3. The Executive Director and the Heads of Departments of the Centre shall constitute the Management.

4. The Executive Director shall, with the assistance of the Management, among other things:

(a) service and assist the organs of the Centre in the performance of their functions;

(b) keep the functioning of the Centre under continuous examination and, where appropriate, report the results of his examination and make recommendations to the Executive Board or the Council for consideration;

(c) submit the draft work programmes and corresponding budgets of the Centre to the Executive Board for its consideration;

(d) submit an annual report on the activities of the Centre including financial statements, to the Executive Board for its consideration;

(e) carry out the work programme of the Centre and co-ordinate the work of the Centre with that of such other institutions active or interested in the objectives of the Centre as the Executive Board may determine;

(f) undertake such work and studies and perform such services relating to the objectives of the Centre as may be assigned to him by the Council or the Executive Board and also make such proposals thereto as may assist in the efficient and harmonious functioning and development of the Centre, to the Council or the Executive Board as may be appropriate; and

(g) convene, in consultation with the Chairman of the organs of the Centre, the meetings of such organs in accordance with the provisions of this Constitution or as may be provided for thereunder.

5. The Executive Director of the Centre shall be entitled to attend and participate at all sessions of the organs of the Centre or be represented thereat by a senior official of the Management designated by him, except that with respect to the sessions of the Council or the Executive Board, only the Executive Director of the Centre or the person for the time being acting as such, shall attend and participate.

6. The Executive Director shall, subject to the provisions of this Constitution and such directives as the Council and the Executive Board may give from time to time be responsible for the collection of and management of contributions and all other resources due from member States of the Centre.

ARTICLE XII

Financial provisions

1. The financial resources of the Centre shall consist of annual and special contributions from the member States of the Centre; assistance, aid, loans, gifts, bequests or grants from Governments, international organizations, financial institutions, public or private institutions, associations, bodies or individual persons; and fees and other charges levied by the Centre for services rendered under the provisions of this Constitution.

2. Subject to such financial regulations as the Council may make, the budget of the Centre shall be administered by the Executive Director of the Centre under the supervision of the Executive Board.

3. The Executive Director of the Centre may with the approval of the Executive Board receive directly, gifts, bequests, aid and other resources from Governments, public, private and international institutions, associations, bodies or individual persons and from Governments, States or institutions with which the Centre has established relations under the provisions of Article XIII of this Constitution, and may for this purpose, enter into related agreements.

ARTICLE XIII

Co-operating States and institutions

1. In pursuance of its objectives, the Council may seek and maintain active co-operation with Governments or States not parties to this Constitution and with institutions (collectively referred to in this Constitution, as "co-operating States and institutions"), which are desirous of assisting the Council or its member States in achieving the objectives of the Centre.
2. Subject to the provisions of this Constitution, the Council may enter into arrangements with co-operating States and institutions, defining methods of co-operation in general or relating to individual activities or projects.
3. The Executive Board may entrust the United Nations Economic Commission for Africa on behalf of the Centre with:
 - (a) the collection of and the accounting for contributions due from member States of the Centre under the provisions of this Constitution; and
 - (b) seeking assistance from co-operating States and institutions for the implementation of approved projects of the Centre and acting as executing agency for such projects in respect of which it has been able to obtain assistance from co-operating States and institutions under the provisions of this sub-paragraph,
4. The United Nations Economic Commission for Africa shall, through its representative, keep the Council and the Executive Board, as the case may be, informed of the contributions and assistance received and acts undertaken by the United Nations Economic Commission for Africa under the provisions of paragraph 3 of this Article.

ARTICLE XIV

Status, capacity, privileges and immunities

1. To enable it to achieve its objectives and perform the functions with which it is entrusted, the Centre shall possess in the territory of each member State of the Centre juridical personality. For these purposes, the status, capacity, privileges, immunities and exemptions set forth in paragraphs 2 to 12 of this Article shall be accorded to the Centre in the territory of each member State of the Centre.
2. The Centre shall for the purposes of this Constitution have the capacity:
 - (a) to enter into contracts;
 - (b) to acquire and dispose of movable or immovable property; and
 - (c) to institute legal proceedings.

3. The Centre, its property and assets shall enjoy immunity from every form of legal process except insofar as in any particular case it has, through the Executive Director of the Centre, expressly waived its immunity;

Provided however that no waiver of immunity shall extend to any measure of execution.

4. The headquarters of the Centre shall be inviolable. The property and assets of the Centre shall be immune from search, requisition, confiscation, expropriation, and any other form of interference whether by legislative, executive, judicial or administrative action.

5. The archives of the Centre, and in general all documents belonging to it or held by it, shall be inviolable.

6. The Centre, its property, assets, income and transaction shall be exempt from all taxation and from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Centre for its official use. The Centre shall also be exempt from any obligation relating to the payment, withholding or collection of any tax or duty, in accordance with existing practices as applied to the United Nations Economic Commission for Africa and the Organization of African Unity.

7. Representatives of the member States of the Centre who are not otherwise officials of the United Nations or of the specialized agencies of the United Nations, shall enjoy such privileges and immunities as are provided for mutatis mutandis by Article IV of the Convention on Privileges and Immunities of the United Nations.

8. Officials of the Centre who are not otherwise officials of the United Nations or of the specialized agencies of the United Nations shall enjoy such privileges and immunities as are provided for mutatis mutandis by Article V of the Convention on Privileges and Immunities of the United Nations.

9. Without prejudice to the foregoing provisions, the member States of the Centre undertake to accord to all representatives of the member States of the Centre, all officials of the Centre, representatives of the Organization of African Unity and co-operating States and institutions and experts providing advice or assistance to the Centre, such facilities and courtesies as are necessary for the exercise of their functions in connexion with the Centre.

10. The Executive Director of the Centre shall have the right and duty to waive the immunity of any official of the Centre who is not an official of the United Nations or of a specialized agency of the United Nations in cases where in his opinion the immunity would impede the cause of justice and can be waived without prejudice to the interests of the Centre.

11. All persons undergoing training or taking part in a scheme for the exchange of personnel at the headquarters of the Centre or organized elsewhere within the territory of a member State of the Centre in pursuance of the provisions of this Constitution shall have the right of entry into, sojourn, or exit as is necessary for the purpose of their training or the exchange of personnel. They shall be granted facilities for speedy travel and visas, where required, shall be granted promptly and free of charge.

12. Officials of the United Nations or specialized agencies of the United Nations performing functions in connexion with the Centre shall respectively enjoy appropriate privileges and immunities provided under the Convention on Privileges and Immunities of the United Nations and the Convention on Privileges and Immunities of the Specialized Agencies.

13. The Centre shall co-operate at all times with the appropriate authorities of the member States of the Centre to facilitate the proper administration of justice, secure the observance of national laws and prevent the occurrence of any abuse in connexion with privileges, immunities and facilities mentioned in this Article.

14. The Executive Director of the Centre shall conclude with the member State in whose territory the headquarters of the Centre is established an agreement concerning the privileges and immunities to be granted to the Centre.

ARTICLE XV

Amendments

1. Any member State of the Centre may submit proposals for the amendment of this Constitution.
2. Any such proposals shall be submitted to the Executive Director of the Centre who shall transmit them to the other member States of the Centre.
3. The Constitution shall be amended by a two-thirds majority of the member States of the Council.
4. The Council shall make rules and regulations for the application of the provisions of this Article.

ARTICLE XVI

Withdrawal and suspension

1. Any member State of the Centre wishing to withdraw from the Centre shall give the Executive Director one year's notice in writing. If at the expiration of such period the notice is not withdrawn, the member State which submitted the notice shall cease to be a member of the Centre.
2. During the period of one year referred to in paragraph (1) of this Article, a member State of the Centre which has given its notice of withdrawal, shall have all the rights of a member State, observe the provisions of this Constitution and shall remain liable for discharge of its obligations thereunder.

3. (a)(i) Membership of the Centre shall lapse automatically if a member, in spite of written reminders, fails to meet its financial obligations towards the Centre for three consecutive years.

(ii) The Council may by a two-thirds majority of the votes of all member States of the Centre suspend a member who has failed to fulfil its obligations under this Constitution or ~~has~~ failed to comply with the decisions of the Council.

(b) In suspending a member State under the provisions of sub-paragraph (a) of this paragraph, the Council may prescribe the duration of such suspension or the conditions in which such suspension shall take effect.

(c) Where the duration of a suspension or the conditions in which it shall take effect are not prescribed, the Council, may, as it deems fit, revoke such a suspension by a two-thirds majority of the votes of all the member States of the Centre.

(d) A member State of the Centre which is suspended under the provisions of sub-paragraph (a) or this paragraph shall, during the duration of its suspension and subject to the provisions of sub-paragraph (c) of this paragraph, cease to derive any benefit from the activities of the Centre or be represented on any of the organs of the Centre and shall be subject to such other disadvantages as the Council may determine.

(e) The suspension of a member State of the Centre shall not relieve that member State from the fulfilment of its financial obligations incurred prior to its suspension, unless the Council decides otherwise.

(f) The revocation of a ~~suspension~~ or the termination of voluntary withdrawal from the membership of the Centre shall be subject to such terms and conditions as the Council may stipulate and shall be communicated by the Executive Director to the member State concerned and to the Executive Secretary of the United Nations Economic Commission for Africa.

ARTICLE XVII

Settlement of disputes

Any dispute that may arise among the member States or between a member State and any organ of the Centre other than the Council regarding the interpretation or application of the Constitution shall, unless amicably settled, be referred to the Council, whose decision shall be final.

ARTICLE XVIII

Final and transitional provisions

1. This Constitution of which the English and French texts are equally authentic shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa.
2. The Constitution shall enter into force when signed on behalf of at least one quarter of the member States of the United Nations Economic Commission for Africa and the Organization of African Unity and shall be open for signature at the Meeting of Plenipotentiaries on the Centre held in from to and thereafter at the Office of the Executive Secretary of the United Nations Economic Commission for Africa.
3. Instruments of ratification, acceptance or approval shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa.
4. A State referred to in Article IV of this Constitution which is desirous of becoming a member State of the Centre after the coming into force of this Constitution, may do so by depositing with the Executive Secretary of the United Nations Economic Commission for Africa its instrument of accession to this Constitution.
5. The Executive Secretary of the United Nations Economic Commission for Africa shall transmit certified copies of this Constitution and information concerning ratification, acceptance, approval or accession to this Constitution to member States of the Centre and all member States of the United Nations Economic Commission for Africa and the Organization of African Unity.
6. The Executive Secretary of the United Nations Economic Commission for Africa shall call the first meeting of the Council and, until the secretariat is established, its functions shall be performed by the secretariat of the United Nations Economic Commission for Africa.

Done at this day of1978.

IN WITNESS WHEREOF the undersigned PLENIPOTENTIARIES being duly authorized by their respective Governments have signed this Constitution on the dates appearing under their signature:-

<u>Country</u>	<u>Name and Signature of plenipotentiary</u>	<u>Date</u>
Algeria	_____	_____
Angola	_____	_____
Benin	_____	_____
Botswana	_____	_____
Burundi	_____	_____
Cameroon	_____	_____
Cape Verde	_____	_____
Central African Empire	_____	_____
Chad	_____	_____
Comoro	_____	_____
Congo	_____	_____
Djibouti	_____	_____
Egypt	_____	_____
Equatorial Guinea	_____	_____
Ethiopia	_____	_____
Gabon	_____	_____

<u>Country</u>	<u>Name and Signature of plenipotentiary</u>	<u>Date</u>
Gambia		
Ghana		
Guinea		
Guinea-Bissau		
Ivory Coast		
Kenya		
Lesotho		
Liberia		
Libya		
Madagascar		
Malawi		
Mali		
Mauritania		
Mauritius		
Morocco		
Mozambique		
Niger		

<u>Country</u>	<u>Name and Signature of Plenipotentiary</u>	<u>Date</u>
Nigeria	_____	_____
Rwanda	_____	_____
Sao Tome and Principe	_____	_____
Senegal	_____	_____
Seychelles	_____	_____
Sierra Leone	_____	_____
Somalia	_____	_____
Sudan	_____	_____
Swaziland	_____	_____
Togo	_____	_____
Tunisia	_____	_____
Uganda	_____	_____
United Republic of Tanzania	_____	_____
Upper Volta	_____	_____
Zaire	_____	_____
Zambia	_____	_____