

ENABLING INSTRUMENT
OF THE
SOUTHEAST ASIAN
REGIONAL CENTER FOR
GRADUATE STUDY AND
RESEARCH IN AGRICULTURE
(SEARCA)



Science and education for agriculture and development

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**ENABLING INSTRUMENT of the
SOUTHEAST ASIAN REGIONAL CENTER FOR
GRADUATE STUDY AND RESEARCH IN AGRICULTURE
(SEARCA)**

PREAMBLE

COGNIZANT of the purpose and functions embodied in Article IV (10) of the Charter of the Southeast Asian Ministers of Education Organization, also known as SEAMEO;

RECOGNIZING the basic role of agricultural development in the attainment of peace and prosperity in the region; and

RESOLVED upon joint and cooperative efforts for regional development through education and research;

The Southeast Asian Ministers of Education Council has adopted this Enabling Instrument for the SEAMEO Regional Center for Graduate Study and Research in Agriculture (SEAMEO SEARCA), which is the sole source of the authority and rights of this branch of the Organization.

ARTICLE I
DEFINITIONS

In this Enabling Instrument, unless the context otherwise requires:

1. "SEAMEO" means the Southeast Asian Ministers of Education Organization, also referred to as the "Organization."
2. "Council" means the Southeast Asian Ministers of Education Council.
3. "Secretariat" means the Southeast Asian Ministers of Education Secretariat.
4. "Member State" means a nation which is a member of the Organization.
5. "Charter" refers to the Charter of the Southeast Asian Ministers of Education Organization.
6. "Associate Member" means any country which has been admitted as such by the Council in accordance with Article II of the Charter.
7. "Affiliate Member" is an institution or agency which has been admitted as such by the Council in accordance with Article II of the Charter.
8. "Center" means the SEAMEO Regional Center for Graduate Study and Research in Agriculture, also known as "SEAMEO SEARCA."
9. "Board" means the Governing Board of the Center.
10. "Director" means the officially appointed Director of the Center.
11. "Scholar" refers to a graduate student or participant in a short-term training, postdoctoral research, or faculty exchange who receives financial support from SEAMEO SEARCA.

ARTICLE II
OBJECTIVE AND FUNCTIONS

1. The general objective of the Center shall be to provide to the participating countries high-quality graduate education and training in agriculture; promote, undertake, and coordinate research programs related to the needs and problems of the region; and disseminate the findings of agricultural research and experimentation.

2. Specifically, the functions of the Center shall be as follows:
 - a. To promote and facilitate high-quality study programs leading to the master's and doctor's degrees;
 - b. To provide graduate scholarships, fellowships, and/or assistantships for students from member countries;
 - c. To promote, undertake, and coordinate research programs, as instituted and supported by the Center, with special emphasis on research related to the needs and pressing problems of agriculture in Southeast Asia;
 - d. To provide direction and funds for research by graduate students, faculty members, and other cooperating research workers of member countries;
 - e. To publish the findings of agricultural research done in the region, or other pertinent research done elsewhere;
 - f. To hold short-term training courses, seminars, workshops, and conferences on selected agricultural problems and topics;
 - g. To provide advisory and consulting services to member countries through staff visits and exchanges, seminars, and participation in national training and extension programs.
 - h. To stimulate and assist further development of agricultural institutions in Southeast Asia, and to enlist their efforts in a concerted attack on agricultural problems of the region.
3. Without prejudice to the principle of non-profit making, the Center may engage in approved income-generating activities.

ARTICLE III

MEMBERSHIP

1. The member states of SEAMEO are members of the Center.
2. Associate/Affiliate members of SEAMEO may participate in the activities of the Center or be allowed to make use of the facilities of the Center in accordance with policies, rules, and regulations prescribed by the Council.

3. Associate/Affiliate members shall have the right to send representatives to the Board and participate in its proceedings but shall have no voting right.

ARTICLE IV

LOCATION, HOST INSTITUTION, AND HOST COUNTRY

1. The Center shall be located on the campus of the University of the Philippines Los Baños, Laguna, the Philippines.
2. The University of the Philippines Los Baños, an institution supported by the Government of the Philippines, shall serve as the host institution of the Center.
3. The Philippines shall serve as the host country of the Center.

ARTICLE V

RELATIONSHIP WITH THE HOST INSTITUTION

1. The Center's programs of graduate study, research, advisory and consultative services, and clearinghouse activities shall be fused with or grafted on the existing programs of the host institution. The academic rules and requirements of the host institution shall prevail.
2. The funding and business procedures of the Center shall be separate from those of the host institution. The Center shall administer its own budget.

ARTICLE VI

RELATIONSHIP WITH THE COUNCIL

1. The Center is a subordinate body of the Organization.
2. Authority is hereby given by the Organization to the Center to carry out its objective and functions as specified in Article II.

3. Subject to the provisions of paragraph 4 hereunder, anything done or made by the Center shall be deemed to have been done or made on behalf of the Organization.
4. Notwithstanding the provision of paragraph 2 above, the Organization reserves the right:
 - a. to control the policy an administration of the Center;
 - b. to alter, amend, or modify this Enabling Instrument; and
 - c. to review the decisions of the Board.

ARTICLE VII

RELATIONSHIP WITH THE SECRETARIAT AND OTHER CENTERS

1. The Center shall cooperate closely with the Secretariat in fund raising efforts and other matters as stipulated in the Charter.
2. The Secretariat may provide inputs to the planning and implementation of Center activities.
3. The Center can initiate inter-Center programs and activities, with the cooperation of the Secretariat when necessary.

ARTICLE VIII

ORGANIZATION OF THE CENTER

The Center shall have a Governing Board, a set of officials, and such other staff and scholars as may be considered necessary by the Board.

ARTICLE IX

GOVERNING BOARD

1. A Governing Board, composed of representative from each member country, shall be organized and shall serve as the policymaking body of the Center. Country representatives shall be nominated by their respective Ministers of Education and appointed by the Council. They shall serve for a tenure of not more than three years

without prejudice to renewal of appointment. For the Philippines, the country representative shall be the Chancellor of the University of the Philippines Los Baños, who shall be an ex-officio member of the Board with voting power. A system of staggered appointment shall be set up by the Board in order to ensure continuity of Board affairs.

2. The Secretariat Director or his representative shall serve as ex-officio member of the Board with no voting right.
3. The SEAMEO SEARCA Director shall be an ex-officio member of the Board.
4. Members of the Board shall choose their own chairman.
5. A member of the Board may be released or removed from office by the Council only at the request of the Minister/Secretary of Education of the member state the Board member represents.
6. The Board shall decide on the place and date of its meeting. At least one meeting shall be held in a year, and the hosting of the meeting may be rotated among the member countries; provided, however that a special or extraordinary Board meeting may upon his initiative be called by the Chairman or by the Director or the Secretariat Director through the Chairman or directly in the case of the incapacity of the Chairman to do so. Such a meeting may also be called by the Chairman upon request of at least one-third of the Board members; provided, further, that if any member is unable to attend a meeting of the Board, the Minister/Secretary of Education may appoint an alternate member to attend the meeting. Such an alternate member shall, during the period of his designation, enjoy all rights and exercise and discharge all the duties of the Board member he represents. However, an alternate shall not exercise the function of chairman unless elected to do so at the meeting.
7. Two-thirds of the members of the Board constitute a quorum.

8. Except for the Secretariat Director, each member of the Board, including the Chairman, shall have one vote and a decision of the Board shall be made by a simple majority of votes. In the event of a tie, the Chairman shall have, in addition to his ordinary vote, a casting vote. Voting in absentia is not allowed.
9. Should a decision of the Board be required at any time other than during its meeting, the Director, after consultation with the Chairman of the Board, may submit the matter in writing to all the members of the Board, and at least two-thirds of the written votes shall constitute a decision of the Board, provided that the number of board members participating is not less than the quorum state in section 7. A simple majority of written votes may be accepted if the issue has been previously discussed.
10. The Board shall formulate its own rules of procedure.
11. The Board shall have the following functions:
 - a. Define general policy guidelines for the Center in matters of staff and scholar recruitment, funding and business procedures, use of the Center facilities, and the establishment of priorities for graduate study and research;
 - b. Submit suggestions on academic matters with full consideration of and in coordination with the academic bodies of the host institution;
 - c. Make annual evaluation and review of the Center's programs and budgets and recommend, for the Council's consideration, appropriate changes in the approved five-year plan as may be necessary;
 - d. Nominate the Director and approve the appointments of the Deputy Directors;
 - e. Approve the terms and conditions of service of the staff of the Center;
 - f. Approve the annual report of the Center for submission to the Council.

12. The Board may also perform the following:
 - a. Prescribe laws, rules, or regulations consistent with the provisions of this Enabling Instrument and the Charter of the Organization; and
 - b. Delegate, from time to time, to the Chairman or to the Director such function, duties, and powers as it deems necessary.
13. Each member country is expected to organize a national committee or other body to provide counsel with its country representative to the Board.

ARTICLE X

OFFICIALS

1. The Center shall have three (3) officials, namely: the Director and two Deputy Directors. One of the two Deputy Directors shall be a non-Filipino and the other shall be a Filipino by citizenship.
2. Director
 - a. The Director shall be nominated by the Board, approved by the Minister/Secretary of Education of the host country of the Center, and appointed by the Council. He shall serve a tenure of three years without prejudice to renewal for a second successive term. Only in exceptional cases that a third successive term may be granted, and in no case shall he be re-appointed more than two successive terms.
 - b. Without prejudice to the right of the Council to act on its own initiative, the release or removal of the Director before the end of his term may be made by the President of the Council either at the request of the Minister/Secretary of Education of the host country of the Center after consultation with the Board, or at the request of the Board with the approval of the Minister/Secretary of the host country of the Center.
 - c. In the temporary absence of the Director, the non-Filipino Deputy Director or the Filipino Deputy Director, in that order, shall act on

his behalf. In the temporary absence of both the Director and the two Deputy Directors, an Officer of the Center may be appointed by the Director to act on his behalf.

- d. In the event that the position of Director is vacant, a Deputy Director, in the same hierarchical order as in paragraph c above, shall act as Director until the new Director is appointed. Should both of the Deputy Director positions be also vacant, the Chairman of the Board shall designate an Officer of the Center to act as Director until the new Director or a new Deputy Director is appointed.
- e. The Director shall directly manage and administer the affairs of the Center in accordance with the policies and decisions of the Board.
- f. The Director shall prepare an annual report of the Center for the approval of the Board and submit the report so approved to the Council through the Secretariat.

3. Deputy Directors

- a. One Deputy Director, who should be a non-Filipino, shall serve on the Center staff for both academic and nonacademic affairs. He shall be recruited in accordance with the procedure established by the Board, chosen by the Director, approved by the Board, and appointed by the Director. He shall perform the following duties:
 - i. Assist the Director in planning and managing SEARCA's programs and projects on graduate scholarship and research and development (R&D) in agriculture and related fields.
 - ii. Assist the Director in linkaging and networking for the graduate scholarship and R&D programs.
 - iii. Assist the Director in coordinating the implementation of all graduate scholarship and R&D programs and projects of the Center, especially in relation to the participation of the member states of SEAMEO.
 - iv. Assist the Director in resource generation activities.

- v. Assist the Director in preparing the annual and other reports of the Center.
 - vi. Serve as Center Officer in Charge in the absence of the Director.
 - vii. Perform all other duties as directed by the Director or by the Center's Governing Board.
- b. The other Deputy Director, who should be a Filipino by citizenship, shall serve on the Center staff for both academic and nonacademic affairs. He shall be recruited in accordance with the procedure established by the Board, chosen by the Director, approved by the Board, and appointed by the Director. He shall perform the following duties:
- i. Assist the Director in managing the business and administrative affairs of the Center.
 - ii. Serve as Secretary-Treasurer of the Center.
 - iii. Assist the Director in planning and managing SEARCA's programs and projects on short-term training and consulting services.
 - iv. Assist the Director in linkaging and networking for the short-term training program and consulting services.
 - v. Assist the Director in coordinating the participation of all the member states in the Center's short-term training program and consulting services, and their contributions to the Center.
 - vi. Assist the Director in resource generation.
 - vii. Serve as Center Officer in Charge in the absence of both the Director and the other Deputy Director.
 - viii. Perform all other duties as directed by the Director or by the Governing Board.
- c. Each Deputy Director shall serve a tenure of three years without prejudice to renewal for a second successive term. Only in exceptional cases shall a third successive term be granted, and in no case shall he/she be reappointed for a fourth successive

term. The renewal or revocation of his/her appointment is subject to the recommendation of the Director and approval of the Board.

ARTICLE XI
STAFF

1. The Center staff shall be recruited and appointed by the Director as necessary.
2. The Center, within its resources and capabilities, shall endeavor to recruit the best quality staff.
3. International staff, on an international salary scale, may be recruited to strengthen existing departments of the host and other collaborating institutions in priority areas for graduate study and research.
4. The professorial staff of the Center may be recommended to the collaborating institutions concerned for appointment as affiliate members of such institutions.
5. Through procedures to be established by the Board in consultation with the Center officials and appropriate authorities of the collaborating institution, the professorial staff shall be recruited from within the Southeast Asian region whenever practicable and feasible; otherwise, they may be recruited from outside the region.
6. Members of the resident graduate faculty of a collaborating institution may participate in the academic programs of the Center on a part-time basis for which supplementary remuneration shall be paid in accordance with the established regulations of or agreement with such institution.
7. Professors from national institutions of member states on sabbatical leave or temporary release for professional advancement may be accommodated and be allowed to participate in the academic

programs of the Center. These professors may enjoy certain privileges such as housing and administrative support, but they shall not be paid any remuneration from the Center.

ARTICLE XII SCHOLARS

1. The scholars shall be recruited and chosen in accordance with procedures to be established by the Board in consultation with the Center and appropriate authorities of the collaborating institution concerned, provided that candidates from member states shall be given priority in the recruitment and appointment thereof.
2. Only scholars drawn from member states shall be placed on fellowship, scholarship, or assistantship positions provided by the Center.
3. Countries that are not member states may also nominate scholars in numbers to be determined by their Ministers of Education and the Center, provided that funds to cover costs incurred by the Center in the selection, admission, and participation of said scholars are available.
4. There shall be flexibility in the admission of Center scholars but the standards for graduation as established by the collaborating institution concerned will be applied.

ARTICLE XIII MANAGEMENT OF FUNDS

1. In accordance with the requirements prescribed in the SEAMEO Financial Operations Manual and within the framework of the corresponding five-year plan of the Center as approved by the Council, the Director shall prepare budgets for approval by the Board and confirmation by the Council.

2. Funds for the Center shall be deposited in reputable banks, preferably those which allow for free currency exchange.
3. The Center funds shall be disbursed by the Director in accordance with the SEAMEO Financial Operations Manual and the policies established by the Board and on the basis of the approved budget for each fiscal year.
4. All the books of accounts shall be made available any time for examination by any authorized representative of donor governments, member states, or other organizations and entities which have contributed to the financial support of the Center.
5. The Account shall be audited by a firm of auditors to be engaged by the Director with the approval of the Board.

ARTICLE XIV
LEGAL STATUS OF THE CENTER

1. The Center, being a branch of the Organization, derives its juridical personality from the Charter and shall possess full capacity to:
 - a. contract;
 - b. acquire, and dispose of, immovable and movable property; and
 - c. institute legal proceedings.
2. The Center shall enjoy in the territory of each of its member states such privileges and immunities as are normally accorded United Nations institutions.
3. Representatives of member states and officials of the Center shall similarly enjoy such privileges and immunities in the Philippines as are necessary for the exercise of their functions in connection with the Center and the Organization.
4. The Center shall secure from the host government such executive or legislative edicts as are needed for the full exercise of its functions.

ARTICLE XV AMENDMENTS

Proposals for amendments to the Enabling Instrument shall become effective upon the approval of a two-thirds majority of the representatives to the Board, provided that the draft of such proposals for amendments shall be communicated by the Director to each member of the Board three (3) months before it meets to consider the same, and upon confirmation by the Council. In exceptional cases, the Director may submit the proposal to the Board one (1) month before the Board meets.

ARTICLE XVI INTERPRETATION

Any question or dispute concerning the interpretation of any provision of this Enabling Instrument shall be settled by the Board, without prejudice to the right of the council to review the ruling by the Board.

DETAILS OF AMENDMENTS (as of 14 March 2008)

1. Governing Board (GB) – Amended 1977: 12th SEAMEC Conference, 3-7 March 1977, Jakarta, Indonesia. The amendment involved the change of the Agricultural Governing Board (AGB) to Governing Board (GB). Thus, all references to the AGB were amended to read GB.
2. Article VI – Amended 1977: 12th SEAMEC Conference, 3-7 March 1977, Jakarta, Indonesia. A prominent feature of the revision was the institution of two Deputy Director positions in place of the original Project Leader and Assistant Director positions, together with the specification that one Deputy Director shall be a non-Filipino and the other shall be a Filipino by citizenship.

3. Article V – Amended 1988: 23rd SEAMEC Conference, 4-5 February 1988, Denpasar, Indonesia. The amendment reflected changes to paragraph 1 of Article V, to include the stipulation pertaining to the country representative from the Philippines to the GB. This was endorsed to the SEAMEC by the GB in its 33rd meeting on 7-8 September 1987 in Bangkok, Thailand.
4. Article VI – Amended 1989: 24th SEAMEC Conference, 12-13 January 1989, Malacca, Malaysia. The amendment reflected changes to paragraph 2 of Article VI, to include the stipulation pertaining to the release or removal of the Director. This was endorsed to the SEAMEC by the GB in its 34th meeting on 6-7 October 1988 in Serdang, Selangor, Malaysia.
5. Article XI – Amended 1989: 24th SEAMEC Conference, 12-13 January 1989, Malacca, Malaysia. The amendment to Article XI stipulates “adoption” by the Council instead of “confirmation” by the Council to be in conformity with the established format of SEAMEO. This was endorsed to the SEAMEC by the GB in its 34th meeting on 6-7 October 1988 in Serdang, Selangor, Malaysia.
6. All articles of the Enabling Instrument – Amended 1992: 27th SEAMEC Conference, 9-12 February 1992, Bandar Seri Begawan, Brunei Darussalam. The whole Enabling Instrument was revised to conform to the format and contents of Enabling Instruments of other SEAMEO Regional Centers and Project, and to reflect changes in SEARCA's operations and relationships with other institutions/organizations after 25 years of operations. In particular, four new articles were added, namely: Definitions, Relationship with the Council, Relationship with the Secretariat and Other Centers, and Organization of the Center. Substantial revisions were done on the following articles: Membership, Governing Board, Officials, Management of Funds, and Legal Status of the Center.
7. Article II (Objective and Functions) – Amended 2000: 35th SEAMEC Conference, 16-17 February 2000, Nusa Dua, Bali, Indonesia. Paragraph 2f was revised to include short-term training, seminars,

and conferences as activities of SEARCA; in paragraph 2g, the term “consultative services” was changed to “consulting services”; and paragraph 2i was modified to be more legally precise and is now indicated as paragraph 3. These amendments were endorsed to the SEAMEC by the GB in its 45th meeting on 9-11 September 1999 in Genting Highlands, Malaysia.

8. Article X (Officials) – Amended 2002: 37th SEAMEC Conference, 13-15 March 2002, Chiang Mai, Thailand. Section 3 (Deputy Directors) was revised to reflect modifications on the duties of the Deputy Directors resulting from the changes in the organizational structure of SEARCA, which entailed significant changes in the areas of responsibilities handled by the Center’s two Deputy Directors. The new organizational structure was approved for trial implementation starting October 2000 by the SEARCA Governing Board during its 46th meeting on 11-13 September 2000 in Phnom Penh, Cambodia, and for full implementation starting October 2001 during its 47th meeting on 12-14 September 2001 in Hanoi, Vietnam.
9. Article IX (Governing Board) – Amended 2008: 43rd SEAMEC Conference, 12-14 March 2008, Kuala Lumpur, Malaysia. Section 11(d) was revised to reflect a modification in the appointment procedure for the Deputy Directors. This amendment was endorsed to the SEAMEC by the GB in its 53rd meeting on 5-7 September 2007 in Khon Kaen, Thailand.
10. Article X (Officials) – Amended 2008: 43rd SEAMEC Conference, 12-14 March 2008, Kuala Lumpur, Malaysia. Sections 3(a) 3(b), and 3(c) were revised to reflect modifications in the recruitment and appointment procedures for the Deputy Directors. These amendments were endorsed to the SEAMEC by the GB in its 53rd meeting on 5-7 September 2007 in Khon Kaen, Thailand.



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Los Baños, Laguna, 4031 Philippines