

DECLARATION
AND
ARTICLES OF ASSOCIATION
S A C E P

ADOPTED
AT
THE MINISTERIAL MEETING OF
SOUTH ASIAN COUNTRIES
HELD
COLOMBO, SRI LANKA
25 FEBRUARY 1981

THE COLOMBO DECLARATION ON THE SOUTH ASIA CO-OPERATIVE ENVIRONMENT PROGRAMME (SACEP)

The Meeting of Ministers to Initiate the South Asia Co-operative Environment Programme (SACEP)

At Colombo on 25th February, 1981.

Having considered the report of the South Asia Co-operative Environment Programme (SACEP) Intergovernmental Expert Group Meeting convened at Bangalore, March, 1980,

Having further considered the report and recommendations of the Meeting of Officials to Initiate the South Asia Co-operative Environment Programme (SACEP) held at Colombo, 18-21 February 1981,

Noting the possibilities of the occurrence of severe ecological disequilibrium and the threat of environmental degradation in the Region,

Noting also the warm support of their countries in the aims and aspirations of the proposed Programme, as expressed at the foregoing meetings, in contacts among themselves and with UNEP, and the wealth of capability and expertise available within the Region,

Noting in addition the offer of the Government of Sri Lanka to provide the facilities for the Secretariat of SACEP, the offers of the Governments of Afghanistan, Bangladesh, India, Iran, Pakistan and Sri Lanka to serve as Focal Points for Programme development and implementation in selected subject areas, and the interest shown by the Governments of Bhutan, Burma, Maldives and Nepal,

Conscious of the readiness of their countries to co-operate and extend mutual assistance to each other in matters of environmental concern, to contribute through the application of their resources, to the work of the Focal Points and, in the case of Sri Lanka, to the Secretariat of SACEP,

Taking note of the active interest and possibilities of support from various donor countries, international financing institutions, agencies and bodies,

Recognizing the pioneering nature of the proposed co-operative programme and the organizational arrangements thereto,

Commending the significant contribution and imaginative initiative of the Director of the Regional Office of UNEP as noted by the Bangalore Meeting and the Meeting of Officials at Colombo,

Appreciating the firm support and encouragement extended by the Executive Director of UNEP in this regard,

DECLARES:

1. Its *decision* to establish a co-operative programme to be known as the South Asia Co-operative Environment Programme;
2. Its *endorsement* of the agreed institutional arrangements, the over-all programme content, and technical co-operation and the financing arrangements;
3. Its *resolve* to sustain, strengthen, and utilize to the fullest, for the benefit of the peoples of their countries, the agreed programme and the arrangements for its implementation;
4. Its *intention* to foster the Programme as essential for the promotion of human welfare, development and amelioration of poverty in the region;
5. Its *commitment* to work out a harmonious balance between the process of development and resources of nature;
6. Its *conviction* that this Programme and the co-operative arrangements thereto, could provide a valuable basis for mutual co-operation, in the fields of social and economic development;

Calls upon:

1. The interested donor states, international financing institutions, agencies and other bodies to extend their support readily and in imaginative and concrete terms, keeping in mind the importance of maintaining the momentum in implementing a Programme of such far-ranging significance;

2. The United Nations system, UNDP in particular and UNEP, to assist SACEP, as required, with financial support, technical assistance, information, and guidance in the implementation of the Programme;

3. The member states of the SACEP region to see in these a worthy cause with goals and objectives fully capable of attainment through their common perceptions, friendly co-operation and mutual assistance.

ARTICLES OF ASSOCIATION OF THE SOUTH ASIA CO-OPERATIVE ENVIRONMENT PROGRAMME

PREAMBLE

The members of the South Asia Co-operative Environment Programme;

In pursuance of the Colombo Declaration on the South Asia Co-operative Environment Programme adopted by them at the Meeting of Ministers held at Colombo, Sri Lanka, from 23-25 February 1981;

Do hereby agree upon and adopt these Articles of Association for the South Asia Co-operative Environment Programme, hereinafter referred to as SACEP.

ARTICLE 1 AIMS AND FUNCTIONS

The aims of SACEP are:

(a) To promote and support the protection, management and enhancement of the environment, both natural and human, of the countries of South Asia, individually, collectively and co-operatively;

(b) To make judicious use of the resources of the environment towards removal of poverty, reduction of socio-economic disparity, improve the quality of life, and prosperity on a continuing basis;

(c) For these purposes, to make the fullest use of the organizational arrangements and facilities for co-operation under SACEP.

The functions of SACEP are:

(d) To promote co-operative activities in priority areas of environment of mutual interest;

(e) To ensure that these activities result in benefit individually or collectively to the Member States of the Region;

(f) To extend support as needed through exchange of knowledge and expertise available among the member countries;

(g) To provide local resources towards implementation of projects and activities; and

(h) To encourage maximum constructive and complementary support from interested donor countries and other sources.

ARTICLE 2

MEMBERSHIP

(a) The members of SACEP shall be those States of the South Asia region who participated at the Meeting referred to in the Preamble hereinbefore;

(b) Membership shall remain open to other States of the South Asia region invited to the Meeting, which have not been able to present, but which at any time later may accept these Articles;

(c) Any application for membership by a State under paragraph (b) above shall be circulated to members of the Governing Council, who shall thereafter notify such State of their admission to membership.

ARTICLE 3

ORGANS

The principal organs of SACEP are:

(a) The Governing Council hereinafter referred to as the Council;

(b) The Consultative Committee, hereinafter referred to as the Committee;

(c) The Secretariat;

(d) Such other subsidiary organs or bodies as may be found necessary at any time in accordance with a decision to such effect of the Governing Council.

ARTICLE 4 GOVERNING COUNCIL

(a) The Council shall consist of all the members of SACEP;

(b) Each member shall have one representative on the Council, who will normally be of Ministerial rank;

(c) UNLESS OTHERWISE AGREED BY MEMBERS, THE COUNCIL SHALL NORMALLY MEET ONCE A YEAR. THE QUORUM FOR A MEETING OF THE GOVERNING COUNCIL SHALL BE A SIMPLE MAJORITY OF THE MEMBERSHIP. THE MEETINGS OF THE GOVERNING COUNCIL SHALL BE HOSTED BY MEMBER STATES IN ALPHABETICAL ORDER AND THE PRESIDENCY OF THE GOVERNING COUNCIL SHALL BE OFFERED TO THE HOST COUNTRY; THE CHAIRMAN SHALL HOLD OFFICE FOR A PERIOD OF ONE YEAR OR TILL SUCH TIME AS A NEW CHAIRMAN TAKES OFFICE IN THAT YEAR.

(d) The Council shall be the principal review and deliberative body of SACEP and shall be responsible for determining policy and programmes;

(e) The Council may discuss any questions or any matters within the scope of its Articles of Association;

(f) The meetings of the Council shall proceed in a co-operative spirit, which is the key note of SACEP, and shall endeavour at all times to reach agreement by consensus;

(g) The Governing Council may formulate its own rules of procedure.

ARTICLE 5 CONSULTATIVE COMMITTEE

(a) The Committee shall consist of representatives of Member States

of SACEP; its headquarters shall be in Colombo where it will normally hold its sessions;

(b) Each Member State shall meet the expenses of its representative for attendance at Committee sessions;

(c) It shall be the responsibility of the Committee to facilitate implementation of the programmes and policies as determined by the Council through close informal co-operation and to promote the dissemination of information on the concepts and the operation of SACEP in general;

(d) At its first session, the Committee will elect a Chairman who will chair its sessions for not more than one term of one year from the date of election. For any period, during which the Chairman is absent from the country, or is otherwise prevented from exercising the functions of Chairman, the Council shall elect an Acting Chairman;

The Committee will submit a report on the action taken by the Committee to the next meeting of the Council;

(e) Six weeks notice shall be given of sessions. The notice shall in every case be accompanied by a provisional agenda. Any documents that may require reference to member Governments before discussion shall be issued not less than six weeks before the date of the session at which they will be discussed;

(f) A simple majority of the membership of SACEP shall constitute a quorum for the purpose of holding a Committee Session;

(g) The Committee shall endeavour to reach agreement by consensus after discussion in a co-operative spirit;

(h) The Committee may make such rules and regulations as it deems necessary in relation to Committee procedures and the operation and administration of the Secretariat, subject to the approval of the Governing Council.

ARTICLE 6

FOCAL POINTS

(a) There shall be Subject Area Focal Points which shall co-operate with SACEP Secretariat in programme implementation;

(b) Each country that has accepted responsibility for a particular subject area under this Programme shall identify an office within the country as the designated Focal Point for that subject area;

Where two or more countries are jointly responsible for a subject area, the Focal Point shall be identified in one of the countries concerned by mutual arrangement;

(c) Each Focal Point shall nominate an official to act as the Liaison Officer with the SACEP Secretariat;

(d) The Focal Point shall work towards the implementation of its programme and shall be entitled to assistance in such implementation, in its area of responsibility for the SACEP countries as a whole and will discharge this function in co-operation with the Secretariat;

(e) It shall be entitled to convene working group meetings, if necessary, in any of the co-operating countries to fulfil its obligations.

ARTICLE 7

SECRETARIAT

(a) The Secretariat shall consist of a Director, appointed for a period of three years and who shall be its head and a modest number of other international officers appointed by the Governing Council from among nominees of member Governments, as well as such supporting staff as may be recruited from time to time according to regulations laid down by the Consultative Committee;

(b) The Secretariat shall assist the Council, the Committee and the Focal Points in the discharge of their duties and responsibilities;

(c) The paramount consideration in the employment of the staff shall be the necessity to secure the highest standards of efficiency, competence and integrity. In the case of the international officers, due regard shall be paid to the importance of recruiting them on as wide a geographical basis as possible from among the co-operating countries. The members of the Secretariat staff shall refrain from any action which might reflect on their position as international officials responsible to the SACEP Organization;

(d) The Director shall be the chief executive officer and shall act as Secretary to the meetings of the Council and the Committee and shall be co-ordinator of activities and programmes of SACEP. He shall submit periodic progress reports to the Committee and the Council;

(e) The Director of the Secretariat shall maintain close liaison with the United Nations Environment Programme, as well as with other organizations or countries not members of SACEP which are presently extending assistance within the region, or which may in the future decide to do so.

ARTICLE 8

BUDGET

(a) The Director shall submit for consideration and approval by the Council a budget showing estimated receipts and expenditure for every financial year, with an outline of anticipations for the subsequent year;

(b) Unless otherwise provided, the financial year shall run from 1 January to 31 December of each year;

(c) The draft annual budget shall be submitted by the Director for consideration by the Council at a session not later than October of each year. Supplementary estimates of expenditures, when necessary, shall be submitted for Council approval at any other session;

(d) If by the end of any financial year, the Council shall have failed to pass the budget for the ensuing financial year, the appropriation for the preceding financial year shall be deemed re-voted and shall remain in force and effect until a new budget is adopted by the Council,

(e) The Director shall circulate to Council members a statement of income and expenditure and a balance sheet duly certified by the Council's Auditors as soon as possible after the close of every financial year;

(f) The Council have make appropriate provision for the maintenance and audit of its accounts.

ARTICLE 9

HOST FACILITIES

(a) The host country of the Secretariat shall provide such hosting and support facilities for the Secretariat and the Director of SACEP as are needed, in particular:

(i) Separate and distinctive offices for the Secretariat, and official residence for the Director; and

(ii) Such other facilities as may be agreed upon from time to time between the host country and the Council;

(b) The countries assuming responsibility as Focal Points for subject areas shall provide such physical and other facilities as deemed adequate and necessary for the discharge of their functions;

(c) The host country of the Secretariat and the countries responsible for Focal Points, in so far as the latter use the services of international staff, shall accord such status, immunities, exemptions and privileges as are in conformity with accepted practice for such organs and as may specifically be agreed upon between the Council and the Member States.

ARTICLE 10

WORKING LANGUAGE

The working language of SACEP shall be English.

ARTICLE 11

ADOPTION AND AMENDMENTS

(a) These Articles of Association shall be deemed to have come into force once they have been adopted at this meeting and ratified by at least three Member States;

(b) The original of the Articles of Association in a single copy in the English language shall be kept by the host State, who will act as the Depository;

The Depository shall send certified copies of this document to all member countries that have joined in the adoption of the Articles. The Depository shall also have this document registered with the Secretariat of the United Nations;

(c) Amendments to the Articles may be proposed by any member of SACEP. Such amendments shall come into force on being approved by a consensus at a meeting of the Governing Council;

(d) As soon as the Articles of Association have come into force, the Director of SACEP shall convene a meeting of the Committee which shall proceed forthwith to initiate the necessary organizational and programme activities envisaged.

*DONE AT COLOMBO THIS THE TWENTY-FIFTH
DAY OF FEBRUARY ONE THOUSAND NINE
HUNDRED AND EIGHTY ONE.*

*AFGHANISTAN
BANGLADESH
INDIA
IRAN
MALDIVES
PAKISTAN
SRI LANKA*