

**Enabling Instrument  
for the Southeast Asian Ministers of Education Organization  
Regional Centre for Technical Education Development in Cambodia  
(SEAMEO TED)**

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**PREAMBLE**

Whereas in accordance with Article IV (10) of the Charter of the Southeast Asian Ministers of Education Organization (hereinafter referred to as "SEAMEO" or the "Organization"), the Southeast Asian Ministers of Education Council (hereinafter referred to as "SEAMEO Council") has established the SEAMEO Regional Centre for Technical Education Development (SEAMEO TED), (hereinafter referred to as "the Centre"), whose main office shall be located in Siem Reap, Cambodia.

Now, therefore, the SEAMEO Council has adopted this Enabling Instrument which is the sole source of the authority and rights of the Centre.

**ARTICLE I  
DEFINITIONS**

In this Enabling Instrument, unless the context otherwise requires,

- (1) "Charter" means the Charter of SEAMEO;
- (2) "Governing Board" means the Governing Board of the Centre;
- (3) "SEAMEO Secretariat" means "the Southeast Asian Ministers of Education Organization Secretariat";
- (4) "Member State" means any Member State of SEAMEO;
- (5) "Associate Member" means any Associate Member State of SEAMEO; and
- (6) "Affiliate Member" means any Affiliate Member of SEAMEO.

**ARTICLE II  
PURPOSES AND FUNCTIONS**

1. The Centre aims to cater for the regional needs in promoting Technical Education Development and provide opportunities for cooperation in the field of Technical Education Development among SEAMEO Member Countries and Associate Member Countries. The Centre will help strengthen the relationship and increase mutual understanding between educational researchers, practitioners, and policy makers of the region, in a spirit of mutual respect and partnership
2. The Centre is expected:
  - (a) to become a SEAMEO Regional Centre of Excellence for research and training on Technical Education Development, and to serve as a regional forum for educational policy development on Technical Education Development;
  - (b) to conduct cross-national comparative research on Technical Education Development; to explore definitions, concepts and practices of Technical

Education Development from Southeast Asian research perspectives, particularly Southeast Asian contexts as compared to international contexts; addressing specific issues on Technical Education Development of the SEAMEO Member Countries;

- (c) to conduct training courses for supporting staff/educators/researchers/trainers for teachers, and educational managers in the specialized area for the SEAMEO Member Countries;
  - (d) to act as a clearing house, information centre and think-tank for governments of the Member Countries on research-based educational reforms, especially across all sectors of education and training; and
  - (e) to become a focal point for strengthening linkage between Southeast Asia and beyond in promoting Technical Education Development.
3. To promote and carry out activities to achieve the aims of SEAMEO as laid down in the Charter.
  4. Without prejudice to the principle of non-profit making, the Centre may engage in approved income-generating activities.

### **ARTICLE III RELATIONSHIP WITH SEAMEO COUNCIL**

1. The Centre is a subordinate body of SEAMEO.
2. Authority is hereby given to the Centre to carry out its purposes as specified in Article II.
3. Anything done or made by the Centre in accordance with this Enabling Instrument shall be deemed to have been done or made on behalf of SEAMEO.
4. Notwithstanding the provisions in paragraph 2 of this Article, the SEAMEO Council reserves the right:
  - (a) to control the policy and administration of the Centre;
  - (b) to alter, amend, or modify this Enabling Instrument upon the agreement with the Government of the Kingdom of Cambodia;
  - (c) to review the decisions of the Governing Board of the Centre; and
  - (d) to void or ratify any ultra vires decisions or transactions made by the Governing Board or the Centre.

### **ARTICLE IV RELATIONSHIP WITH SEAMEO SECRETARIAT AND OTHER CENTRES**

1. The Centre shall cooperate closely with SEAMEO Secretariat in fund-raising activities and other matters as stipulated in the Charter of SEAMEO.
2. The Centre may initiate or engage in inter-Centre programmes and activities with the cooperation of SEAMEO Secretariat when necessary.
3. The Centre may cooperate with institutions in Member States of SEAMEO and others outside SEAMEO in the implementation of activities relevant to its vision, mission and strategic goals.

**ARTICLE V  
ASSOCIATE AND AFFILIATE MEMBERS**

1. Associate and Affiliate Members may participate in the programmes of the Centre relevant to the rules and regulations promulgated by the SEAMEO Council; and
2. Associate and Affiliate Members shall have the right to send representatives to the Governing Board Meetings and participate in its deliberations, but shall not have the right to vote.

**ARTICLE VI  
ORGANIZATION OF THE CENTRE**

The Centre shall have a Governing Board, a Centre Director, two Deputy Directors, a Chief Accountant and such other officers and staff as may be considered necessary by the Governing Board.

**ARTICLE VII  
GOVERNING BOARD**

1. The Minister of Education of each Member State shall nominate one representative who shall be appointed by the SEAMEO Council President as a Member of the Governing Board.
2. Each Member of the Governing Board shall be appointed to serve a term of three years and will be eligible for reappointment.
3. A Member of the Governing Board may be released, removed, or replaced before the end of term by the SEAMEO Council President only upon the request of the Minister of Education who nominated that Member.
4. Any vacancy in office because of release, removal, replacement, by any reason, the vacancy shall be filled in accordance with paragraph 1 of this Article and shall serve for the unexpired term of the predecessor.
5. Each Member State may organize a National Committee or a body to provide counsel for its representative in the Governing Board.
6. The Centre Director and the Director of SEAMEO Secretariat or his/her representative shall be ex-officio Members of the Governing Board, but shall have no voting rights.
7. The Governing Board shall annually meet in ordinary session, and may meet in extraordinary session at the request of the Chairperson of the Governing Board, or the Centre Director, or if called by either one-third of its Members or by the Director of SEAMEO Secretariat.
8. The meetings mentioned in paragraph 7 of this Article shall be held in Cambodia unless the Governing Board decides otherwise.
9. The quorum for any meeting of the Governing Board shall be two-thirds of its Members.

10. The Governing Board may, when necessary, authorize observers or advisors from States, organizations and agencies within or outside SEAMEO, to attend its meetings. Such observers or advisors shall have no voting rights.
11. The Chairperson and Vice-Chairperson of the Governing Board shall be elected by its Members in accordance with the rules of procedure adopted by the Governing Board, but shall not serve more than two consecutive terms.
12. In place of a member of the Governing Board who is unable to attend a Board Meeting, the Minister of Education of his or her country may designate any person to attend that meeting by notice in writing to the SEAMEO Secretariat. Such designated alternate shall have the right to vote and discharge all the duties of the member he or she represents, except that the designated alternate shall not exercise the functions of the Chairperson or Vice-Chairperson, as the case may be, unless elected to do so at the meeting of the Governing Board.
13. Each Member of the Governing Board, including the Chairperson, shall have one vote and a decision of the Governing Board shall be made by a simple majority of votes of the numbers present and voting. In the event of an equality of votes, the Chairperson shall have in addition to his or her ordinary vote, a casting vote.
14. Should a decision by the Governing Board be required at any time other than during its meeting, the Centre Director may present the matter in writing to all the Members of the Governing Board, and the approval in writing by a simple majority of the Members shall constitute an approval as in the case of a decision made by the Governing Board at a meeting.
15. The Governing Board shall adopt its own rules of procedure in accordance with this Enabling Instrument.

**ARTICLE VIII  
POWERS AND FUNCTIONS OF THE GOVERNING BOARD**

The Governing Board shall have powers and functions as follows:

1. to determine policies for the operation of the Centre;
2. to approve operating programmes and budget of the Centre;
3. to make annual evaluations and reviews of the Centre's programmes and the budget;
4. to approve the nomination of the Centre Director;
5. to set the academic standards of the Centre;
6. to approve the terms and conditions of operating system of the Centre;
7. to approve the annual report of the Centre prior to submission to the Council;
8. to set own rules and regulations of the Centre in accordance with the provisions of this Enabling Instrument and the Charter of SEAMEO for the management of the Centre; and

9. may delegate, in some cases, to the Chairperson of the Governing Board or the Centre Director such functions and duties in relation to the operations of the Centre as deemed necessary by the Governing Board.

#### **ARTICLE IX CENTRE DIRECTOR**

1. The Centre Director shall be nominated by the Minister of Education, Youth and Sport of Cambodia, approved by Governing Board and formally appointed by the SEAMEO Council President.
2. The Centre Director shall serve a term of three years and will be eligible for reappointment in accordance with paragraph 1 of this Article.
3. The Centre Director may be released or removed from his office by the President of SEAMEO Council only at the request of the Minister of Education, Youth and Sport of Cambodia.
4. When the Centre Director vacates office because of his or her removal, death, resignation, incapacity to act due to illness or others, the vacancy shall be filled in accordance with paragraph 1 of this Article and shall be for a full term of three years.
5. The Centre Director is the chief executive and legal representative of the Centre working under the policy direction of the Governing Board.
6. The Centre Director shall assume the responsibility of carrying out the operating programmes of the Centre as approved by the SEAMEO Council.
7. The Centre Director shall operate any accounts of the Centre.
8. The Centre Director shall have the rights to employ staff according to the relevant levels of staff management laid down by the Ministry of Education, Youth and Sport.
9. The Centre Director shall prepare an annual report on the operations of the Centre to SEAMEO Council through the Director of SEAMEO Secretariat.
10. The Centre Director may operate income-generating activities in accordance with the laws of Cambodia and the functions of the Centre for the support of its operations.

#### **ARTICLE X DEPUTY DIRECTORS OF THE CENTRE**

1. The Deputy Directors of the Centre shall assist the Centre Director in operating the Centre and shall carry out the responsibilities assigned by the Centre Director.
2. The Centre Director shall recommend two Deputy Directors from among qualified nominees of Member States, and these Deputy Directors shall be officially appointed by Minister of Education, Youth and Sport of Cambodia. Normally, one of the Deputy Directors of the Centre should be of the same nationality as the Centre Director, while the other Deputy Director should not be of the same nationality as the Centre Director.

3. The Deputy Directors of the Centre shall serve a term of three years and may be reappointed in accordance with paragraph 2 of this Article.

#### **ARTICLE XI BUDGETS**

In accordance with the requirements of the SEAMEO Financial Operations Manual and within the framework of the five-year plan as approved by SEAMEO Council, the Centre Director shall prepare budgets for approval by the Governing Board before submission to SEAMEO Council through SEAMEO Secretariat.

#### **ARTICLE XII ACCOUNT AND AUDIT**

1. Within Cambodia, funds of the Centre shall be deposited in a reputable bank in the account of "The SEAMEO Regional Centre for Technical Education Development in Cambodia" (hereinafter referred to as "the Account").
2. The Account shall be operated by the Centre Director under the control of the Governing Board in accordance with the SEAMEO Financial Operations Manual.
3. The Centre shall perform the management, utilization, and liquidation of the state budget allocated and other incomes of the Centre according to existing regulations of Cambodia's law on state budget and related guidelines documents. The Centre shall conduct its accounting and auditing operations in accordance with existing regulations on accounting and auditing of Cambodia.
4. The Account and the books of accounts shall be audited by an independent firm of auditors to be engaged by the Centre Director with the approval of the Governing Board.

#### **ARTICLE XIII LEGAL STATUS OF THE CENTRE**

1. The Centre, on behalf of the Organization, derives its juridical personality from the Charter, and shall possess full capacity:
  - (a) to contract; and
  - (b) to institute legal proceedings.
2. The Centre, on behalf of the Organization, shall enjoy in the territory of each of the Member States such privileges and immunities as are necessary of the fulfillment of its purposes.
3. The Centre, on behalf of the Organization, shall have necessary power to carry out activities for the fulfillment of its purposes in each of the Member States.

#### **ARTICLE XIV AMENDMENT**

1. Any proposal for amendment to this Enabling Instrument shall be submitted by the Centre Director to the Governing Board three months before the Governing Board meets, except in exceptional circumstances when the Centre Director may submit the proposal to the Governing Board one month before the Governing Board meets, and approved by the Governing Board.

2. Any amendment of this Enabling Instrument shall be made by a two-thirds majority of votes of the members of the Governing Board, and shall come into force upon adoption by the SEAMEO Council.

#### **ARTICLE XV INTERPRETATION**

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

#### **ARTICLE XVI TRANSITIONAL PROVISIONS**

Anything done or made by the Technical Committee created by Ministry of Education, Youth and Sport of Cambodia on behalf of the Centre before the inception of the Governing Board shall be deemed to have been done or made by the Governing Board and shall be binding on the Centre.

#### **ARTICLE XVII ENTRY INTO FORCE**

This Enabling Instrument shall come into force upon adoption by the SEAMEO Council approved and adopted by the SEAMEO Council by referendum and sign on this day of 25 July 2017.



H E Prof Dr Muhadjir Effendy  
President of the SEAMEO Council  
and Minister of Education and Culture,  
Indonesia