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**Legislative Decree No. (27) of 1979 Approving the Convention on the Establishment of the Arab Planning Institute in Kuwait**

We, Isa bin Salman Al Khalifa, Emir of the State of Bahrain.

Having reviewed the Constitution;

Emiri Order No. (4) of 1975;

And the Convention on the Establishment of the Arab Planning Institute in Kuwait;

Upon the submission of the Minister of Education;

And after the approval of the Council of Ministers;

**Hereby Decree the Following:**

**- Article One -**

The Convention on the Establishment of the Arab Planning Institute in Kuwait, signed in Kuwait City on 19 Dhul-Hijjah 1398 A.H., corresponding to 20 November 1979, which is attached to this Law, has been approved.

**- Article Two -**

The Ministers - each within his jurisdiction - shall implement this Law, and it shall come into force from the date of its publication in the Official Gazette.

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

Issued at Riffa Palace:

On: 4 Safar 1400 A.H.

Corresponding to: 23 December 1979

**The Convention on the Establishment of the Arab Planning Institute in Kuwait**

**The Governments of:**

**1-** The Hashemite Kingdom of Jordan.

**2-** The United Arab Emirates.

**3-** The State of Bahrain.

**4-** The Democratic Republic of Sudan.

**5-** The Republic of Iraq.

**6-** The State of Qatar.

**7-** The State of Kuwait.

**8-** The Republic of Lebanon.

**9-** The Socialist People’s Libyan Arab Jamahiriya.

**10-** The Arab Republic of Egypt.

**11-** The Yemen Arab Republic.

Believing in the importance of planning in order to achieve economic and social development in their respective States and throughout the Arab World, and wishing to cooperate to support planning studies and training Arab specialists according to the highest standards, and being aware of the great benefit that the concerted Arab efforts in this field bring to the entire Arab World.

Have agreed on the following:

**Article (1)**

The following expressions in this Convention and its Annexes shall have the meaning assigned to each of them, unless otherwise stated:

Host State: The Contracting State in which the Institute shall have its headquarters, namely the State of Kuwait.

Constituent States: All Arab States that have signed this Convention, including the Host State.

Acceding State: All Arab States which accede to this Convention, in accordance with the provisions of Article Five  thereof.

Member States: All the Constituent and Acceding Arab States.

Institute: The Arab Planning Institute in Kuwait.

Board of Trustees: The Board of Trustees of the Institute.

President: The President of the Board of Trustees.

Director: The Director of the Institute.

Undersecretary: The Undersecretary of the Institute.

Scientific Authority: The Scientific Authority of the institute.

Project Manager: The head of experts appointed by international organisations or other institutions involved in the implementation of a project of the Institute.

Involved Organisation: Any international, regional, or Arab organisation that may participate by providing technical assistance to the Institute.

Implementing Agency: Any agency that may be entrusted with the implementation of a technical assistance project for the Institute.

**Article (2)**

A regional Arab planning institute called the Arab Planning Institute in Kuwait, shall hereby be established. This Institute shall have independent legal personality and full eligibility to contract, acquire rights, and assume obligations.

**Article (3)**

The Institutes’s term shall be twenty years, starting from the date of entry into force of this Convention. After its expiry, the term shall automatically be renewed for five years at a time.

**Article (4)**

The headquarters of the Institute shall be the State of Kuwait. It shall be permissible, by a Decision from the Board of Trustees, to establish affiliated branches or training centres in the Arab Member States.

**Article (5)**

The Members of the Institute shall be:

1 - Every States who ratifies this Convention.

2 - Every other Arab State that joins the Institute, taking into account the following provisions:

A - The requesting State shall declare its desire to join as well as its proposed contribution to the President of the Board of Trustees, through the Kuwaiti Ministry of Foreign Affairs.

B - The request shall be submitted to the Board of Trustees as soon as possible, in order to decide on the contribution amount of the State requesting accession, and the appropriate decision shall be taken in its regard.

C - Accession shall become complete through a declaration by the State requesting accession to the President of the Board of Trustees, in which it shall expressly declare its commitment to the provisions of this Convention as well as to the Decision of the Board of Trustees regarding the amount of its contribution to the financing plan. This declaration shall be considered an acknowledgement of the fulfilment of the necessary constitutional procedures in the Acceding State.

D - The amount of the Acceding State’s contribution shall be considered an addition to the Institute’s financial resources during the period of the five-year financing plan in force, and without derogating from the amount of other States’ contributions.

**Article (6)**

A - The Institute shall train specialists and employees who work in the Ministries, administration, and institutions of member governments, whose work is related to the planning and implementation of economic and social development programmes, research, and advisory services in those fields. The Institute shall conduct economic research and provide advisory services in the field of development and planning to the Member States. Preparing a generation of specialists trained in the fields of economic and social development, planning, programming, and implementation.

B - by virtue of a Decision from the Board of Trustees, it shall be permissible for the Institute to perform the services referred to in the preceding paragraph to non-Member Arab States or organisations.

**Article (7)**

The Institute shall have the right to use all ways, means, and methods to achieve its objectives, such as organising lessons, lectures, scientific exercises, seminars, training courses, missions, public visits, and other methods of study and training in the field of planning. The Institute shall have the right to cooperate in all of this with Institutes, universities, research centres, expertise firms, and other research and specialisation authorities in the field of planning, whether Arab, foreign, or international.

The regulation of such cooperation and the determination of its duration and conditions shall be issued by a Decision from the Board of Trustees after taking the opinion of the Scientific Authority.

**Article (8)**

A - The Institute’s resources shall consist of the contributions of the Constituent or Acceding States to its five-year plans, the donations or technical aids that it may receive, the proceeds of the investment of its reserve funds, and the tuition or fees that the Board of Trustees may decide to impose for participation in seminars, trainings, or other activity of the Institute.

B - It shall be permissible, by virtue of a Decision from the Board of Trustees, to accept grants and technical assistance provided to the Institute. It shall also be permissible, by virtue of a Decision from the Board of Trustees, to accept grants that take the form of an comprehensive project. The Board shall have the right to consider the organisation providing these grants as a participating organisation. In this case, it shall be permissible to appoint a Project Manager, who shall be the Head of the experts who are provided by the participating organisation within the project, as well as a Manager Advisor regarding this project.

**Article (9)**

The Host State shall provide a suitable building for the Institute.

**Article (10)**

A - The institute shall have five-year financing plans. These shall include a statement of the amounts necessary to finance the Institute’s activities during the five years covered by the plan. Based on a proposal from the Director, the Board of Trustees shall issue a Decision approving these plans.

B - The States’ shares in these financing plans shall be determined as follows:

**Constituent States**

**Number of Shares**

The Hashemite Kingdom of Jordan

3

The United Arab Emirates

10

The State of Bahrain

2

The Democratic Republic of Sudan

2

The Republic of Iraq

10

The State of Qatar

7

The State of Kuwait

48

The Republic of Lebanon

2

The Socialist People’s Libyan Arab Jamahiriya

10

The Arab Republic of Egypt

5

The Yemen Arab Republic

1

C - The draft five-year financing plan shall be presented to the Board of Trustees twelve months before the date specified for its entry into force. The financing plan shall be issued with the approval of the Board of Trustees by a two-thirds majority of the votes cast therein.

**D -** The the Board of Trustees’ Decision approving the five-year financing plan shall be binding on all Member States, unless the total of the approved five-year financing plan exceeds the total of the previous five-year financing plan by more than 40%. In this case, Constituent or Acceding States shall not be obligated to pay more than this percentage except with their approval.

Member States shall pay their share of this plan, as follows:

50% (fifty percent), within six months from the date of issuance of the Board of Trustees’ Decision approving the financing plan.

25% (twenty-five percent), after two years from the date of the Board of Trustees’ Decision approving the financing plan.

25% (twenty-five percent), after three years from the date of the Board of Trustees’ Decision approving the financing plan.

**Article (11)**

The Institute’s affairs shall be handled by each within the limits of its competence:

A - The Board of Trustees of the Institute.

B - The Director of the Institute.

C - The Undersecretary of the Institute.

D - The High Advisory Authority of the Institute.

**Article (12)**

A - The Board of Trustees shall be composed of the following:

1 - Three members representing the Host State, appointed by the Government of that State.

2 - One member representing each of the other Member States, appointed by the Government of that State.

3 - Ex officio members who participate in the Board’s deliberations without having the right to vote, namely:

a - The Institute’s Director, and shall have the capacity of a rapporteur.

b - One representative of each participating organisation or implementing agency.

c - Any other member that the Board decides to add.

B - The Board shall elect, by a two-thirds majority vote, a President from among the representatives of the Host State.

**Article (13)**

The Board of Trustees shall be considered the supreme authority dominating the Institute’s affairs, responsible for formulating its public policy, and following up on the achievement of its objectives. In particular, it shall exercise the following powers, and delegation shall not be permitted in them:

A - Appointing the Director of the Institute.

B - Approving the five-year financing plan, the annual budget, the annual report, and the Institute’s annual work programme.

C - Appointing an auditor to handle the annual accounts of the Institute, determine his remuneration, and consider his annual report.

D - Establishing or cancelling the Institute’s affiliated branches or training centres outside the Host State.

E - Issuing general regulations governing the Institute’s activity, such as employees’ regulations, the internal regulation, and financial regulations.

F - Approving the proposal to amend the Convention on the Establishment of the Institute or its Annexes under Article (26) of this Convention.

G - Admitting participating organisations, in accordance with the provisions of Article (8) of this Convention.

**Article (14)**

A - The President of the Board of Trustees shall call for two ordinary meetings annually in order to discuss the agenda. The Board shall have the right to hold extraordinary meetings at the call of its President, or upon a written request addressed to the President of the Board by at least five members who have the right to vote in the Board. The call or request shall include a statement of the emergency or urgent matters to be discussed at the extraordinary meeting.

B - The Board shall set a regulation containing the procedural rules for its affairs.

C - The Board meetings shall be valid in the presence of half of its members who have the right to vote. Each member of the Board shall cast one vote. Decisions shall be issued by an absolute majority of the votes of those present, without prejudice to cases in which a special majority shall be required for some decisions. In case of a tie in votes, the side of the President of the Board shall prevail.

**Article (15)**

The Institute shall have a full-time Director selected by the Board of Trustees from among the nationals of the Host State, based on its nomination. The Director shall represent the Institute in its relationship with the Member States, the Host State, the participating organisations, the implementing agencies, and before the court. He shall submit to the Board of Trustees any data, clarifications, or reports on various aspects of activity at the Institute.

The Director shall also supervise the Institute scientifically and administratively, supervise training and research programmes, prepare the annual budget of the Institute, approve spending after getting approved by the Board of Trustees, prepare the annual report of the Institute, generally perform all of the Institute’s executive management affairs, as well as he shall be responsible for achieving its objectives before the Board of Trustees.

The Board of Trustees shall determine the salaries and allowances of the Director.

**Article (16)**

The Institute shall have a representative appointed by the Board of Trustees from among non-nationals of the Host State for a term of two years, renewable, based on the nomination of the Director. The representative shall assume the role of the Director in his absence, and shall carry out the duties delegated to him under the supervision of the Director.

**Article (17)**

If a participating organisation contributes to the activity of the Institute in the form of a comprehensive project, it shall be permissible to appoint a Project Manager with the approval of the Board of Trustees of the Institute and upon the nomination of the participating organisation. His appointment shall be for the duration of the project.

He shall be responsible for coordinating the affairs of experts provided by the mentioned organisation, and guiding them within the framework of the project and the Institute’s overall plan.

**Article (18)**

A - The High Advisory Authority shall consist of the Institute’s Director, his representative, and the heads of the scientific departments or divisions in the Institute, three experts who are nationals of the Member States elected by the Board of Trustees based on the nomination of the Director of the Institute, for a renewable term of two years, as well as the Project Manager, if any.

B - The Authority shall convene at least twice a year at the call of the Director, and it shall submit to the Board of Trustees its recommendations regarding the evaluation and development of the Institute’s programmes. As well as any other technical types requested to be discussed by the Board of Trustees or the Director of the Institute.

**Article (19)**

A - The Institute shall have an annual budget that shall begin on the first of October and shall end at the end of September of each year, which shall become effective with the approval of the Board of Trustees. If the approval of the budget is delayed for any given reason, the previous budget shall apply until the approval of the new budget.

B - The auditor shall submit to the Board of Trustees his annual report on the ended fiscal year no later than two months after its end.

**Article (20)**

The Institute shall have a technical and administrative body that shall have a sufficient number of experts, professors, and employees. When appointing staff, efforts shall be made to distribute the positions among the nationals of the Member States as much as possible, without compromising the necessity of maintaining the required level of competence among the Institute’s staff. The Board of Trustees shall issue regulations regarding the affairs of the Institute’s employees.

**Article (21)**

The Institute shall provide nationals of Member States with equal opportunities in the areas of study and training, taking into account the needs of these States and their own capabilities. Special attention shall be given to the least developed Arab States, regardless of their financial contributions.

**Article (22)**

A - The members of the Board of Trustees as well as the Institute’s Director and employees shall enjoy the following immunities and exemptions in the Member States:

1 - Immunity from any executive or judicial proceedings regarding acts they perform in their official capacity.

2 - Facilitations for entry, residence, and exit. These facilitations shall also be enjoyed by the visiting experts, technicians, professors, consultants, and others that the Institute’s activity requires their transfer between these States or their residence therein.

3 - Travel facilitations.

4 - Exemption from tax on the salaries or bonuses they receive from the Institute.

B - Member States shall not be obliged to grant the mentioned immunities or exemptions to any of their nationals.

**Article (23)**

A - All scientific and office equipment, furniture, means of transport, and other supplies of the Institute, shall be exempt from all customs duties and taxes in all Member States.

B - Member states shall treat the Institute’s correspondence and documents, as well as the official correspondence and documents of each of them, in the same manner as they treat correspondence and documents of their own within the other Member States.

**Article (24)**

The Headquarters State of the institute and its employees shall enjoy the facilities and exemptions granted to similar scientific and regional authorities in the Arab States, and in accordance with international customs. The Institute shall have the right to conclude with the Headquarters State the conventions that shall regulate the application of this principle.

**Article (25)**

Any dispute between Member States concerning the interpretation or application of this Convention shall be finally settled by the Board of Trustees.

**Article (26)**

A - It shall be permissible to amend the provisions of this Convention based on a proposal submitted by one or more Member States to the President of the Board of Trustees. It shall not permitted to discuss the draft amendment before the lapse of at least two months from notifying all members of the Board.

B - The draft amendment, after being approved by the Board of Trustees, shall be presented to the Member States for approval, and shall become effective in accordance with the provisions of Article (29) of this Convention.

**Article (27)**

A - Any Member State shall have the right to decide to withdraw from the Institute by virtue of an official notification for that, addressed to the President of the Board of Trustees through the Ministry of Foreign Affairs of Kuwait. The withdrawal shall be effective after six months from the date of this notification.

B - The withdrawal shall not affect the obligations of the withdrawing State to fulfil its due commitments under the current five-year financing plan.

C - Taking into account the provisions of the Host State, the withdrawing State shall not have any right to the funds and property of the Institute.

**Article (28)**

A - The Board of Trustees shall have the right to decide, by a three-fourths majority vote, the dissolution of the Institute.

B - Starting from the academic year following the issuance of this Decision, the admission of new students or trainees shall be suspended, and the programmes and trainings shall continue until their end for those who started studying or training before the issuance of the dissolution Decision.

C - The rights of third-parties shall be paid, and the funds and property that the Host State placed in the possession of the Institute in accordance with Article (9) of this Convention, shall be returned to the Host State. The surplus, if any, shall be distributed among all Member States, in accordance with their respective shares of participation.

**Article (29)**

This Convention shall enter into force when it has been ratified by the Host State as well as at least five Constituent States. The Host State shall notify the Member States of the entry into force of the Convention, and shall call for the first meeting of the new Board of Trustees within six months from the date of entry into force of the Convention.

**Article (30)**

A - The provisions of this Convention shall be automatically repealed, as of the date of the entry into force of any provisions that conflict with it.

B - The contributions of current States shall be considered the source of funding for the Institute until the year 1980. The first five-year financing plan shall be developed to cover the period from 1980 to 1985, and this plan shall be presented to the Board of Trustees in a timely manner, so that the first instalment of it shall be paid six months before the beginning of the fiscal year 1980-1981.

C - The Institute’s regulations and internal rules applicable at the date of entry into force of this Convention, shall remain in force until other regulations and rules are issued to replace them.

**Article (31)**

This Convention was signed in Kuwait City on 20 Dhul-Hijjah 1398 A.H., corresponding to 20 November 1978, and shall be deposited at the Ministry of Foreign Affairs of Kuwait, and each signatory States shall receive a copy thereof.