



**CHARTER ESTABLISHING
THE CENTRE FOR COORDINATION OF
AGRICULTURAL RESEARCH AND
DEVELOPMENT FOR SOUTHERN AFRICA
(CCARDESA)**

PREAMBLE

WE, the representatives of the Governments of:

The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Madagascar
The Republic of Malawi
The Republic of Mauritius
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

ACKNOWLEDGING that the capacity of the SADC region scientific community to undertake and manage research and development (R&D), and related training activities has increased considerably;

CONVINCED that cooperation in agricultural R&D would enhance efficiency in achieving results to help alleviate the common problems of poverty, unemployment, food insecurity, land degradation, recurring droughts and improving sustainable regional agricultural productivity;

DESIROUS of promoting sustainable and pro-poor growth through the collaborative development of appropriate technologies to enhance agricultural production and natural resource management;

DETERMINED to translate Pillar 4 of the NEPAD Comprehensive Africa Agriculture Development Programme (CAADP) and the Framework for African Agricultural Productivity (FAAP) on agricultural research, technology generation, dissemination and adoption into action in order to achieve tangible sustainable results and impacts in the SADC region;

ACKNOWLEDGING that the principle of subsidiarity, as expressed by the SADC Council of Ministers at its meeting in Grand Baie, Mauritius, in 2004, is cost-effective and promotes accountability and sustainability;

REAFFIRMING the Plan of Action from the SADC Extra-Ordinary Summit on Agriculture and Food Security in Dar-es-Salaam on 15th May 2004, known as the "Dar-es-Salaam Declaration on Agriculture and Food Security", and the Regional Indicative Strategic Development Plan (RISDP) as the guiding policy documents for SADC;

RECOGNIZING that science and technology is indispensable for growth and the means through which Member States can address agricultural productivity and food security;

RECOGNIZING the importance of women's role in agriculture in the SADC region and the need to promote labour-saving and gender-sensitive technologies;

REAFFIRMING our commitment to achieving the Millennium Development Goals (MDGs) and uplifting the living standards of the people of the SADC region; and

RECALLING the Decision of the SADC Council of February 2010 establishing a Subregional Organisation to be named the Centre for Coordination of Agricultural Research and Development for Southern Africa (CCARDESA);

HAVE AGREED as follows:

ARTICLE 1 DEFINITIONS

In this Charter, unless the context otherwise requires:

- "Board of Directors" means the Board established under Article 10 of this Charter;
- "CAADP" means Comprehensive Africa Agriculture Development Programme
- "CCARDESA" means the Centre for Coordination of Agricultural Research and Development for Southern Africa established under Article 3 of this Charter;
- "CCARDESA Secretariat: means the Centre for Coordination of Agricultural Research and Development for Southern Africa Secretariat established by Article 10 of this Charter;
- "Centres of Leadership" means the specialized centres, including NARS, that will implement research programmes;
- "Charter" means the Charter establishing the Centre for Coordination of Agricultural Research and Development for Southern Africa;
- "Council of Ministers" means the Council of Ministers of SADC;
- "Executive Director" means the Executive Director of CCARDESA appointed by its Board under Article 16 of this Charter;
- "Executive Secretary" means the Executive Secretary of SADC appointed under Article 15 of the Treaty;
- "FAAP" means the Framework for African Agricultural Productivity;

“FANR”	means the Food, Agriculture and Natural Resources Directorate of SADC;
“FARA”	means Forum for Agricultural Research in Africa;
“General Assembly”	means an assembly of stakeholders established under Article 10 of this Charter;
“ICP”	means International Cooperating Partners;
“Legal Entity”	means an entity designated as such under the laws of each Member State;
“MDG”	means Millennium Development Goal
“Member State”	means a State, which is a Member of SADC;
“NARS”	means National Agricultural Research and Development Systems;
“NEPAD”	means the New Partnership for Africa’s Development;
“R&D”	means Research and Development also known to mean technology development, dissemination and adoption;
“RISDP”	means the Regional Indicative Strategic Development Plan of SADC;
“SADC”	means the Southern African Development Community established by Article 2 of the Treaty;
“SADC Secretariat”	means the executive arm of SADC established under Article 14(1) of the Treaty;
“Stakeholder”	means any individual, institution in the public or private sector, including international organizations, having an interest in the furtherance of farmer empowerment, agricultural R&D, extension, training, and communication activities within the SADC region;
“State Party”	means a Member State that is party to this Charter;
“States Parties Ministers”	means States Parties Ministers responsible for Agriculture and Food Security;
“Subsidiarity Organisation”	means an organisation approved to operate under the principle of subsidiarity in accordance with the SADC guidelines and procedures on subsidiarity
“Treaty”	means the Treaty establishing SADC as an international organization;
“Tribunal”	means the Tribunal as established under Article 9(1)(g) of the Treaty.

ARTICLE 2 PURPOSE

The purpose of this Charter is to provide Member States with a framework for the establishment and operationalisation of a Sub-regional Organisation that will coordinate agricultural research and development (R&D) in the SADC region.

ARTICLE 3 NAME

The name of the organisation shall be the Centre for Coordination of Agricultural Research and Development for Southern Africa, hereinafter referred to as "CCARDESA", and it shall have its own logo.

ARTICLE 4 OBJECTIVES OF CCARDESA

The objectives of CCARDESA are:

- 1 To coordinate and promote collaboration among regional and National Agricultural Research And Development Systems (NARS) through regional and international cooperation;
- 2 To facilitate the exchange of information and technology among the Member States;
- 3 To promote partnerships in the SADC region between public, private, civil society and international organizations in R&D;
- 4 To improve agricultural technology generation, dissemination and adoption in the region through collective efforts, training and capacity building; and
- 5 To strengthen research and development in States Parties by mobilising human, financial and technological resources to implement and sustain demand-driven activities.

ARTICLE 5 FUNCTIONS OF CCARDESA

The functions of CCARDESA shall be:

- 1 To coordinate, harmonise, promote and advocate R&D policy among States Parties;
- 2 To update regional agricultural R&D priorities and to coordinate, joint programmes among stakeholders, including promotion and development of agro-based value-adding technologies;
- 3 To mobilise and generate resources for the SADC region and to foster partnership and collaboration with regional and international agricultural research organizations;

- 4 To empower and strengthen farmers and their organisations or groups into effective partners in agricultural development and enhancing their access to markets and negotiating skills;
- 5 To facilitate regional capacity building of agricultural and natural resources scientists in terms of training, development and management;
- 6 To facilitate development of sustainable education, training and learning systems that contribute to farmer-oriented innovation and technology transfer systems for the region; and
- 7 To promote co-operation, consultation and exchange of scientific and technical information on best practices in agricultural research and advisory services in the SADC region.

ARTICLE 6 RELATIONSHIP WITH THE SADC SECRETARIAT

- 1 The SADC Secretariat shall provide overall strategic policy guidance and leadership to CCARDESA in order to ensure that the regional R&D agenda and priorities are consistent with the SADC mandate on agriculture and food security.
- 2 CCARDESA shall operate as a semi-autonomous institution established under the principle of subsidiarity and shall focus on technical coordination and related harmonization functions of facilitation of the regional R&D agenda.
- 3 CCARDESA shall submit Annual Reports to the States Parties Ministers through the SADC Secretariat.
- 4 CCARDESA shall negotiate and sign a Memorandum of Understanding with the SADC Secretariat to operationalise their mutual working relationship.

ARTICLE 7 SEAT

The Headquarters of CCARDESA shall be situated in Botswana.

ARTICLE 8 EXISTENCE AND LEGAL STATUS

- 1 CCARDESA shall exist as a Subsidiarity Organisation within SADC and shall be a legal entity operating within the laws of each State Party.
- 2 CCARDESA shall enjoy such legal status and capacity as may be necessary for the fulfilment of its objectives and the exercise of its functions. In particular, CCARDESA shall have the capacity to:
 - (a) Enter into contract;

- (b) Acquire and dispose of movable and immovable property;
and
- (c) Sue and be sued in its own name.

ARTICLE 9 GRANTING OF DIPLOMATIC STATUS

Each State Party shall accord CCARDESA, its property and Staff diplomatic status, privileges, immunities and facilities in accordance with its own laws.

ARTICLE 10 INSTITUTIONAL ARRANGEMENT

The principal institutions responsible for the direction and implementation of this Charter shall be:

- 1 States Parties Ministers;
- 2 The General Assembly;
- 3 The Board of Directors; and
- 4 The CCARDESA Secretariat.

ARTICLE 11 STATES PARTIES MINISTERS

- 1 The States Parties Ministers shall form the supreme organ of CCARDESA.
- 2 The Ministers shall:
 - (a) Appoint members of the Board of Directors;
 - (b) Approve regional R&D priorities for CCARDESA on recommendation from the General Assembly;
 - (c) Approve proposals for amendments to the Charter; and
 - (d) Receive CCARDESA Annual Reports from the SADC Secretariat.

ARTICLE 12 GENERAL ASSEMBLY

There shall be a General Assembly for CCARDESA, consisting of members from the following institutions from each State Party:

- (a) Ministries responsible for Agriculture and Food Security;
- (b) Agro-industry;
- (c) Agricultural Education Institutions;
- (d) Farmer Organisations; and (e) Agricultural Civil Society Organisations.

ARTICLE 13 FUNCTIONS OF THE GENERAL ASSEMBLY

The functions of the General Assembly shall be to:

- 1 Elect the Chairperson of the General Assembly;
- 2 Recommend to States Parties Ministers, for approval, regional R&D priorities for CCARDESA;
- 3 Approve, monitor and evaluate the CCARDESA strategic direction;
- 4 Appoint, renew or terminate the services of External Auditors for CCARDESA;
- 5 Recommend, to States Parties Ministers, new members on CCARDESA Board identified by the sitting Board (self-generating Board);
- 6 Form its own committees, as necessary.

ARTICLE 14 MEETINGS OF THE GENERAL ASSEMBLY

1. The General Assembly shall hold an ordinary meeting once every two years and may hold extraordinary meetings when necessary.
- 2 Ordinary meetings of the General Assembly shall be held at such time and venue which was determined during the previous meeting. The meeting shall ordinarily be organised at the most convenient location in the territory of any State Party.
- 3 The CCARDESA Secretariat shall be the Secretariat to the General Assembly.
- 4 An ordinary meeting shall be convened by the Secretariat by way of written notice detailing time, date and venue and circulated to all members of the General Assembly. Notification shall be circulated to members not later than sixty (60) days prior to the date of the meeting.
- 5 Notification of meetings together with agenda and other documentation shall be circulated forty-five (45) days prior to the date of the meeting. Members shall be required to notify their attendance or that of any mandated nominee and to submit items for any other business to the Secretariat in writing not later than fourteen (14) days prior to the date of the meeting.
- 6 Quorum at the meeting shall be constituted by simple majority of the total number of States Parties representatives present.

ARTICLE 15 BOARD OF DIRECTORS

1. The Board of Directors shall be composed of 13 voting members and Ex officio members. Membership shall comprise:
 - (a) Chairperson;
 - (b) Vice Chairperson;
 - (c) Eight members representing the full range of R&D stakeholders including farmers, public sector, agribusiness, agricultural education and agricultural civil society organizations, in line with CAADP and FAAP principles, and spread over States Parties;
 - (d) Representative of SADC Secretariat being a Permanent Seat on the Board;
 - (e) Financial expert;
 - (f) Legal expert;
 - (g) Ex-Officio members:
 - i. FARA representative
 - ii. Environmental expert.
2. All members of the Board of Directors shall hold office for a period of two years except for the first Board where the remaining 50% of the inception members shall retire after three years.
3. Membership to the Board of Directors shall be on a rotational basis among States Parties.

ARTICLE 16 FUNCTIONS OF THE BOARD OF DIRECTORS

The functions of the Board of Directors shall be to:

1. Provide oversight and direction to CCARDESA Secretariat;
2. Appoint, renew or terminate the services of the Executive Director of CCARDESA Secretariat;
3. Establish Committees of the Board of Directors to guide and supervise the work of the CCARDESA Secretariat and to review and approve administrative and financial management systems;
4. Approve overall operational policies and strategic plans of CCARDESA, specifically Strategic Plan, annual work plans, budget and financing plans; and
5. Select new members of the Board based on the principles established in Article 15 of this Charter.

ARTICLE 17
MEETINGS OF THE BOARD OF DIRECTORS

1. The Board of Directors shall hold no less than two ordinary meetings per year, and may hold additional special meetings as is necessary. All meetings shall be sanctioned by the Chairperson of the Board.
2. The Board shall establish and adopt rules and regulations for the conduct of its meetings.
3. The quorum at any meeting of the Board of Directors shall be 50 percent plus one member, and a decision of the Board on any question shall be by the majority of the members present and voting. In the event of an equality of votes, the Chairperson shall have a casting vote.
4. The Executive Director of CCARDESA shall be Secretary of meetings of the Board.

ARTICLE 18
CCARDESA SECRETARIAT

1. There shall be a Secretariat, which shall be responsible for the day-to-day management and technical coordination of the activities of CCARDESA.
2. The Secretariat shall consist of the Executive Director and such other staff as the Board of Directors may deem necessary.
3. The Executive Director of CCARDESA shall recruit and appoint regional staff of CCARDESA Secretariat subject to approval by the Board.
4. The Executive Director and all other CCARDESA staff shall be nationals of States Parties. The Executive Director will be the Chief Executive Officer of CCARDESA.
5. The Secretariat shall implement the policies and the relevant operational manuals established or approved by the Board of Directors, and in so doing shall be responsible to the Board for the operation and management of CCARDESA and for ensuring that the objectives and programmes of CCARDESA are properly developed and carried out.
6. The Secretariat shall prepare Annual Plans and Budgets for presentation and approval by the Board before the start of each financial year.
7. The Secretariat shall compile and summarize the progress reports of the regional agricultural R&D activities for presentation and approval of the Board.
8. The Secretariat shall prepare consolidated Administrative and Audited Financial Reports for presentation and approval of the Board.

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ARTICLE 19 SOURCES OF FUNDING

1. In keeping with other research and development organisations delivering regional or international public goods, CCARDESA shall derive its income from charging management fees on programmes and projects under its portfolio.
2. The other financial resources of CCARDESA shall be from any other source, which the Board of Directors may deem appropriate.
3. CCARDESA shall establish a reserve fund which will act as a fallback position for priority activities.
4. CCARDESA shall not incur any financial debts, without the express consent of the Board.

ARTICLE 20 AMENDMENT OF THIS CHARTER

1. A State Party may propose amendments to this Charter.
2. Proposals of amendments to this Charter shall be made in writing to the CCARDESA Secretariat, who shall duly notify all States Parties of the proposed amendment(s) at least thirty (30) days in advance of consideration of the amendments by States Parties.
3. Amendments to this Charter shall be adopted by a decision of three quarters of the States Parties.

ARTICLE 21 SETTLEMENT OF DISPUTES

1. Matters regarding the interpretation and/or application of this Charter, its annexures and any of its other subsidiary legal instruments, which are not resolved by negotiation and agreement shall, in the first instance, be referred to an *ad hoc* Committee composed of three (3) members appointed by the States Parties Ministers and shall include a legal expert. The *ad hoc* Committee shall reach a decision within 60 days of appointment. The decision of the *ad hoc* Committee shall be offered to the States Parties Ministers for their consideration and decision in terms of the provisions in this Charter.
2. Any dispute between parties as CCARDESA members or as represented on CCARDESA General Assembly, or CCARDESA's Board or Secretariat, which cannot be resolved by due and timeous consultation and agreement of the States Parties Ministers, shall be referred to an external arbitrator acceptable to all disputing parties. The decision of the arbitrator shall be reached and communicated to the parties within 45 days of commencement of the arbitration. The arbitrator's decision shall be binding. The cost of such arbitration shall be borne equally by the disputing parties.

3. In the event that the parties fail to solve a dispute under the terms of paragraphs 1 and 2 above, they shall refer the matter to the SADC Tribunal established under Article 16 of the Treaty.
4. The decision of the Tribunal shall be final and binding.

ARTICLE 22 WITHDRAWAL

1. A State Party may withdraw from this Charter upon the expiry of twelve (12) months from the date of giving a written notice to the CCARDESA Secretariat, to that effect.
2. The CCARDESA Secretariat, upon receiving the notification, shall inform the States Parties Ministers of the intention of that State Party to withdraw.
3. A State Party that has given notice to withdraw pursuant to paragraph 1 of this Article shall cease to enjoy all rights and benefits under this Charter upon the withdrawal becoming effective, but shall remain bound by her outstanding obligations under this Charter.

ARTICLE 23 ENTRY INTO FORCE AND TERMINATION OF CHARTER

- 1 This Charter shall enter into force thirty (30) days after signature by two-thirds of the Member States Ministers responsible for Agriculture and Food Security and thereafter, shall remain open for signature.
- 2 This Charter shall remain in force, for as long as there are at least two thirds of the States Parties who remain bound by the provisions of this Charter.
- 3 Upon termination of this Charter any funds and assets, movable and immovable property remaining under the jurisdiction and responsibility of CCARDESA shall be re-distributed amongst the States Parties on terms agreed by States Parties after full and lawful settlement of all operations, staff and creditor liabilities and obligations.

ARTICLE 24 LIQUIDATION AND DISSOLUTION

- 1 Any proposal for the winding up or dissolution of CCARDESA shall be submitted in writing to all members of the Board at least six (6) months before the date on which such proposals are tabled. A resolution for the winding up of CCARDESA shall be deemed to be passed only by receiving a two-thirds majority of the votes from members and voting, at a Board Meeting.
2. In the event of the liquidation, dissolution or winding up of CCARDESA, either voluntarily or by operation of law, the Board of Directors shall by a resolution have the power to dispose of the total assets of CCARDESA provided that such disposal shall not result in the distribution of any part of earnings of the Organisation for the benefit of any private individual or legal entity other than the lawful employees of

CCARDESA in accordance with their entitlement as provided for in the terms and conditions of service and in terms of their contracts of employment.

- 3 The final decision shall be tabled at a special General Assembly and the resolutions shall be submitted to the Chairperson of States Parties Ministers for approval by the Ministers.
- 4 All actions under sub-articles 1, 2 and 3 of this Article shall be subject to approval of the States Parties Ministers.

ARTICLE 25 DEPOSITARY

The original texts of this Charter shall be deposited with the Executive Secretary of SADC who shall transmit certified copies to all States Parties.

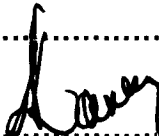
ARTICLE 26 SIGNATURE

This Charter shall be open for signature by any Member State

IN WITNESS WHEREOF, WE, the undersigned, being duly authorised representatives of our respective Governments, have signed this Charter.

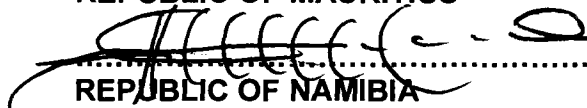
Done at NAMIBIA ^{WINDHOK} this 5 day of NOVEMBER 2010 in three (3) original texts, in the English, French and Portuguese languages, all texts being equally authentic.


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REPUBLIC OF ANGOLA

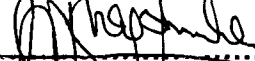

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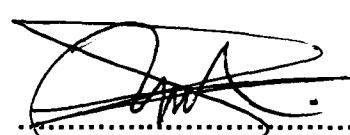

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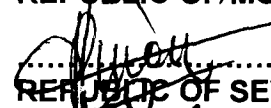

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