

Constitutive Charter  
of the Organisation  
of Southern  
Cooperation (OSC)

## CONSTITUTIVE CHARTER OF THE ORGANISATION OF SOUTHERN COOPERATION (OSC)

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## PREAMBLE

The Governments of the States and Executive Bodies of the Organisation's Parties to this Constitutive Charter:

Having proclaimed the Universal Declaration of Balanced and Inclusive Education;

Having, in the same, committed to:

*Build platforms enabling international partnerships between educational institutions, cultural initiatives, and governments across countries;*

*Build platforms to facilitate, strengthen, and amplify transdisciplinary cooperation and exchange between governments, institutions, and organisations in the Global South, hosting comprehensive resources to enable learning from similar challenges and best practices, enhance educational research, the critical production of knowledge, and bridge the techno-digital-scientific divide;*

*Create mechanisms of coordinated educational financing and solidarity which abide by national priorities, adapt to local realities, assist in achieving debt relief, and facilitate budgetary increases for education;*

Being agreed and determined to fulfil their commitments for the sake of the peoples of the world;

In consequence whereof they do hereby create the Organisation of Southern Cooperation (OSC) for the purpose of serving Humanity's eternal aspirations, for which the Universal Declaration of Balanced and Inclusive Education was proclaimed.

## ARTICLE I - PURPOSES AND FUNCTIONS

1. The purpose of the Organisation of Southern Cooperation (OSC) is to contribute to the equitable, just, and prosperous social transformation of societies by promoting balanced and inclusive education, in order to attain the fundamental rights to liberty, justice, dignity, sustainability, social cohesion, and material and immaterial security for the peoples of the world.
  
2. To realise this purpose the OSC will:
  - a) Support and assist in the work of achieving the commitments made in the Universal Declaration of Balanced and Inclusive Education, proclaimed in Djibouti City on 29 January 2020;
  
  - b) Contribute to the development and implementation of systemic solutions to achieve universal, inclusive, quality education for the peoples of the world by:
    - Initiating and fostering the collective exchange of ideas to rethink education and achieve its transformative potential;
    - Collaborating with Member States in the construction and transformation of education systems to be more effective, efficient, and capable of delivering education quality for all, more flexible to adapt and anticipate human, social, and economic sustainable development, and more relevant to address aspirations, needs, priorities, challenges, and realities at local, national, regional, and global level.
  
  - c) Contribute to the strengthening of mutual knowledge and understanding of Humanity's historical, cultural, and shared roots to ensure every human being's fundamental right to their own individual and collective identities, ones which are harmoniously rooted in their communities and embracing of the world.
  
  - d) Support and contribute to the construction and adoption of a third, alternative, inclusive way of development emerging through and from education, founded upon the spirit of multilateralism, solidarity, and self-determination by:
    - Promoting and facilitating cooperation between Member States based on the principle of a mutually beneficial partnership of equals;

- Encouraging and facilitating transdisciplinary, cross-sectoral collaboration between its Member States and Associate Members based upon the respect of national priorities and local realities, and which enables the collective pursuit of achieving and enhancing education's potential as the catalyst of human, local, national, global sustainable development.
- e) Cultivate, increase, and democratise knowledge, information, and research by:
- Establishing and making available, on-site and online, a clearing house hosting comprehensive resources to enable learning from similar challenges and best practices, to enhance educational research, the critical production of knowledge, bridge the techno-digital-scientific divide as well as support and guide research, policy and practice.
  - Working as a neutral knowledge broker collaborating with transdisciplinary research partners to identify, select, and make accessible to policymakers, specialists and practitioners cutting-edge transdisciplinary knowledge, research findings, and practices on issues such as, but not limited to, system improvement, improving learning outcomes, relevant and effective curricula, teaching, learning, and assessment.
- f) Establish, oversee, and manage an ethical financial subsidiary to provide financial assistance to its Members States in their educational initiatives by:
- Financing the OSC's budget, in effect gradually reducing and, eventually, fully covering the financial obligations of the Member States to the budget;
  - Coordinating and providing solidarity-based educational financing, which abides by national priorities and adapts to local realities;
  - Facilitate budgetary increases for education;
  - Assisting in achieving debt relief;
  - Investing in ethical, socially and environmentally responsible projects in its Member States;
  - Providing technical support and advice on loan agreements entertained or entered into by its Member States.
3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the Member States of the OSC, the OSC is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

## ARTICLE II - MEMBERSHIP

1. The signing of the Universal Declaration of Balanced and Inclusive Education and the Constitutive Charter of the OSC, before or on 29 January 2020, shall carry with it the right to membership of the OSC as founding State signatory or founding Associate signatory.
2. States not founding State signatories of the Constitutive Charter of the OSC and Members of the United Nations Organization may be admitted to membership of the OSC by a simple majority vote of Member States.
3. States not founding State signatories of the Constitutive Charter of the OSC and not Members of the United Nations Organization may be admitted to membership of the OSC by a two thirds majority vote of Member States.
4. Civil Society Organisations and Academic Institutions not founding Associate signatories may be admitted as Associate Members by the General Assembly by a simple majority of Member States present and voting. The nature and extent of the rights and obligations of Associate Members shall be determined by the General Assembly and this Constitutive Charter.
5. Any Member State or Associate Member of the OSC may withdraw from the OSC by notice addressed to the Secretary-General. Such notice shall take effect on 31 December of the year following that during which the notice was given. No such withdrawal shall affect the financial obligations owed to the OSC on the date the withdrawal takes effect.
6. During the period between the conclusion of the first General Assembly and the opening of the second General Assembly of the OSC, any Member State or Associate Member of the OSC may withdraw from the OSC by notice addressed to the Secretary-General. Such notice shall take effect six (6) months after the notice was given.

## ARTICLE III - ORGANS

1. The main organs of the OSC shall be a General Assembly, a Secretariat, and a Financial Subsidiary.

## ARTICLE IV - THE GENERAL ASSEMBLY

### A. Composition

1. The General Assembly shall consist of the representatives of the Member States. Each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational bodies.
2. Associate Members of the OSC shall be permitted to attend the General Assembly, without the right to vote except by provision of this Constitutive Charter.
3. Each Associate Members shall appoint not more than two delegates, who shall be selected on the basis of their executive authority or the relevance of their position to education.

### B. Functions

4. The General Assembly shall determine the policies and the main lines of work of the OSC. It shall take decisions on programmes submitted to it by the Secretary-General.
5. The General Assembly shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the case of recommendations, Associate Members shall be allowed to vote, and in the case of international conventions only Member States shall vote. In the former case a majority vote of Member States and Associate Members, together, shall suffice; in the latter case a two-thirds majority of Member States shall be required. Each Member State shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Assembly at which they were adopted.
6. The General Assembly shall receive and consider the reports sent to the OSC by Member States on the action taken upon the recommendations and conventions referred to in paragraph 5 above or, if it so decides, analytical summaries of these reports.
7. The General Assembly shall elect the Secretary-General and the President of the General Assembly.

### C. Voting

8. a) Each Member State shall have one vote in the General Assembly. Decisions shall be made by a simple majority except in cases in which a two-thirds majority is required by the provisions of this Constitutive Charter, or the Rules of Procedure of the General Assembly. A majority shall be a majority of the Member States present and voting.
- b) The elections of the Secretary-General and the President of the General Assembly shall be conducted by secret ballot.
- c) A Member State shall have no vote in the General Assembly if the total amount of contributions due from it exceeds the total amount of contributions payable by it for the current year and the immediately preceding calendar year.
- d) The General Assembly may nevertheless permit such a Member State to vote, if it is satisfied that failure to pay is due to conditions beyond the control of the Member State.
- e) Each Associate Member shall have one vote in the General Assembly on non-binding resolutions and recommendations.

### D. Procedure

9. a) The General Assembly shall meet in ordinary session every two years. It may meet in extraordinary session if it decides to do so itself or if jointly summoned by the Secretary-General and President of the General Assembly or on the demand of at least one third of the Member States and no less than 26 Member States.
- b) The location of all ordinary sessions shall be at the OSC Headquarters. The location of an extraordinary session shall be decided by the General Assembly if the session is summoned by it, or otherwise jointly by the Secretary-General and President of the General Assembly.
- c) Should a decision be required when the General Assembly is not meeting, the Secretary-General may present in writing to all the General Assembly members the issues in question and the written approval of a simple majority of the members or



by a two-third majority in cases required by the provision of this Constitutive Charter shall constitute approval as though the meeting has been held.

10. The General Assembly shall adopt its own Rules of Procedure. It shall at each session elect a President and other officers from amongst its Member States.
11. The President of the General Assembly shall chair the General Assembly in session and propose agenda items to the Secretary-General for submission to the General Assembly.
12. The General Assembly shall set up special and technical committees and such other subsidiary organs as may be necessary for its purposes.
13. The General Assembly shall cause arrangements to be made for public access to meetings, subject to such regulations as it shall prescribe.

#### **ARTICLE V - SECRETARIAT**

1. The Secretariat shall consist of a Secretary-General and such staff as may be required.
2. The Secretary-General shall be elected by the General Assembly.
3. Each Secretary-General shall be from a different geographic region represented by its State Membership until a full rotation has been completed.
4. The Secretary-General shall be elected for a period of four (4) years and may seek re-election for a further term of four (4) years but shall not be eligible for reappointment for a subsequent term. The first Secretary-General shall be elected at the first Assembly of Founding State Signatories of the OSC on 29<sup>th</sup> January 2020 for an extraordinary non-renewable mandate of six (6) years commencing at the first General Assembly.
5. The Secretary-General shall:
  - a) Be the Chief Officer and legal representative of the OSC;
  - b) Have general supervision of the activities of the OSC;
  - c) Represent the OSC with its members, other organisations, and the public;
  - d) Lead all negotiations on behalf of the OSC;

- e) Sign all agreements, contracts, and documents of a similar nature on behalf of the OSC;
  - f) Design and implement the programmes, policies, and procedures of the OSC as approved by the General Assembly;
  - g) Be responsible for the operation of the Headquarter Office;
  - h) Employ, supervise, and terminate such other staff as is deemed necessary to carry the activities of the OSC and in accordance with staff regulations to be approved by the General Assembly. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointment to the staff shall be on as wide a geographical basis as possible and ensure gender balance;
  - i) Create such committees and commissions as deemed necessary to serve the mission of the OSC;
  - j) Identify, build, and strengthen partnerships and consortia to carry the activities and serve the mission of the OSC;
  - k) Participate, without the right to vote, in all meetings of the General Assembly and any other committee determined by the General Assembly;
  - l) Formulate proposals for appropriate action by the General Assembly;
  - m) Prepare for submission to General Assembly a draft programme of work and the corresponding budget estimates, for review and approval at the General Assembly;
  - n) Prepare and communicate to Member States and Associate Members periodical reports on the activities of the OSC. The General Assembly shall determine the periods to be covered by these reports.
6. The responsibilities of the Secretary-General and of the staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the OSC. They shall refrain from any action which might prejudice their positions as international officials. Each Member State and Associate Member of the OSC undertakes to respect the international character of the responsibilities of the Secretary-General and the staff, and not to seek to influence them in the discharge of their duties.

## **ARTICLE VI – FINANCIAL SUBSIDIARY**

1. The Financial Subsidiary shall be a wholly-owned subsidiary of the OSC;

2. The Financial Subsidiary shall consist of a Board of Directors, a President of the Board of Directors, an Executive Director, and such other staff as may be required;
3. The Board of Directors shall be appointed by the Secretary-General and confirmed by the General Assembly.
4. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointment of the Board of Directors shall be on as wide a geographical basis as possible and ensure gender balance.
5. The Board of Directors shall elect its President from amongst its own members.
6. The Board of Directors shall appoint and employ an Executive Director as chief executive officer.
7. Each President of the Board of Directors and each Executive Director of the Financial Subsidiary shall be from a different geographic region represented amongst the OSC's State Membership until a full rotation has been completed and shall not be from the same geographic region as each other nor as the Secretary-General.
8. The President of the Board of Directors shall submit periodical reports to the Secretary-General, who shall communicate them to the General Assembly with an analytical cover report. The Secretary-General shall determine the periods covered by these reports, provided that they are no less frequent than by the end of each financial year.
9. The Financial Subsidiary shall have its own constitutive bylaws as approved by the General Assembly.

## **ARTICLE VII – NATIONAL AND INSTITUTIONAL CO-OPERATING BODIES**

1. Each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational matters with the work of the OSC, preferably by the formation of a National Commission broadly representative of the government and such bodies.

2. National Commissions or National Co-operating Bodies, where they exist, shall act in an advisory capacity to their respective delegations to the General Assembly and to their Governments in matters relating to the OSC and shall function as agencies of liaison in all matters of interest to it.
3. Each Associate Member shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational matters with the work of the OSC, preferably by the formation of a co-ordinating committee broadly representative of the Associate Member.

### **ARTICLE VIII - REPORTS BY MEMBERS**

1. Each Member State and Associate Member shall submit to the OSC no less than at the end of each calendar year, reports on the laws, regulations and statistics relating to its educational institutions and activities, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph B.5.

### **ARTICLE IX - BUDGET**

1. The budget shall be administered by the OSC.
2. The General Assembly shall approve and give final effect to the budget and to the apportionment of financial responsibility among the Member States and the fixed yearly fee of Associate Members.
3. The Secretary-General may accept voluntary contributions, gifts, bequests and subventions directly from governments, public and non-governmental institutions, associations and private persons, subject to the conditions specified in the Financial Regulations or prescribed by the General Assembly. In view of preserving the independence and budgetary stability of the OSC, and unless exceptionally approved by the General Assembly, contributions from non-governmental institutions and private persons in total shall not, however, exceed 10 % of the OSC's budget and any given contribution shall not exceed 2.5 % of the OSC budget.

## **ARTICLE X - RELATIONS WITH OTHER SPECIALISED INTERNATIONAL ORGANISATIONS AND AGENCIES**

1. The OSC may co-operate with other intergovernmental organisations and agencies whose interests and activities are related to its purposes. To this end the Secretary-General, acting under the general authority of the General Assembly, may establish effective working relationships with such organisations and agencies and establish such joint committees as may be necessary to assure effective co-operation.
2. The OSC may make appropriate arrangements with other intergovernmental organisations for reciprocal representation at meetings.
3. The OSC may make suitable arrangements for consultation and co-operation with non-governmental international organisations concerned with matters within its competence and may invite them to undertake specific tasks.

## **ARTICLE XI - LEGAL STATUS OF THE OSC**

1. The OSC shall possess full juridical personality and, in particular, full capacity to:
  - a) Contract;
  - b) Acquire, and dispose of, immovable and movable property; and
  - c) Institute legal proceedings.
2. The OSC shall enjoy in the territory of each of its Member States such privileges and immunities as are necessary for the fulfilment of its purposes.
3. Representatives of the Member States and officials of the OSC shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the OSC.

## ARTICLE XII - AMENDMENTS

1. Proposals for amendments to this Constitutive Charter shall become effective upon receiving the approval of the General Assembly by a two-thirds majority of Member States; provided, however, that those amendments which involve fundamental alterations in the aims of the OSC or new obligations for the Member States shall require subsequent acceptance on the part of two thirds of the Member States before they come into force. The draft texts of proposed amendments shall be communicated by the Secretary-General to the Member States and Associate Members at least six (6) months in advance of their consideration by the General Assembly.
2. The General Assembly shall have power to adopt by a two-thirds majority Rules of Procedure for carrying out the provisions of this Article.

## ARTICLE XIII - INTERPRETATION

1. The English text of this Constitutive Charter shall be regarded as solely authoritative.
2. Any question or dispute concerning the interpretation of this Constitutive Charter shall be referred for determination to the General Assembly.

## ARTICLE XIV - IMMEDIATE APPLICATION

1. The present article shall enter into force immediately following signature of the present Constitutive Charter.
2. A Preparatory Committee, which shall adopt its own Rules of Procedure, shall be established until the first General Assembly is convened.

3. The first Secretary-General of the OSC shall be elected by a simple majority of Governments present and voting, at the first Assembly of Founding State Signatories on 29<sup>th</sup> January 2020, for an extraordinary, non-renewable, non-remunerated term of six (6) years commencing at the first General Assembly.
4. The Secretary-General-elect shall appoint the members of and Chair the Preparatory Committee.
5. The Secretary-General-elect shall draft and prepare the OSC programmes, budget estimates, the financial subsidiary structure, and make such other relevant arrangements to be submitted to the first General Assembly.
6. A virtual Advisory Committee, constituted of a representative per voluntary founding State signatory of the OSC, shall be established and receive quarterly reports by the Secretary-General-elect on the progress made by the Preparatory Committee until the entry into force of the present Constitutive Charter.
7. The Secretary-General-elect shall make the appropriate arrangements for the constitution of the Virtual Advisory Committee.

#### **ARTICLE XV - ENTRY INTO FORCE**

1. This Constitutive Charter shall be subject to acceptance. The instrument of acceptance shall be deposited with the Government of the Republic of Djibouti until its entry into force, at which time it shall be deposited with the Secretary-General of the OSC.
2. This Constitutive Charter shall remain open for signature in the archives of the Government of the Republic of Djibouti and, upon the establishment of the OSC's headquarters and its receipt of the Constitutive Charter, it shall remain open for signature in the Archives of the OSC. Signature may take place either before or after the deposit of the instrument of acceptance. No acceptance shall be valid unless preceded or followed by signature.
3. This Constitutive Charter shall come into force when it has been accepted by ten (10) of its founding State signatories. Subsequent acceptances shall take effect immediately.

4. The Government of the Republic of Djibouti will inform all Member States and the Secretary-General-elect of the date on which the Constitutive Charter comes into force in accordance with the preceding paragraph. The Secretary-General-elect will inform all Associate Members of the date on which the Constitutive Charter comes into force in accordance with the preceding paragraph.

*IN FAITH WHEREOF*, the undersigned, duly authorised to that effect, have signed this Constitutive Charter in the English language, as being the solely authentic text. Done in Djibouti the twenty-ninth day of January two thousand and twenty, in a single copy, in the English language, of which certified copies will be communicated by the Government of the Republic of Djibouti to all the signatory Governments and Non-Governmental Organisations.