

Royal Decree on the Establishment the International Institute for Trade and Development (Public Organization), B.E.2544 (2001)

Translation

BHUMIBHOL ADULYADEJ REX.

Given on the 24th day of May B.E. 2544

Being the 56th Year of the Present Reign

By Royal Command of His Majesty King Bhumibhol Adulyadej, it is hereby proclaimed that; Whereas it is deemed appropriate to establish the International Institute for Trade and Development as a public organization under the laws concerning public organizations;

In exercise of the power under Section 221 of the Constitution of the Kingdom of Thailand, and Section 5 of the Public Organizations Act, B.E.2542, the Royal Decree is enacted, as follows;

Section 1

This Royal Decree is called "Royal Decree on the Establishment the International Institute for Trade and Development (Public Organization), B.E.2544 (2001)".

Section 2

This Royal Decree shall come into force the next day after the date of its publication in the Royal Gazette

Section 3

In the context of this Royal Decree;

"Institute" means the International Institute for Trade and Development (public Organization);

"Executive Board" means the Executive Board of the International Institute for Trade and Development;

"Director" means the Director of the International Institute for Trade and Development;

"Executive Director" means the Executive Director of the International Institute for Trade and Development;

"Officer" means the officer of the International Institute for Trade and Development;

"Employee" means the employee of the International Institute for Trade and Development;

"Minister" means the Minister in-charge pursuant to this Royal Decree.

Section 4

The Minister of Education, Religion and Culture shall be in-charge pursuant to this Royal Decree.

Chapter I

Establishment, Objectives and Responsibilities

Section 5

A public organization shall be established and called "International Institute for Trade and Development (public Organization), abbreviated as "Sor Kor Por", with the English name of "International Institute for Trade and Development (public Organization)" abbreviated as "ITD".

The Institute shall have its office at Chulalongkorn University, Bangkok Metropolis.

Section 6

The Institute's objectives are educational training and research to promote trade and development and carry-out other activities which are in-line with the Agreement between the Government of the Kingdom of Thailand and the United Nations Conference on Trade and Development.

In order to fulfill its objective pursuant to Paragraph 1, the Institute shall have the following powers and responsibilities:

- (1) Conduct educational training and promote research for personnel from various countries, in particular the Asian region, in the areas of international trade, finance, treasury, investment, development and other related topics, so that the said personnel are able to function in their responsibilities in-line with globalization and elimination of trade barriers;
- (2) Render assistance to developing countries, in particular the Asian region, in order to enhance capacity and ability in jointly setting the appropriate economic policies, as well as legal measures which are in-line with the said policies;
- (3) Promote and support regional economic cooperation, and build unity through the exchange of experience and knowledge;
- (4) Be the center for conducting training and capacity enhancing activities, together with the Office of Secretary-General of the United Nations Conference on Trade and Development and other related organizations.

Section 7

In order to fulfill the objectives pursuant to Section 6, the Institute is vested with the power to carry out the following activities:

- (1) Take ownership, have possessory rights, and have various real rights;
- (2) Establish rights, engage in legal proceeding concerning property, both inside and outside the Kingdom;
- (3) Arrange and appropriate funds to promote educational learning and research concerning trade and development;
- (4) Enter into agreements and cooperate with organizations or agencies inside and outside the Kingdom concerning activities which are in-line with the Institute's objectives;
- (5) Work with, or support the works of other related agencies or which has been assigned to carry-out within the scope of the Institute's objectives;
- (6) Hire or assign persons to conduct activities which are under the Institute's powers and responsibilities;
- (7) Borrow money for conducting activities which are in-line with the Institute's objectives;
- (8) Collect charges, maintenance fees, remuneration fees, or services fees;
- (9) Engage other activities which are necessary or continuous in order to achieve the Institute's objectives or as assigned by the Board of Directors.

Borrowing of money pursuant to (7) shall be according to terms and conditions set by the Cabinet.

Chapter II

Funds, Income and Property

Section 8

Funds and property for conducting the Institute's activities consist of the following:

- (1) Money paid by the Government as starting capital;
- (2) General subsidies appropriated by the Government as deemed appropriate and necessary;
- (3) Subsidies from Office of Secretary-General of United Nations Conference on Trade and Development;
- (4) Subsidies from the private sector or other organizations, including foreign governments or international organizations, and money or property which has been donated;
- (5) Charges, maintenance fees, remuneration fees, services fees, or income from operations;
- (6) Interest gained from the Institute's money or income gained from its property.

Section 9

The Institute's income is exempt from transfer to Ministry of Finance according the laws concerning treasury reserves and the budget.

Section 10

Property donated to the Institute, or purchased with the money, income of the Institute shall be under its ownership.

The Institute shall have the power to administer, maintain, use, sell and procure benefits from its property.

Section 11

The Institute's money shall be used towards the Institute's activities only. The safekeeping and withdrawal of the Institute's money shall be according to rules as established by the Executive Board.

Chapter III

Management and Operations

Section 12

There shall be an Executive Board which is called "Executive Board of International Institute for Trade and Development" consisting of Permanent Secretary of Education, Religion and Culture as Chairman, Permanent Secretary of Finance, Permanent Secretary of Foreign Affairs, Permanent Secretary of Commerce, and Rector of Chulalongkorn University as directors, as well as five other distinguished directors appointed by the Minister.

The Executive Director shall be director and secretary by position.

The Minister shall nominate and appoint five distinguished persons who are knowledgeable and are able to contribute towards the Institute's benefits. In this list, there must be at least one person knowledgeable in the each area, namely education, law, international trade, and management. In this connection, there shall be at least three persons who are non-government officials or operating within a government agency.

Section 13

The distinguished directors shall possess attributes, and does not possess forbidden characteristics as follows:

- (1) Having Thai Nationality;
- (2) Aged not below 35 years old and not above seventy years old;
- (3) Not bankrupt, incapacitated, or seemingly incapacitated;
- (4) Never received prison term pursuant to the Court's final decision, except for crimes committed out of negligence or petty offences;
- (5) Does not hold political post, not member of a local council a local administrator, and does not hold position of director or responsible for management of political party, advisor to political party, or a staff of a political party;
- (6) Not a staff or an employee of the Institute, or advisor or expert under Institute's employment contract.

Section 14

The distinguished directors shall hold the position for three years. Besides the end of term, director is relieved from position, due to

- (1) Death;
- (2) Resignation;
- (3) Relieved by the Cabinet due to being defective towards responsibilities impaired behavior or deteriorating ability;
- (4) Lack attributes or possess certain prohibited characteristics pursuant to the distinguished director whose term has expired may be re-appointed. However, he or she may not hold more than two consecutive terms.

Section 15

In case a distinguished director is relieved from his or her position before end of term, the Cabinet shall appoint another person to that position, unless the remaining term is less than 90 days, a replacement may not have to be appointed. The person who is appointed in place shall remain in the position for the remaining term.

In case the distinguished director is relieved from the position before end of term and the Cabinet did not appoint other persons to fill the position, or in case the remaining term is less than 90 days, the Executive Board shall consist of the remaining directors until the appointment of the replacement pursuant to Paragraph 1, or until all the directors' terms have expired.

Section 16

At the Executive Board's meeting, there shall be no less than one-half of the total number of directors present in order to constitute a quorum.

At the Executive Board's Meeting, if the Chairman does not attend the meeting or is unable to carry-out his or her responsibilities, the Meeting shall elect a director as Chairman of the meeting.

Decisions shall be made by a majority decision. Each director has one vote. In case of equal votes, the Chairman shall cast an extra vote as the deciding vote.

Section 17

The Executive Board shall have the following powers and responsibilities:

- (1) Set management policy, seek funds, and approve work plans;
- (2) Issue regulations, rules, announcements or terms and conditions concerning supervisory and general management tasks for the following issues;
 - (a) The Institute's general management, division within the Institute, and their scope and responsibilities;

- (b) Set positions, specific attributes for each position, salary, compensation and other money for staff and employee;
 - (c) Selection, enrollment, appointment, evaluation, disciplinary dismissal and punishment, job turnover, complaint and appeals, punishment of staff and employee, as well terms and conditions for hiring employees;
 - (d) Management and financial management, purchases and the Institute's property, as well as its accounts and property sales from loss accounts;
 - (e) Welfare management and other benefits for staff and employee;
 - (f) Scope and responsibilities of internal auditor;
 - (g) The Executive Director's work performance and his or her work assignment to other persons;
- (3) Approve the setting of fees, maintenance, compensation, and service fees;
 - (4) Prepare report as well as annual report concerning the Institute's operations to present to the Cabinet and Office of Secretary - General of United Conference on Trade and Development;
 - (5) Carry out other works necessary to achieve the Institute's objectives.

Regulations concerning the sale of property from loss accounts pursuant to 2 (e) must be according to conditions set by the Cabinet.

Section 18

The Executive Board shall have the power to appoint distinguished person(s) as advisor(s) of the Executive Board, and also have the power to appoint Sub- Committee(s) to consider or carry-out assigned works by the Executive Board.

Section 16 shall apply to the Sub-Committee meetings, *mutatis mutandis*.

Section 19

The Chairman, directors, advisors, and sub-committees shall receive meeting per diems and other benefit pursuant to the terms and condition by the Cabinet.

Section 20

The Institute shall have an Executive Director to manage the Institute under the supervision of the Executive Board.

The Executive Board shall appoint an appropriate person who is able to work full- time with qualifications or disqualification as provided in Section 13 and expertise which shall be beneficial to activities of the Institute to be an Executive Director.

Section 21

The Executive Director shall serve a term of four years and may be re-appointed, but cannot serve more than two consecutive terms.

Section 22

Besides serving out the term, the Executive Director will no longer serve in case of;

- (1) Death;
- (2) Resignation;
- (3) Being removed according to conditions between the Executive Board and the Executive Director;
- (4) Being discharged by the Executive Board due to impropriety in performing his/her duties, misbehavior or deficiency in ability;
- (5) Lack of qualification *or* possession of any prohibited characteristics under Section 13.

The Resolution of the Executive Board to remove the Executive Director according (4) shall be made of the vote not less than two-third of present directors, excluding the vote of the Executive Director.

Section 23

The Executive Director shall be responsible for the operation and activities of the Institute in compliance with the law, the Institute's objectives, regulations, rules, provisions, guidance, announcement and resolutions of the Executive Board and shall be the head of all officer and employee in every position except internal auditors under Section 31 Paragraph 2, including the following duties;

- (1) To propose goals, operation plans and projects to the Executive Board in order to achieve the Institute's objectives;
- (2) To submit an annual report on the Institute's activities in every matter including financial and accounting reports and to propose the financial plan and the budget of the following year to the Executive Board for its consideration;
- (3) To give opinions concerning the development and operation of the Institute for more efficiency and in compliance with the objectives to the Executive Board;
- (4) To raise funds from various sources to support the Institute's operation.

The Executive Director shall be responsible for his/her management to the Executive Board.

Section 24

The Executive Director is empowered as follows;

- (1) To enroll, appoint, promote, demote, cut salary or wage, give disciplinary punishment to officers and employees, and to relieve officers and employee according to the provisions provided by the Executive Board;
- (2) To lay down regulations relating to the operation of the Institute that are not in conflict with the regulations, rules, provisions, guidance, announcements or resolutions of the Executive Board.

Section 25

In any activity with outsiders, the Executive Director shall be the representative of the Institute. In this regard, the Executive Director can specifically authorize any person to act on his/her behalf according to the rules provided by the Executive Board.

Section 26

The Executive Board shall set the salary and other benefits of the Executive Director pursuant to the terms and conditions set by Cabinet.

Chapter 4

Operators of the Institute

Section 27

Operators of the Institute shall be divided into 3 categories as follows;

- (1) Officers or employees which are persons working and receiving salary or wage from the Institute's budget;
- (2) Advisors or distinguished persons who are employed by the Institute to be advisors and distinguished persons of the Institute;
- (3) Government officers who temporary work for the Institute under Section 30.

Section 28

Officers shall possess qualifications and shall have the prohibited characteristics as follows;

- (1) Having Thai nationality;
- (2) Being not less than eighteen years of age and not above sixty years of age;
- (3) Being capable to work full-time for the Institute;
- (4) Having qualification or experiences which fit the Institute's objectives and position;
- (5) Not being officers or employees of government, state enterprises, other governmental authorities or local government;
- (6) Not having prohibited characteristics under Section 13 (3), (4) and (5)

The clause in (1) shall not apply to foreign officers which the Institute deems necessary to employ or appoint according to commitments or operation's nature of the Institute.

Section 29

Officers shall be relieved upon;

- (1) Death;
- (2) Resignation;
- (3) Lack of qualification or possession of any prohibited characteristics under Section 28;
- (4) Being discharged due to disqualify the performance evaluation or disciplinary misconduct according to the rules and regulations prescribed by the Executive Board.

Section 30

For the Institute's benefit, the Minister may ask government officers, employees or workers in other ministries, government departments, bureaus, regional government, local government, state enterprises or others government authorities to work in the Institute. However, this shall be upon the approval of the supervisor or employer of the aforesaid persons with conditions.

In case government officers, employees or workers under paragraph 1 are approved to work as the Institute's officers, it shall deem that they are allowed to leave or to vacate their position for other works and the period during working for the Institute shall be accounted for the purpose of pension or other benefits calculation as same as when they work full-time in the previous place, as the case may be.

When the period to work for the Institute has expired, persons under Paragraph 1 shall be placed and appointed in the original government sector or agency in the level not below his or her old position and salary according to the agreement made.

Chapter 5

Accounting, Audit and Performance Evaluation of the Institute

Section 31

The Accounting of the Institute shall be in accordance with international standards and rules provided by the Executive Board. There shall be an internal audit regarding financing, accounting and assets of the Institute including an audit report to the Executive Board at least once per year.

For the internal audit, there shall be officers of the Institute to work specifically as internal auditors and to be directly responsible to the Board of Directors according to the regulations prescribed by the Board of Directors.

Section 32

The Institute shall prepare a balance sheet, a financial statement and an operating account book to submit to auditors within 120 days from the end of each fiscal year.

In each fiscal year, the Office of Auditor-General of Thailand or external persons appointed by the Executive Board with the approval of the Office of Auditor-General of Thailand shall be the auditors and to assess the use of funds and assets of Institute by giving opinions with analysis whether the use is made in accordance with the objectives, how efficiency of use and achievement in the form of report submitted to the Executive Board.

For this purpose, the auditors shall be entitled to examine all account book and documents of the Institute, to testify the Executive Director, internal auditors, officers, employees or other persons and to ask for additional submission of all account book and documents of the Institute as necessary.

Section 33

The Institute shall submit an annual report to the Minister at the end of each fiscal year. This report shall inform the Institute's operation in the past year and the operating account with the auditors' report including explanation concerning the Executive Board's guidance, projects and working programs that will be operated in the future.

Section 34

For the benefit of promoting the efficiency and auditing of the Institute's operation to be in compliance with the objectives, projects and working programs that have been established, the Institute shall have operating assessments of the Institute periodically, as set by the Executive Board.

The operating assessment under Paragraph I shall be arranged by an organization, neutral and expert in assessing activities of the Institute, that is selected in accordance with the procedures prescribed by the Executive Board.

The operating assessment of the Institute has to show the fact that there is the evidence of success, efficiency and development of the Institute or other details as additionally provided by the Executive Board.

In case of provisional necessity, there may be occasional assessment under this Section.

Chapter 6

Control and Supervision

Section 35

The Minister shall have the powers and duties to exercise general control over the Institute's activities to be in compliance with the laws and in accordance with the objectives of the Institute's establishment, guidance of the government and resolutions of the Cabinet in connection with the Institute. For this purpose, the Minister shall have the power to order the Institute to give an explanation, opinion, report, or to put a hold on the activities of the Institute that are conflict with the objective of the Institute establishment, guidance of the government or resolutions of the Cabinet in connection with the Institute including have power to investigate facts relating to the operation of the institute.

Transitory Provision

Section 36

During the absence of the Minister of Education, Religion and Culture, pursuant to national education laws, the Permanent Secretary of the Ministry of University Affairs shall be

responsible as the Chairman of the Executive Board of the International Institute of Trade and Development, and the Minister of the Ministry of University Affairs shall be in-charge under this Royal Decree.

Countersigned by

Pol. Lt. Col. Taksin Shinawatra

Prime Minister

Remark

The reason for the promulgation of this Royal Decree is that the Government of the Kingdom of Thailand and the United Nations Conference on Trade and Development have mutually agreed to establish the International Institute of Trade and Development to be an institute providing research activities and training in trade, finance, investment and development for people in developing countries, particularly the Asian region. In order to organize this Institute independently, flexibly and efficiently, it is deemed appropriated to establish the International Institute of Trade and Development as a public organization under the public organization laws. It is therefore deemed necessary to enact this Royal Decree.

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