

PRESIDENT'S ADVISORY COUNCIL

19 November 2008

(week 47)

(Confirmed)

Present:

Said Irandoust
Nitin Afzulpurkar
Izel Ann Dante
Barbara Igel
Sivanappan Kumar
Jayant Routray
Ram Shrestha
Vilas Wuwongse

Secretaries:

Karma Rana
Namita Sravat

Apologies:

Peter Haddawy
Worsak Kanok-Nukulchai
Sudip Rakshit
Jonathan Shaw
Khin Ni Ni Thein
Mr. Akhtar Nawaz Khan (*SU Acting President*)

PAC 08.11.01 Welcome and Apologies

The President welcomed all present to the PAC meeting and apologies were noted. He further informed that due to time constraints only the brainstorming session on new AIT Charter will be held and rest of the agenda items will be discussed during the next PAC meeting.

PAC 08.11.02 New AIT Charter

The President opened the discussions by inviting comments on ways and means through which AIT can utilize its international status to enhance its operations, linkages and networks, through proactive preparations in advance of the new AIT Charter coming into force. The key points of the discussions are as follows:

- It was clarified that the Charter mentions that AIT obtained its name in 1966; however AIT has been using 1967 in various documents, which is because formally under ratification of Thai law it was established in 1967.
- Under Article 6 on "Council", in item 1 there is space between lines 2 and 3 of the paragraph, which should be removed. Furthermore, the ordering of items under this article should be 1, 2, 5, 6, 3, 4; i.e. the item 5 becomes item 3, and item 6 becomes item 4, item 3 becomes item 5 and item 4 becomes item 6.
- A member suggested that there is a need to outline the issues, current status and what implementation of the new AIT Charter would entail in clear terms, which should be communicated to the AIT community for their better understanding and also towards soliciting comments and suggestions.
- Clarification was sought on the Article 18 on "Transition Provision". The President clarified that the clause agreed upon "All rights and obligations which have been in effect on the AIT before the entry into force of this Charter, shall, to the extent that they are not inconsistent with the provisions of this Charter, remain valid" was arrived at after considerable amount of deliberations at the intergovernmental working group meeting. The earlier proposal read as follows "Provided that the AIT 1967 so decides, the rights, obligations and property of the AIT 1967 shall be transferred to the AIT upon the entry into force of this Charter, to the extent that they are not inconsistent with the provisions of this Charter" and the Board approved version " All existing rights and obligations of the AIT which have been in effect before the entry into force of this Charter shall continue to be valid". The AIT Legal Advisor was consulted on this clause and according to him even with this clause the contracts can not automatically become invalid. Also AIT cannot unilaterally declare any contracts as invalid.
- A member raised concern regarding 2nd paragraph of item 1 under Article 10 on "Rights, Privileges, and Immunities". Long deliberations followed with key issues related to AITCV's operation cost to become higher, ADPC's Charter not having this clause, 50% of the employees of

AIT being Thai nationals this was considered as sensitive, etc. The President clarified that this clause was added by the MoFA, Thailand, as a necessary requirement on the part of the Thai Government. The AIT Legal Advisor was also consulted on this and concurred with MOFA Thailand on the need to include it. The President clarified that any rights, privileges and immunities are to strengthen the institute and not for the benefit of individuals. Thus, there will be no discrimination between the Thai and non-Thai nationals.

- In line with the above, the meeting was informed that the new AIT Charter is based on the Vienna Convention and on the website <http://www.mfa.go.th/web/110.php> the clause on Immunities reads as *“Immunities accorded to the staff members of diplomatic missions, consular posts and international organisations in Thailand, are based on the Vienna Convention on Diplomatic Relations 1961, the Vienna Convention on Consular Relations 1963 and the Diplomatic Privileges and Immunities Act B.E. 2527 (1984), the Consular Privileges and Immunities Act B.E. 2541 (1998), which implement the legislation of the said Convention, as well as the agreements concerning privileges and immunities of the United Nations’ specialized agencies and certain other international organisations to which Thailand is party.”*
- Currently AIT does not fall under private, governmental or international category and the institute’s legal status is not clear. Also there is stability problem the institute is highly dependent on Royal Thai Government.
- Although there are no financial obligations in the new AIT Charter, but having this charter the image will be improved, as AIT could leverage its international status towards further strengthening the Institute’s operations and linkages.
- A number of donors would be able to transfer their funds directly to the institute without having to go for open bidding which needs to be further explored.
- Also for projects, they can be received directly.
- The legal international status of AIT would also enable some of governments like Norway etc. to provide core funding as then AIT will be listed in the OECD.
- The member countries could be requested to facilitate the recognition of the AIT’s academic programs by universities or other institutions of higher learning.
- It was suggested that AIT should already request the countries to recognize AIT and list it on their relevant websites. For example in India it should be checked if the Association of Universities recognizes AIT. As a first step, AIT should also verify whether Thailand recognizes AIT and lists it on their websites.
- A member commented that there is an interesting process of reviewing all degrees in Europe which is being conducted, and it was suggested that AIT should at least try and be invited as observers.
- AIT can attach itself to various bodies such as UN, ASEAN, SAARC, UNU, UN-ECOSOC, APEC, and European Research Platform among other upon gaining international status.
- For the August 2009 intake, all communications should refer to AIT as an Intergovernmental Institute which is unique and legal nomenclature, which only AIT will attain. There would be a need to address the branding of the institute and AIT is considering hiring a professional in this field. This is very important as a communication strategy which at the moment AIT is lacking.
- It was recommended that a brochure/package should be prepared to address the global industries by including examples on what they can get by connecting to AIT such as various infrastructure facilities, pool of critical mass from various research and academic backgrounds, etc.

It was agreed that various suggestions put forward will be compiled and communicated to the Schools and Units, which could be used as a basis for further deliberations within the schools and units.

The ERCO would be requested to start looking into the procedure for applying for core funding by governments and to also look for platforms such as the European Research Platform that could be approached upon the Institute attaining international status.

PAC 08.11.04 Issues from the President

The President informed the meeting that H.E. Dr. Tej Bunnag has kindly accepted the Institute's nomination to once again serve as Chairman of the AIT Board of Trustees; which will be formalized during the Board of Trustees meeting on 20 November 2008 afternoon.

An inaugural meeting of the Institute-Level Advisory Board will be held on morning of 20 November 2008, followed by common lunch for the Institute-Level Advisory Board members and Board of Trustees.

A member referred to the item 4 under the Article 6, which reads as "The Bye-Laws shall be adopted and the President of the AIT shall be appointed at the first meeting of the Council", and requested for clarification on this. The President informed that this will be dealt with in the forthcoming Board of Trustees meeting on 20 November 2008.

PAC 08.11.03 Next Meeting

Since the President will be on an overseas mission on 3 December, the next PAC meeting will be held on Wednesday, 26 November 2008.

KR/ns 24 November 2008