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Decree establishing a Flemish Institute for Peace and Prevention of Violence hosted by the Flemish Parliament

(Text revision until 24 October 2012)

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I GENERAL PROVISION AND ESTABLISHMENT

Art. 1 This decree governs a community and regional matter.

Art. 2 The Flemish Parliament hosts the Flemish Institute for Peace and Prevention of Violence, hereinafter referred to as the 'Peace Institute'. This independent institute tackles peace issues in the broadest possible sense of the term, including activities in the field of polemology, social defence, arms control, international arms trade and peace economy, forms of peaceful conflict resolution, and international community.

The Peace Institute consists of a Board of Directors, a Scientific Council and a Scientific Secretariat.

II TASKS

Section I Documentary Task

Art. 3 The Peace Institute collects and lists relevant information sources and makes them available to the general public.

Section II Research Task

Art. 4 The Peace Institute engages in peace research, both fundamental scientific research and research related to current events. This research must contribute to promoting peaceful and equitable solutions to conflicts and disputes and to stating the conditions for a lasting peace. The Peace Institute studies various subjects related to peace within the context of international relations. In its research, it adopts a multidisciplinary approach and enters into national and international relations with similar institutes or organisations and universities.

The Peace Institute also performs preparatory research aiming to lay the foundation for a Flemish peace economy.

Section III Information Task

Art. 5 The Director and a communication officer make the results of the Peace Institute's research known to the Flemish Parliament and the general public.

The Peace Institute also encourages the exchange of ideas and views between politicians and policymakers who have to deal with subjects that fall within the scope of its tasks. Therefore, conferences and seminars are organised on a regular basis.

Section IV Advisory task

- Art. 6 The Peace Institute may formulate advice about peace-related issues, as specified in article 2, on its own initiative or at the request of the Flemish Parliament. Requests from the Flemish Parliament are formulated in the manner stipulated by the Regulations of the Flemish Parliament.

The Peace Institute advises the Flemish Parliament about the annual report of the Flemish Government submitted to the Flemish Parliament on the application of the Act of 15 June 2012 regarding the import, export, transit, and transfer of defence-related products, other materials specifically intended for military use, law enforcement material, civil firearms, components, and ammunition.

The Peace Institute submits its advice within 30 days of receipt of the request for advice specified in the first paragraph or of the annual report as referred to in the second paragraph.

The advice of the Peace Institute is issued collegiately pursuant to the consensus procedure. If no consensus can be reached, a vote will be taken and the ratio of votes will be stated in the advice. A minority report may be annexed to the advice.

Advice from the Peace Institute is made public.

III ORGANISATION AND OPERATION

Section I Board of Directors

- Art. 7 § 1 The Peace Institute is governed by a Board of Directors consisting of nineteen voting members, including a chairman and a vice-chairman, who are elected from the members of the Board.
- § 2 Membership of the Board of Directors is incompatible with a seat in the Chamber of Deputies, the Senate, the Flemish Parliament, the European Parliament, the Brussels Regional Parliament, the Parliament of the French Community, the Walloon Parliament, the Parliament of the German-speaking Community, the Federal Government, the Flemish Government, the Government of the Brussels-Capital Region, the Government of the French Community, the Walloon Government, the Government of the German-speaking Community or with the judiciary and the officials of the Constitutional Court, the Council of State and the Auditor's Office.

§ 3 The Flemish Parliament appoints the members of the Board of Directors as follows:

- 1° six members are nominated by the parties in the Flemish Parliament for their competence and their interest in peace issues. They have a seat on the Board in their own name;
- 2° three members on the recommendation of the Flemish Interuniversity Council;
- 3° three members on the recommendation of a voluntary cooperation of Dutch-speaking peace organisations;
- 4° four members on the recommendation of the Socio-Economic Council of Flanders (SERV).

The Board of Directors, as assembled on the basis of the preceding paragraph, co-opts three members and communicates their names to the Flemish Parliament.

The Director of the Peace Institute attends the meeting of the Board of Directors with an advisory vote and is the Reporter.

§ 4 In no case shall more than two thirds of the members of the Board of Directors be of the same gender.

The parties specified in §3, first paragraph, 1°, shall nominate no more than four members of the same gender. Of the candidates nominated by the parties, no more than two thirds shall be of the same gender. If more than two thirds of the candidates nominated by the parties are of the same gender, the party that according to the D'Hondt system is entitled to nominate the last candidate shall nominate a candidate of the underrepresented gender. If that candidate already belongs to the underrepresented gender or if more than two thirds of the candidates are still of the same gender, the party entitled to nominate the penultimate candidate according to the D'Hondt system must nominate a candidate from the underrepresented gender.

The nominations specified in §3, first paragraph, 2° to 4° inclusive, must always include members of both genders.

§5. The members of the Board of Directors are appointed or co-opted for a period of five years. The mandate of the members of the Board of Directors, referred to in §3, second paragraph, expires on the same day as that of the other members of the Board of Directors.

In the event of premature termination of a mandate, the successor shall complete the mandate.

The nomination or co-optation of a successor shall occur according to the procedure specified in §3, first and second paragraphs, whereby the nomination of a successor whose nomination would imply a violation of the principle of balanced representation as specified in §4, first paragraph, shall be inadmissible.

- §6. The Board of Directors is assisted by the Scientific Secretariat, which has a multidisciplinary structure and is managed by a director.

Section II Scientific Council

- Art. 8 § 1 The Scientific Council is an advisory body linked to the Board of Directors. It is composed of the chairman of the Board of Directors, the director of the Peace Institute, and eight national and foreign experts from academic circles and non-governmental organisations. The Board of Directors appoints the members of the Scientific Council for a period of five years. The members of the Scientific Council can be reappointed once. Should the mandate of a member end prematurely, the Board of Directors appoints a new member of the Council for the remaining term of the mandate.
- § 2 The Scientific Council evaluates the quality of the research task of the Peace Institute, as referred to in Article 4. This evaluation report is added as an appendix to the annual report to the Flemish Parliament.
- § 3 It is the task of the Scientific Council to give the Board of Directors and/or the director advice on important trends in the issues of peace and security. In view of its expertise, it can also be consulted for current research.
- § 4 On the basis of Article 11, the Scientific Council formulates recommendations on the submitted external project proposals.

Section III Director and Scientific Secretariat

- Art. 9 § 1 The Director is charged with the efficient management of the institute and arranges the co-operation between the Board of Directors, the Scientific Council, and the Scientific Secretariat, in so far as this matter has not been laid down in the Rules of Procedure.
- § 2 Following an open call for nomination and on the basis of a comparative selection, the Flemish Parliament appoints the Director for a period of six years. The selection criteria and the selection procedure are determined by the Flemish Parliament on the proposal of the Board of

Directors. The candidates are selected by the Flemish Parliament itself or by its order.

A person can hold the office of director for a maximum of two terms, whether successive or not.

§ 3 The Director must fulfil the following conditions:

1° to be Belgian or subject of a member state of the European Economic Area;

2° to be of irreproachable conduct;

3° to be entitled to civil and political rights;

4° to hold a certificate giving access to a level A post in the departments of the Flemish Parliament;

5° to have at least five years of useful professional experience.

§ 4 At first appointment, the director serves a trial period of 1 year, starting from the day the person in question actually starts to exercise his or her duties.

No later than forty-five days before expiration of the trial period, the Flemish Parliament will evaluate the Director, after having consulted in this matter with the Board of Directors in time. In the absence of an evaluation at that time, the evaluation is considered to be positive.

§ 5 No later than ninety days before expiration of the mandate, the Flemish Parliament will evaluate the Director, after having consulted in this matter with the Board of Directors in time.

In case of a positive evaluation, the Director's mandate will be legally extended once by a new term of six years.

In the absence of an evaluation ninety days before expiration of the mandate, the evaluation is considered to be positive.)

Art. 9a Before taking up office, the Director takes the following oath before the president of the Flemish Parliament: 'I swear loyalty to the King and compliance with the Constitution and the laws of the Belgian people.'

Art. 9b § 1 The Director receives the salary, the holiday allowance, the year-end bonus and the social benefits of a statutory staff member of rank A2 of the Flemish Parliament.

For each full month of service time, the Director is entitled to supplementary benefits with regard to retirement pension corresponding to the difference between on the one hand 1/720th of the reference salary and on the other hand the retirement pension to the account of the employees which he or she can claim for the performance of his or her duties. The reference salary is the average annual salary of the last 5 years of the performed mandate of Director, or, if the mandate was performed for less than 5 years, the average annual salary calculated on the basis of a full mandate.

In the event of illness or disablement, the Director is entitled to supplementary benefits corresponding to the difference between on the one hand his or her salary and on the other hand the allowance which he or she receives.

§ 2 The office of Director is incompatible with an elective public mandate. The following are equated with an elective public mandate: the office of mayor appointed outside the town council, a mandate of director of a public utility institution, the office of government commissioner, the office of governor, deputy-governor or vice-governor, the office of federal, community or regional minister, the office of parliamentary or regional state secretary or a political mandate with the European Union.

Moreover, the Director may not exercise any public office or hold any other position or perform any activity that might jeopardise the dignity of the office or the good, independent, and impartial exercise of the office.

Art. 9c The mandate of Director legally ends:

- 1° following a negative evaluation of the trial period, when the trial period expires;
- 2° following a negative evaluation of the mandate, when the mandate expires;
- 3° when he or she is declared permanently disabled.

The Flemish Parliament ends the mandate of the Director:

- 1° at his or her request;
- 2° when he or she accepts a mandate as referred to in Article 9b, # 2, first paragraph;

- 3° when he or she exercises a public office or holds any other position or performs an activity as referred to in Article 9b, # 2, second paragraph. In this case, the decision to end the mandate is taken on the proposal of the Board of Directors;
- 4° when he or she no longer fulfils the conditions as referred to in Article 9, # 3, 1° and 3°.

The Flemish Parliament can, exclusively following advice of the Board of Directors, end the mandate of the Director:

- 1° provided that the person in question agrees;
- 2° when he or she reaches the age of 65;
- 3° for serious reasons.

Art. 9d When the office of Director becomes vacant, the Flemish Parliament will start the selection procedure as soon as possible with a view to appointing a new Director.

When the mandate of the Director expires and no successor has been appointed or the successor has not actually taken up his or her office yet, the director will continue to exercise his or her office until the successor actually takes up his or her office, deviating in such case from Article 9, # 2, second paragraph.

In the cases referred to in article 9c or when the director dies, the Flemish Parliament can appoint as Director ad Interim one of the staff members of the Peace Institute who fulfil the conditions determined in Article 9, # 3, 1°, 2°, 3° and 4°. This arrangement also applies when, owing to illness, the Director is absent for at least two successive months or when it is certain that, owing to illness, he or she will be absent for at least two successive months. The Director ad Interim is appointed on the recommendation of the Board of Directors after comparison of the candidates' titles and virtues.

For the term of his or her appointment, the Director ad Interim receives an allowance equal to the difference between the salary of Director and his or her salary as staff member of the Peace Institute. This temporary allowance does not qualify for the calculation of the holiday allowance and the year-end bonus.

Art. 10 The staff members of the Scientific Secretariat perform their tasks under the management of the Director. The establishment and the statute of the staff members of the Peace Institute are determined by the Flemish Parliament on the proposal of the Board of Directors.

Section IV Special provisions regarding the operation

Art. 11 In order to carry out its tasks, the Peace Institute has the right to ask for official documents and reports related to its tasks. The Peace Institute can call on ad hoc commissions of experts and contract out projects.

Art.11a The Peace Institute is responsible for looking after the records of the Peace institute and organises the administration thereof.

Looking after the records and the execution of the administration thereof and access to the record documents are organised in accordance with the standards and practices applied by the Flemish Parliament for its records. The records selection lists are approved at the proposal of the Peace Institute by the Flemish Parliament or an organ appointed by the Flemish Parliament.

Art.11b For disputes and operations where the subject falls within the scope of the Peace Institute, the Flemish Community or the Flemish Region is legitimately represented in and outside of law by the Peace Institute in accordance with its Rules of Procedure.

Art.11c The Peace Institute and the Flemish Parliament can cooperate amongst themselves. This cooperation may not detract from the autonomous operation of the Peace Institute. The content of the cooperation is set out in a protocol signed by both parties.

Art. 12 At least once a year and before 1 October, the Director presents a written report to the Flemish Parliament about the activities of the Peace Institute. This report contains the recommendations which the Peace Institute considers useful and is published by the Flemish Parliament.

Art. 13 The Peace Institute can be heard by the Flemish Parliament at all times, whether at its own request or not.

IV FINAL PROVISIONS

Art. 14 Every year, the Flemish Parliament approves the budget and the accounts of the Institute on the proposal of the Board of Directors.

Art.14a The Peace Institute is subject to an internal audit, the terms and conditions of which are set out by the Flemish Parliament.

Art. 15 The Board of Directors draws up the Rules of Procedure for its own operation, for the operation of the Scientific Secretariat and the Scientific Council, and for their mutual cooperation. These Rules are submitted for approval to the Flemish Parliament. The approved Rules of Procedure are published in the Belgian Law Gazette.

Art. 15a The Flemish Parliament determines the registered office of the Peace Institute.

Art. 16 Five years after the first complete composition of the Board of Directors, the operation of the Peace Institute will be evaluated by the Flemish Parliament.

Art. 17 This decree enters into effect on 1 September 2004.