



CONSTITUTION
OF THE ASIA-PACIFIC TELECOMMUNITY
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9th Session of the General Assembly
of the Asia-Pacific Telecommunity
23 - 25 October 2002
New Delhi, India

CONSTITUTION OF THE ASIA-PACIFIC TELECOMMUNITY

The Government Parties to this Constitution, being members and associate members of the United Nations Economic and Social Commission for Asia and the Pacific (hereinafter referred to as “ESCAP”);

Considering the need for close cooperation in the development of telecommunication services and information infrastructure among the states and territories of the ESCAP region (hereinafter referred to as the “region”);

Recognizing the contribution that can be made by a regional organization towards the balanced development of telecommunication services and information infrastructure;

Realizing the importance of a structure through which information can be exchanged and the rapid advances in telecommunication services and information infrastructure discussed;

Acknowledging that the active participation of the membership in the affairs and activities of the organization is critical to accomplishing the objectives herein set forth;

Hereby agree as follows:

Article 1 **ESTABLISHMENT**

The “Asia-Pacific Telecommunity” (hereinafter referred to as the “Telecommunity”) is hereby established as a regional telecommunication organization in conformity with Article 32 of the International Telecommunication Convention (Malaga Torremolinos, 1973).

Article 2
OBJECTIVES

1. The objective of the Telecommunity shall be to foster the development of telecommunication services and information infrastructure throughout the region with a particular focus on the expansion thereof in less developed areas.
2. In furtherance thereof, the Telecommunity may:
 - (a) Promote the expansion of telecommunication services and information infrastructure and the maximization of the benefits of information and telecommunications technology for the welfare of the people in the region;
 - (b) Develop regional cooperation in areas of common interest, including radio communications and standards development;
 - (c) Undertake studies relating to developments in telecommunication and information infrastructure technology and policy and regulation in coordination with other international organizations, where pertinent;
 - (d) Encourage technology transfer, human resource development and the exchange of information for the balanced development of telecommunication services and information infrastructure within the region; and
 - (e) Facilitate coordination within the region with regard to major issues pertaining to telecommunication services and information infrastructure with a view to strengthening the region's international position.

Article 3
COMPOSITION OF THE TELECOMMUNITY

1. The Telecommunity shall comprise Members, Associate Members and Affiliate Members.

2. Membership in the Telecommunity shall be open to any State within the region which is a member of ESCAP. Any such State on becoming a party to this Constitution in accordance with the provisions of Article 17 or Article 19 shall become a Member of the Telecommunity.
3. Any State within the region which does not qualify for membership under paragraph 2 of this Article, shall become a Member after having secured the affirmative vote of two-thirds of all Members, and upon becoming a party to this Constitution in accordance with the provisions of Article 19.
4. Associate membership in the Telecommunity shall be open to any territory, part or group of territories within the region which is an associate member of ESCAP. Any such territory, part or group of territories on becoming a party to this Constitution in accordance with the provisions of Article 17 or Article 19 and the provisions of Article 20, shall become an Associate Member of the Telecommunity.
5.
 - (a) An Affiliate Member of the Telecommunity shall be any enterprise, agency, institute, organization, association, or other undertaking, entity or participant, whether private or government owned, commercial or not-for-profit, active in telecommunication services or information infrastructure with a substantial presence in, and commitment to, the region which is prepared to participate in, and contribute to, the work and activities of the Telecommunity.
 - (b) An applicant for Affiliate Membership shall be nominated by a Member or an Associate Member.
 - (c) Members and Associate Members may, however, notify the Secretary General of the manner in which applications from bodies described in sub-paragraph 5(a) of this Article located in their jurisdiction may be submitted.
 - (d) An applicant for Affiliate Membership may address its application directly to the Secretary General, if permitted,

after notification described in sub-paragraph 5(c) of this Article.

- (e) The applicant shall become an Affiliate Member of the Telecommunity upon the acceptance of its application by the Secretary General and its agreement to conform to the terms and condition of its membership as determined by the Secretary General.
- (f) The Management Committee shall adopt guidelines establishing criteria relating to the application procedure to be followed by the prospective Affiliate Member, the review procedure to be followed by the Secretary General and the terms and conditions upon which Affiliate Membership shall be granted.

Article 4
RECOGNITION OF RIGHTS

The Telecommunity shall respect the rights of a Member and an Associate Member to regulate their telecommunication services and information infrastructure. It shall also take into consideration the obligations of a Member, an Associate Member and an Affiliate Member to the existing international and regional telecommunication organizations.

Article 5
HEADQUARTERS

The headquarters of the Telecommunity shall be at Bangkok unless the General Assembly decides on a different location.

Article 6
OFFICIAL LANGUAGE

The official language of the Telecommunity shall be English.

Article 7
ORGANS

1. The principal organs of the Telecommunity shall be:
 - (a) The General Assembly;
 - (b) The Management Committee; and
 - (c) The Secretariat.
2. The General Assembly or the Management Committee shall establish such subsidiary bodies and expert groups as they deem necessary for fulfilling the objectives of Telecommunity.
3. Whenever such bodies or groups are established, their terms of reference, period of tenure, other rules for the conduct of their activities, and budgetary provisions shall be simultaneously laid down.
4. The meetings of the General Assembly and the Management Committee shall be held at the headquarters of the Telecommunity unless the respective organs decided otherwise.

Article 8
THE GENERAL ASSEMBLY

1. The General Assembly shall be the supreme organ of the Telecommunity and shall be composed of all the Members and Associate Members of the Telecommunity.
2. Each Member shall have one vote in the General Assembly.
3. An Associate Member shall not have the right to vote in the General Assembly.
4. An Affiliate Member may participate in the deliberations of the General Assembly as an observer.
5. The General Assembly shall meet in ordinary session every three years and in extraordinary session when circumstances require.

Extraordinary sessions shall be convened by the President of the General Assembly at the request of a simple majority of the Members of the Telecommunity.

6. The General Assembly shall:
 - (a) Establish general policies and principles for the fulfilment of the objectives of the Telecommunity and for such other matters as the General Assembly may deem to be within the competence of the Telecommunity;
 - (b) Establish the basis for the annual budget of the Telecommunity and determine the limits of annual expenditure until the next ordinary session of the General Assembly;
 - (c) Receive and consider the reports of the Management Committee on the activities of the Telecommunity and give directives to it in regard to matters upon which action may be deemed necessary;
 - (d) Conclude or revise, if necessary, agreements between the Telecommunity and Governments, organizations or administrations;
 - (e) Elect the Secretary General and Deputy Secretary General of the Telecommunity and define the terms and conditions of their employment;
 - (f) Consider and adopt, if appropriate, proposals that may be made to the General Assembly by Members in accordance with other provisions of this constitution;
 - (g) (i) Suspend, where it deems such action appropriate with regard to all relevant circumstances, the right of a Member which is in arrears in its payments to the Telecommunity to vote in the General Assembly, the Management Committee and in the subsidiary bodies for so long as the amount of its arrears equals or exceeds the amount of regular contribution due from it for the preceding two years;

- (ii) Suspend, where it deems such action appropriate with regard to all relevant circumstances, the right of an Associate Member which is in arrears in its payments to the Telecommunity to benefit by the Telecommunity's activities, for so long as the amount of its arrears equals or exceeds the amount of regular contribution due from it for the preceding two years; and
 - (iii) Take such action, in respect of an Affiliate Member, as it may deem appropriate with regard to all relevant circumstances, including, without limitation, the suspension of observation rights or rights to participate in, or benefit by, the Telecommunity's activities, upon its failure to fulfil any obligation, financial or otherwise, undertaken by it in accordance with this Constitution or any commitment made by it concerning its participation in the Telecommunity; and
 - (iv) Adopt its own rules of procedure.
7. The General Assembly shall elect a President and two Vice-Presidents at each ordinary session from among the representatives of the Members of the Telecommunity. The President and the two Vice-Presidents shall each hold office until the next ordinary session of the General Assembly. They shall be eligible for election for a further term to any of these offices, but no person shall be eligible for election to the same office for more than two consecutive terms.
 8. The President elected by the General Assembly shall have the title of "President of the Asia-Pacific Telecommunity".
 9. The session of the General Assembly shall be presided over by the President. During each session, the date and place of meeting of the next session shall be determined.
 10. When the President of the General Assembly is for any reason unable to perform his functions under this Article, one of the Vice-Presidents shall perform the functions of the President.

11. Subject to the provisions of this Constitution, the decisions of the General Assembly shall be made by consensus. Where the President is unable to discern a consensus on any matter, decisions shall be made by a simple majority of the Members present and voting, with the exception that decisions on financial matters shall require a two-thirds majority of the Members present and voting. Abstentions shall not be taken into account when calculating the majority.
12. A quorum for a meeting of the General Assembly shall consist of the representatives of a simple majority of the Members of the Telecommunity.

Article 9
THE MANAGEMENT COMMITTEE

1. The Management Committee shall be composed of all the Members and Associate Members of the Telecommunity. Each Member and Associate Member shall be represented by one representative who may be accompanied by advisers.
2. Each Member shall have one vote in the Management Committee.
3. An Associate Member shall not have the right to vote in the Management Committee.
4. An Affiliate Member may participate in the deliberations of the Management Committee as an observer.
5. In the interval between General Assembly meetings, the Management Committee shall act as the governing body of the Telecommunity, on behalf of the General Assembly within the limits of the powers delegated to it by the latter. The Management Committee, pursuant to such policies and principles as the General Assembly may establish and such specific delegations of power and directives as the General Assembly may issue, shall:

- (a) Supervise the administrative functions of the Telecommunity;
- (b) Draw up such regulations as it may consider necessary for the administrative, financial and other activities of the Telecommunity;
- (c) Consider and approve the programme of work of the Telecommunity;
- (d) Consider and approve the annual budget of the Telecommunity and any supplementary budget deemed necessary on the basis and within the limits of the annual expenditure established by the General Assembly;
- (e) Review the audit and approve the accounts of the Telecommunity;
- (f) Consider and approve the annual reports on the work of the Telecommunity and submit its report to the General Assembly;
- (g) Keep under review, direct, control and co-ordinate all activities of the Secretariat;
- (h) Conclude, on behalf of the Telecommunity, provisional agreements between the Telecommunity and Governments, organizations or administrations. Seek approval of the General Assembly and in the intervals between sessions of the General Assembly seek approval, by a simple majority of the Members, by correspondence for agreements thus concluded. Associate Members and Affiliate Members could also be consulted, by correspondence, if necessary;
- (i) Request the President of the General Assembly to take necessary steps to resolve questions which are not covered by this constitution and in the intervals between sessions of the General Assembly, if necessary, seek, by correspondence, approval of a two-thirds majority of the Members, for steps to be taken to resolve such questions stated above;

- (j) Determine how the Telecommunity ought to be represented at conferences or meetings to which the Telecommunity may be invited;
 - (k) Determine the duties of the Secretariat and define the terms and conditions of employment of the officials of the Secretariat other than the Secretary General and the Deputy Secretary General; and
 - (l) Adopt its own rules of procedure.
6. The Management Committee shall elect a Chairman and two Vice- Chairmen every two years from among the representatives of the Members of the Telecommunity. The Chairman and the two Vice-Chairmen shall each hold office until the holding of next election. They shall be eligible for election for a further term to any of these offices, but no person shall be eligible for election to the same office for more than two consecutive terms.
7. The Management Committee shall meet once a year. Additional meetings shall be convened by the Chairman of the Management Committee if:
- (a) A simple majority of the Members request such a meeting and agree to be present; or
 - (b) The Chairman considers the holding of such a meeting necessary and a simple majority of the Members agree to be present.

The Chairman of the Management Committee shall inform the President of the General Assembly if he considers that a matter might be of particular concern to the General Assembly.

8. A quorum for a meeting of the Management Committee shall consist of the representatives of a simple majority of the Members of the Telecommunity.
9. Subject to the provisions of this Constitution, decisions of the Management Committee shall be made by consensus, where

possible. Where the Chairman is unable to discern a consensus on any matter, a decision shall be made by a simple majority of Members present and voting with the exception that decisions on financial matters shall require a two-thirds majority of the Members present and voting. Abstentions shall not be taken into account when calculating the majority.

Article 10
THE SECRETARIAT

1. The Secretariat of the Telecommunity shall be composed of the Secretary General of the Telecommunity, who shall be its chief administrative officer, the Deputy Secretary General and such other officials as may be deemed necessary by the Management Committee.
2. The Secretary General and the Deputy Secretary General shall hold office for a term of three years. They shall be eligible for re-appointment but shall not hold office for more than two consecutive terms.
3. Such other officials as may be deemed necessary by the Management Committee shall be appointed by the Secretary General on such terms of service as the Management Committee may determine.
4. The Secretary General, and the Deputy Secretary General, assisted by the other officials of the Secretariat, shall carry out the duties established by the Management Committee, including:
 - (a) Serving as secretary of the General Assembly and of the Management Committee;
 - (b) Providing secretariat services to the principal organs and the subsidiary bodies of the Telecommunity and arranging the convening of their meetings;
 - (c) Keeping all records of the Telecommunity;

- (d) Performing any function that may be entrusted to them by the General Assembly or the Management Committee;
- (e) Being responsible to the Management Committee for the administration of the Telecommunity;
- (f) Implementing, where required to do so, decisions of the General Assembly and the Management Committee;
- (g) Administering the technical assistance programmes and projects of the Telecommunity;
- (h) Where necessary, and except where otherwise directed by the General Assembly or the Management Committee, representing the Telecommunity at conferences or meetings to which the Telecommunity may be invited;
- (i) Preparing the draft programme of work, budget estimates, accounts, annual reports and periodic reports of the Telecommunity for submission to the Management Committee for its consideration and approval.

Article 11

FINANCES OF THE TELECOMMUNITY

1. There shall be two categories of budgets of the Telecommunity:
 - (a) The General Budget; and
 - (b) Special Budgets.
2. The expenses of the General Budget shall include the costs of:
 - (a) The General Assembly;
 - (b) The Management Committee;

- (c) Conferences, meetings or other activities summoned by the Telecommunity for which the expense is approved by the General Assembly or Management Committee;
 - (d) The Secretariat and its activities;
 - (e) Technical Assistant activities of the Telecommunity; and
 - (f) Any other items as the General Assembly or the Management Committee may approve.
3. The expenses of the Special Budgets shall include the costs of:
- (a) Activities for which the General Assembly or Management Committee approves the expenses to be covered by a Special Budget; and
 - (b) Conferences or meetings convened by the Telecommunity for which the expense is not covered in the General Budget.
4. The expenses of the Telecommunity shall be met from the following sources:
- (a) Regular contributions of the Members and Associate Members which shall be a sum proportional to the number of units in the class of contribution voluntarily chosen upon becoming the Members and Associate Members from the following scale of unit classes:

60, 50, 40, 30, 25, 20, 18, 16, 14, 12, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 0.5.

 No reduction in a unit classification established in accordance with this Constitution shall take effect between sessions of the General Assembly.
 - (b) Extra-budgetary contributions either in cash or in some other form which may be voluntarily made by Members, Associate Members and other sources;

- (c) The annual regular and extra-budgetary contributions made by the Affiliate Members in accordance with their terms of affiliate membership; and
 - (d) Any other income earned by the Telecommunity.
5. The Members, Associate Members and Affiliate Members shall pay in advance their annual contributory shares, calculated on the basis of the annual budget approved by the Management Committee.
 6. Each Member, Associate Member and Affiliate Member shall bear the expenses of its delegations to the General Assembly, to the Management Committee and to any other bodies on which it may be represented.

Article 12

LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

1. The Telecommunity shall possess juridical personality. It shall have the capacity to:
 - (a) Contract;
 - (b) Acquire and dispose of immovable and movable property;
 - (c) Institute legal proceedings.
2. The Telecommunity shall conclude a headquarters agreement with its host government.
3. The Telecommunity and the officials thereof may enjoy, in the territory of each of the Members and Associate Members of the Telecommunity, such privileges and immunities as may be necessary for the exercise of its functions and fulfillment of its objective as are accorded to the United Nations and the officials thereof under the Convention on the Privileges and Immunities of the United Nations, 1946, or, at the option of any Member or Associate Member such privileges and immunities as may be

defined by agreements concluded between it and the Telecommunity.

Article 13

RELATIONSHIP WITH THE UNITED NATIONS AND WITH INTERNATIONAL AND REGIONAL ORGANIZATIONS

The Telecommunity shall establish and maintain close relations with the appropriate United Nations bodies and specialized agencies and other appropriate international and regional organizations.

Article 14

WITHDRAWAL FROM THE TELECOMMUNITY

1. Any Member, Associate Member or Affiliate Member of the Telecommunity may withdraw from the Telecommunity by a notification of withdrawal, addressed to the Secretary General.
2. The Secretary General shall inform all other Members, Associate Members and Affiliate Members of his receipt of the notification, and transmit the notification to the Depositary under Article 16 of this Constitution.
3. A notification of withdrawal shall take effect on the last day of the same fiscal year if it is received by the Secretary General within the first six months of the fiscal year and one year after the receipt of notification if it is received later.
4. Any Member, Associate Member or Affiliate Member withdrawing from the Telecommunity shall continue to be responsible for the obligations incurred for the period of its membership.

Article 15

DISSOLUTION OF THE TELECOMMUNITY

1. The General Assembly of the Telecommunity may, by a two-thirds majority of the Members present and voting, resolve that the Telecommunity be dissolved.

2. On the approval of such a resolution by two-thirds of the Members of the Telecommunity, in notifications addressed to the Secretary General, the necessary steps shall be taken by the General Assembly for dissolution of the Telecommunity. These steps shall include establishment by the General Assembly of a committee to liquidate the assets of the Telecommunity.
3. The General Assembly shall, at the appropriate stage, adopt a final declaration stating that the Telecommunity is dissolved. The declaration shall be communicated by the Secretary General to the Depositary under Article 16 of this Constitution.

Article 16
DEPOSITARY OF THE CONSTITUTION

This Constitution shall be deposited with the Secretary General of the United Nations (referred to as the “Depositary”).

Article 17
SIGNATURE, RATIFICATION OR ACCEPTANCE

1. This Constitution shall until its entry into force be open for signature by all those eligible for membership or associate membership of the Telecommunity under paragraph 2 or 4 respectively of Article 3.
2. This Constitution shall remain open for signature at the Headquarters of the United Nations, New York, where it will remain in deposit.
3. The Depositary shall send certified copies of this Constitution to all States and all associate members of ESCAP eligible for membership in the Telecommunity under paragraph 2 or 4 of Article 3.
4. This Constitution shall be subject to ratification or acceptance by the signatories. The instruments of ratification or acceptance shall

be deposited with the Depository who shall notify the other signatories of each deposit and the date thereof.

5. Any signatory whose instrument of ratification or acceptance is deposited before the date on which this Constitution enters into force, shall become a Member or Associate Member of the Telecommunity on the date of entry into force of this Constitution. Any other signatory who complies with the provisions of the preceding paragraph, shall become a Member or Associate Member of the Telecommunity on the thirtieth day after the date on which its instrument of ratification or acceptance is deposited.

Article 18
ENTRY INTO FORCE

This Constitution shall enter into force on the thirtieth day after the deposit of instruments of ratification or acceptance with the Depository, by seven signatory States that are eligible for membership in the Telecommunity under paragraph 2 of Article 3, including Thailand, the country in which the headquarters of the Telecommunity shall be.

Article 19
ACCESSION

1. Any State eligible for membership in the Telecommunity under paragraph 2 of Article 3 or any territory, part or group of territories eligible for associate membership under paragraph 4 of Article 3, may accede to this Constitution by deposit of an instrument of accession with the Depository.
2. The instrument of accession shall become effective on the thirtieth day after the date of its deposit. The Depository shall notify the Members, Associate Members and Affiliate Members of each accession when it is received.

Article 20
ASSOCIATE MEMBERS OF ESCAP

If any territory, part or group of territories eligible for associate membership in the Telecommunity under paragraph 4 of Article 3, is not fully responsible for the conduct of its international relations and if the Government of the State responsible for the conduct of the international relations of that associate member, does not accede to or is not eligible to accede to this Constitution on the associate member's behalf, the associate member shall at the time of acceding to this Constitution present an instrument issued by the Government of the State responsible for the conduct of the international relations of the associate member confirming that the associate member has authority to be a party to, and to assume rights and obligations under, this Constitution.

Article 21
AMENDMENT OF THE CONSTITUTION

1. Any Member may propose amendments to this Constitution.
2. Adoption of an amendment to this Constitution shall require a two-thirds majority of the Members present and voting in the General Assembly.
3. The amendments shall enter into force on the thirtieth day after the deposit with the Depositary of instruments of ratification or acceptance of such amendments by two-thirds of the Members.
4. Any amendments to this Constitution shall be applied provisionally from the date of their adoption where such is expressly provided therein pending their entry into force in accordance with paragraph 3 of this Article 21.