

No. 17583

MULTILATERAL

**Constitution of the Asia-Pacific Telecommunity. Adopted
by the United Nations Economic and Social Commis-
sion for Asia and the Pacific on 27 March 1976**

Authentic text: English.

Registered ex officio on 25 February 1979.

MULTILATÉRAL

**Statuts de la Télécommunauté pour l'Asie et le Pacifique.
Adoptés par la Commission économique et sociale des
Nations Unies pour l'Asie et le Pacifique le 27 mars
1976**

Texte authentique : anglais.

Enregistré d'office le 25 février 1979.

CONSTITUTION¹ OF THE ASIA-PACIFIC TELECOMMUNITY

The Governments 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"),

Convinced of the need to ensure balanced development of the telecommunication services of the ESCAP region (hereinafter referred to as the "region") at a pace commensurate with the economic and social development of the region,

Considering the need for co-operation in the detailed planning and management of the existing and projected telecommunication services within the region in the light of the current rapid development of telecommunications in the region and of the implementation of the Asian Telecommunication Network,

Realizing the need for establishment of a consultative organization within the region for the settlement of telecommunication matters which are susceptible of being treated on a regional basis,

Recognizing the need for permanent machinery to correlate planning and operational arrangements amongst national telecommunication organizations within the region,

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 (Málaga-Torremolinos, 1973).²

¹ Came into force on 25 February 1979, i.e., the thirtieth day after the deposit of instruments of ratification or acceptance with the Secretary-General of the United Nations 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 is located, in accordance with article 18.

<i>State</i>	<i>Date of deposit of instrument of ratification or acceptance (A)</i>
Bangladesh	22 October 1976
Nauru	22 November 1976
India	26 November 1976
Burma	9 December 1976
Nepal	12 May 1977
Afghanistan	17 May 1977
China	2 June 1977 A
Philippines	17 June 1977
Malaysia	23 June 1977
Pakistan	1 July 1977
Republic of Korea	8 July 1977
Australia	26 July 1977
United Kingdom of Great Britain and Northern Ireland	31 August 1977
(On behalf of Hong Kong)	
Singapore	6 October 1977
Japan	25 November 1977 A
Thailand	26 January 1979

² Registered with the Secretariat of the United Nations on 2 January 1981, under No. I-19497.

Article 2. OBJECTIVES

1. The objectives of the Telecommunity shall be:

- (a) To correlate the planning, programming and development within the region of intraregional and international telecommunication networks to meet immediate and future requirements;
- (b) To promote the implementation of all agreed networks;
- (c) To assist the development within the region of the national components of an efficient regional and international telecommunication network;
- (d) To foster co-ordination within the region of technical standards and routing plans for intraregional and international traffic;
- (e) To seek the adoption of efficient operating methods in regional telecommunication services.

2. In furtherance thereof, the Telecommunity may:

- (a) Undertake, in co-ordination with the International Telecommunication Union, when pertinent, technical and other studies relating to developments in telecommunication technology of common interest to its Members and Associate Members;
- (b) Encourage the exchange of information, technical experts and other specialized personnel amongst the telecommunication organizations of its Members and Associate Members;
- (c) Study the feasibility of transfer of [technology]¹ in the field of telecommunications amongst its Members and Associate Members;
- (d) Arrange the provision of short-term technical assistance to its Members and Associate Members, when so requested;
- (e) Advise its Members and Associate Members in the assessment of their needs with respect to telecommunication personnel and programmes for training;
- (f) Promote in co-operation with appropriate international organizations concerned with telecommunications in the region, the establishment within the region of telecommunication training institutes of a regional or multinational character;
- (g) Promote and assist in the formulation and implementation of bilateral or multilateral telecommunication programmes within the region in co-operation with appropriate international or regional organizations.

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 the United Nations or a member of ESCAP.

¹ Text appearing between brackets reflects corrections communicated by the Secretary-General to the States concerned in a Procès-verbal de rectification dated 29 June 1977 — Le texte figurant entre crochets reflète les corrections communiquées par le Secrétaire général aux Etats concernés dans le Procès-verbal daté du 29 juin 1977.

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 provision of article 19.

4. Associate membership in the Telecommunity shall be open to any associate member of ESCAP. An associate member of ESCAP 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. Affiliate membership in the Telecommunity shall be open to any entity which operates, as a common carrier, national and/or international telecommunication services within the region and which is nominated for affiliate membership by a Member or an Associate Member of the Telecommunity. Any such entity, upon informing the Telecommunity, through the nominating Member or Associate Member, in a communication addressed to the Executive Director or, prior to the appointment of the Executive Director, to the Executive Secretary of ESCAP, of its willingness to uphold this Constitution shall become an Affiliate Member of the Telecommunity with effect from the date of the receipt of such communication.

Article 4. RECOGNITION OF RIGHTS

The Telecommunity shall recognize fully the rights of a Member and an Associate Member to regulate their telecommunications. 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.

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;
- (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 the 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 decide 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 two thirds 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) 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 sessions 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 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.

12. A quorum for a meeting of the General Assembly shall consist of the representatives of two thirds 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. Wherever possible representatives shall be qualified in the field of telecommunications and be officials serving in, or directly responsible to or for, the telecommunication administration of the Member or the Associate Member.

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. The Management Committee, pursuant to such policies and principles as the General Assembly may establish and such specific 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) Arrange for the auditing of, and approve, the accounts of the Telecommunity;
- (f) Consider and approve the annual reports on the work of the Telecommunity and also submit periodic reports 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) Appoint the Executive Director and the Deputy Executive Directors of the Telecommunity in accordance with paragraph 10 of this article;
- (l) Define the nature of the functions and conditions of employment of the Executive Director, the Deputy Executive Directors and the other officials of the Secretariat;
- (m) 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 the 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) Two thirds 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 two thirds 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 two thirds of the Members of the Telecommunity.

9. The decisions of the Management Committee shall be arrived at by consensus.

10. The Executive Director shall be appointed by the Management Committee on the basis of a selection made from a list of candidates proposed by the Members in a meeting of the representatives of the Members specially convened for this purpose. The Deputy Executive Directors shall be similarly appointed by the Management Committee except that in the meeting held for the selection of Deputy Executive Directors, the Executive Director may be present and consulted.

Article 10. THE SECRETARIAT

1. The Secretariat of the Telecommunity shall be composed of the Executive Director of the Telecommunity, who shall be the chief administrative officer of the Telecommunity, such number of Deputy Executive Directors and such other officials as may be deemed necessary by the Management Committee.

2. The Executive Director and the Deputy Executive Directors shall hold office for a term of three years. They shall be eligible for reappointment 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 Executive Director on such terms of service as the Management Committee may determine.

4. The Executive Director, assisted by the Deputy Executive Directors and other officials of the Secretariat, shall:

- (a) Serve as secretary of the General Assembly and of the Management Committee;
- (b) Provide secretarial services to the principal organs and the subsidiary bodies of the Telecommunity and arrange the convening of their meetings;
- (c) Keep all records of the Telecommunity;
- (d) Perform any function that may be entrusted to him by the General Assembly or the Management Committee;
- (e) Be responsible to the Management Committee for the administration of the Telecommunity;
- (f) Implement, where required to do so, decisions of the General Assembly and the Management Committee;
- (g) Administer 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, represent the Telecommunity at conferences or meetings to which the Telecommunity may be invited;
- (i) Prepare 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. The expenses of the Telecommunity shall include the costs of:

- (a) The General Assembly;
- (b) The Management Committee;
- (c) Conferences or meetings convened by the Telecommunity;
- (d) The Secretariat;
- (e) Technical assistance activities of the Telecommunity;
- (f) Other miscellaneous activities;
- (g) Any specific activity as the General Assembly or the Management Committee may approve.

2. The expenses of the Telecommunity specified in paragraph 1 (a), (b), (c), (d), (e) and (f) of this article shall be met from the following two sources:

- (a) Regular contributions of the Members, Associate Members and Affiliate Members which shall be a sum proportional to the number of units in the class of contribution voluntarily chosen upon becoming the Members, Associate Members and Affiliate Members of the Telecommunity from the following scale of unit classes: 60, 50, 40, 30, 20, 10, 4, 2, 1, 1/2; no

reduction in a unit classification established in accordance with this Constitution shall take effect between sessions of the General Assembly;

(b) Extrabudgetary contributions either in cash or in some other form which may be voluntarily made by Members, Associate Members, Affiliate Members and other sources.

3. The expenses of the Telecommunity specified in paragraph 1 (g) of this article shall be met from extrabudgetary contributions.

4. 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.

5. A Member which is in arrears in its payments to the Telecommunity shall lose its right 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 contribution due from it for the preceding two years.

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 the Government of Thailand.

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 fulfilment of its objectives as are accorded to the United Nations and the officials thereof under the Convention on the privileges and immunities of the United Nations, 1946,¹ 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 or Associate Member of the Telecommunity may withdraw from the Telecommunity by a notification of withdrawal, addressed to the Executive Director. In such a case, any Affiliate Member which has been

¹ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

nominated by the withdrawing Member or Associate Member shall withdraw from the Telecommunity by the above notification.

2. Any Affiliate Member may withdraw from the Telecommunity by a notification addressed to the Executive Director through the Member or Associate Member which has nominated it.

3. The Executive Director 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.

4. A notification of withdrawal shall take effect on the last day of the same fiscal year if it is received by the Executive Director within the first six months of the fiscal year and one year after the receipt of notification if it is received later.

5. 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 Executive Director, 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 Executive Director 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 secretariat of ESCAP at Bangkok from the first day of April, 1976, until the thirty-first day of October, 1976. This Constitution shall thereafter be transmitted to the Secretary-General of the United Nations, and shall until its entry into force be 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 Depositary 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 Depositary 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 or 3 of article 3 and any associate member of ESCAP may, after the entry into force of this Constitution, accede to this Constitution by deposit of an instrument of accession with the Depositary.

2. The instrument of accession shall become effective on the thirtieth day after the date of its deposit. The Depositary shall notify the Members, Associate Members and Affiliate Members of each accession when it is received.

Article 20. ASSOCIATE MEMBERS OF ESCAP

If an associate member of ESCAP 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. INAUGURAL MEETINGS OF THE GENERAL ASSEMBLY AND THE MANAGEMENT COMMITTEE OF THE TELECOMMUNITY

Within three months of entry into force of this Constitution, the Executive Secretary of ESCAP shall convene, in consultation with the Government of Thailand, inaugural meetings of the General Assembly and the Management Committee of the Telecommunity provided that such meetings shall not be held before the first day of August, 1977.

Article 22. 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.

IN FAITH WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Constitution on the dates appearing opposite their signatures.

Signature

Date

For the Republic
of Afghanistan:

For the Commonwealth
of Australia:

For the People's Republic
of Bangladesh:

[Signed]

1/4/76¹

A. K. M. HAFIZUDDIN
Member
President's Advisory Council
Ministry of Industries
Govt. of the People's Republic
of Bangladesh

For the Kingdom
of Bhutan:

For the State
of Brunei:

For the Socialist Republic
of the Union of Burma:

[THEIN MAUNG]
Ambassador

20-10-76

Embassy
of the Socialist Republic
of the Union of Burma
Bangkok

¹ 1 April 1976.

*Signature**Date*

For Cambodia:

For the People's Republic
of China:

[Signed]

October 25, 1976

CHAI TSE-MIN
Chinese Ambassador
to Thailand

For the Cook Islands:

For Fiji:

For the Gilbert Islands:

For the Crown Colony
of Hong Kong:For the Republic
of India:[SHRI G. J. MALIK]
Ambassador
and Permanent Representative
of India

28th October 1976

For the Republic
of Indonesia:

For the Empire of Iran:

[MOHSEN S. ESFANDIARY]
Ambassador
of Iran

Sept. 15, 1976

For Japan:

For the Lao People's
Democratic Republic:

For Malaysia:

For the Mongolian
People's Republic:For the Republic
of Nauru:

[HAMMER DE ROBERT]

1.4.76¹¹ 1 April 1976.

	<i>Signature</i>	<i>Date</i>
For the Kingdom of Nepal:	[ARJUN B. SINGH]	15.9.1976
For New Zealand:		
For the Islamic Republic of Pakistan:		
For Papua New Guinea:	[I. EDONI] Secretary Secretariat Ministry of Public Utilities Port Moresby, Papua New Guinea	29th September 1976
For the Republic of the Philippines:	[MANUEL T. YAN] Ambassador Permanent Representative of the Philippines to ESCAP	28 Oct. 1976
For the Republic of Korea:		
For the Republic of South Viet-Nam:		
For the Republic of Singapore:		
For the Solomon Islands:		
For the Republic of Sri Lanka:		
For the Kingdom of Thailand:	[ASA BOONYAPRATUANG]	15 Sept. 76

Signature

Date

For the Kingdom
of Tonga:

For the Trust Territory
of the Pacific Islands:

For Western Samoa:
