

## **(2) CONVENTION OF THE ASIA-PACIFIC SPACE COOPERATION ORGANIZATION (APSCO)**

### **CONTENTS**

#### **CHAPTER – 1 GENERAL**

*Article – 1 ESTABLISHMENT OF ASIA-PACIFIC SPACE COOPERATION ORGANIZATION*

*Article – 2 DEFINITIONS*

*Article – 3 LEGAL STATUS*

*Article – 4 OBJECTIVES*

*Article – 5 INDUSTRIAL POLICY*

#### **CHAPTER – 2 FIELDS OF COOPERATION AND COOPERATIVE ACTIVITIES**

*Article – 6 FIELDS OF COOPERATION*

*Article – 7 BASIC ACTIVITIES*

*Article – 8 OPTIONAL ACTIVITIES*

#### **CHAPTER – 3 MEMBERSHIP**

*Article – 9 MEMBERS*

#### **CHAPTER – 4 FUNCTIONAL ORGANS**

*Article – 10 ORGANS OF THE ORGANIZATION*

#### **CHAPTER – 5 COUNCIL OF THE ORGANIZATION**

*Article – 11 COMPOSITION OF THE COUNCIL*

*Article – 12 RESPONSIBILITIES OF THE COUNCIL*

*Article – 13 MEETINGS OF THE COUNCIL*

*Article – 14 VOTING*

#### **CHAPTER –6 SECRETARIAT**

*Article – 15 COMPOSITION OF THE SECRETARIAT*

*Article – 16 SECRETARY- GENERAL*

*Article – 17 RESPONSIBILITIES OF SECRETARY GENERAL*

#### **CHAPTER – 7 FINANCES**

*Article – 18 FINANCIAL ARRANGEMENTS*

#### **CHAPTER – 8 DISPUTES**

*Article –19 SETTLEMENT OF DISPUTES*

#### **CHAPTER – 9 OTHER PROVISIONS**

*Article – 20 EXCHANGE OF PERSONNEL*

*Article – 21 EXCHANGE OF INFORMATION*

*Article – 22 INTELLECTUAL PROPERTY RIGHTS*

*Article – 23 TECHNOLOGY SAFEGUARDS AND EXPORT CONTROL*

*Article – 24 COOPERATION WITH OTHER ENTITIES*

*Article – 25 PRIVILEGES AND IMMUNITIES*

*Article – 26 USE OF FACILITIES*

## **CHAPTER – 10 AMENDMENTS**

*Article – 27* AMENDMENTS TO THE CONVENTION

## **CHAPTER – 11 RATIFICATION, ENTRY INTO FORCE, ETC**

*Article – 28* SIGNATURE AND RATIFICATION

*Article – 29* ENTRY INTO FORCE

*Article – 30* ACCESSION

*Article – 31* NOTIFICATIONS

*Article – 32* DEPRIVATION

*Article – 33* WITHDRAWAL

*Article – 34* DISSOLUTION

*Article – 35* REGISTRATION

### **The States Parties to This Convention.**

*Recognizing* the importance in peaceful exploitation of space technology for promoting sustainable economic and social development in Asia-Pacific Region for the common prosperity of the region;

*Desiring* to strengthen the multilateral cooperation among the Asia-Pacific Region countries in the field of space on the premise of peaceful applications of space science and technology;

*Realizing* the fact that the magnitude of technical, financial and human resources required to develop applications of space science and technology is such that it is advisable to pool the resources in the Asia-Pacific Region to undertake those activities;

*Recognizing* that it will benefit the Member States in the region to conduct regional multilateral cooperation in space science, space technology and their peaceful applications by pooling up their technological, financial and human resources so as to enable the member states to jointly develop their programs and activities relating to those fields;

*Believing* that the establishment of an independent Asia-Pacific Space Cooperation Organization for the regional multilateral cooperation in the peaceful applications of space science and technology, based on the principles of peaceful uses of outer space, mutual benefits and complementarity, equal consultations and development, will effectively improve the capability of the Member States in space science, space technology and their peaceful applications, and bring more socio-economic benefits to each of the Member States;

**Have agreed as follows:**

## **CHAPTER – 1 GENERAL**

### **Article – 1 ESTABLISHMENT OF ASIA-PACIFIC SPACE COOPERATION ORGANIZATION**

1. An Asia-Pacific Space Cooperation Organization (hereinafter referred to as “the Organization”) is hereby established.
2. The Headquarters of the Organization shall be located in the People’s Republic of China (hereinafter referred to as “the Host State”).
3. In consultation with the Government of the Host State, the Organization may establish branch offices and relevant facilities within the territory of the Host State.
4. In consultation with the other Member States, the Organization may establish branch offices and relevant facilities within the territory of any other Member State.

## Article – 2 DEFINITIONS

For the purposes of this Convention:

- a) “**Organization**” means the Asia-Pacific Space Cooperation Organization (APSCO);
- b) “**Host Government**” means the Government of the People’s Republic of China hosting the Organization;
- c) “**Member State**” means a state member of the Organization;
- d) “**Council**” means the apex body of the Asia-Pacific Space Cooperation Organization comprising the authorized representatives of its Member States;
- e) “**Chairman**” means the Chairman of the Council;
- f) “**Secretariat**” means the executive organ of the Organization with its office in the People’s Republic of China;
- g) “**Secretary-General**” means Chief Executive Officer and legal representative of the Organization.

## Article – 3 LEGAL STATUS

The Organization shall be an inter-governmental organization. It shall be a nonprofit independent body with full international legal status.

## Article – 4 OBJECTIVES

The objectives of the Organization shall be as follows:

1. To promote and strengthen the development of collaborative space programs among its Member States by establishing the basis for cooperation in peaceful applications of space science and technology;
2. To take effective actions to assist the Member States in such areas as space technological research and development, applications and training by elaborating and implementing space development policies;
3. To promote cooperation, joint development, and to share achievements among the Member States in space technology and its applications as well as in space science research by tapping the cooperative potential of the region.
4. To enhance cooperation among relevant enterprises and institutions of the Member States and to promote the industrialization of space technology and its applications.
5. To contribute to the peaceful uses of outer space in the international cooperative activities in space technology and its applications.

## Article – 5 INDUSTRIAL POLICY

1. The Council shall devise the industrial policy to meet the requirements of its programs and activities as well as the collaborative programs with the Member States, in a cost-effective manner.
2. Preference/opportunity shall be given, to the maximum possible extent, to the industry in all Member States to participate in the tasks related to the implementation of the Organization’s programs and activities.
3. In the course of implementation of the Organization’s programs and activities and in the associated development of space technologies and the products thereof, the Organization shall ensure participation of all Member States in an equitable manner, commensurate with their respective financial investment which may also include technological inputs.
4. The concept of “fair-return” for Member States shall be the corner stone of the Organization’s industrial policy. The Organization shall endeavor to strengthen the competitiveness of the industries of the Member States by making use of the existing industrial potential of the Member States in the first instance, by developing and maintaining space technology and the products thereof and by encouraging the development of industrial structure according to the market demands.
5. The industrial policy shall have the following main goals:
  - a) Development of competitive Asia-Pacific industry by resorting to free competitive bidding;
  - b) Spreading of the relevant technologies among the Member States in order to create the specializations necessary for the Organization’s programs and activities.
6. In implementing the industrial policy, the Chairman of the Council shall act upon the directives of the Council.

## **CHAPTER – 2 FIELDS OF COOPERATION AND COOPERATIVE ACTIVITIES**

### **Article – 6 FIELDS OF COOPERATION**

The Organization shall carry out activities in the following fields of cooperation:

1. Space technology and programs of its applications;
2. Earth observation, disaster management, environmental protection, satellite communications and satellite navigation and positioning;
3. Space science research;
4. Education, training and exchange of scientists / technologists;
5. Establishment of a central data bank for development of programs of the Organization and dissemination of technical and other information relating to the programs and activities of the Organization.
6. Other cooperative programs agreed upon by the Member States.

### **Article – 7 BASIC ACTIVITIES**

1. The basic activities of the Organization shall include:
  - a) Establishing of the Organization's plans for space activities and development;
  - b) Carrying out fundamental research concerning space technology and its applications;
  - c) Extending the applications of matured space technology;
  - d) Conducting education and training activities concerning space science and technology and their applications;
  - e) Managing and maintaining the branch offices and the relevant facilities as well as the network system of the Organization;
  - f) Undertaking other necessary activities to achieve the objectives of the Organization.
2. All Member States shall participate in the basic activities in paragraph 1 of this Article.

### **Article – 8 OPTIONAL ACTIVITIES**

1. In addition to its basic activities under Article 7, the Organization shall recommend and organize suitable space science, technology and their applications programs for joint implementation by its Member States, which choose to participate in such programs.
2. Such a program shall be carried out following the principle of return on investment. The return from an optional activity shall be obtained in proportion to their investment by the Member States participating in it.

## **CHAPTER – 3 MEMBERSHIP**

### **Article – 9 MEMBERS**

1. The Organization shall be open to all Members of the United Nations in the Asia-Pacific Region.
2. The Member States shall have full voting rights.
3. All Member States shall be entitled to participate in the cooperation programs and activities pursued by the Organization.
4. All Member States shall make financial contributions for operation of the Organization.
5. Participation in the activities of the Organization shall in no way affect the existing or future bilateral and multilateral cooperation of the Member States.
6. Any State Member of the United Nations or any international organization involved in space activities may be granted the Observer's status with the Organization with the unanimous approval of the Council. The Observers shall not have the right to vote in the Council's meetings.
7. A state outside the Asia-Pacific Region and member of the United Nations may apply for granting the status of Associate Member. The Council, by consensus, may decide about its entry into the Organization. The Council may also decide, by consensus, about its terms and conditions (financial contribution, participation in basic and cooperative activities of the Organization, etc.). The Associate Member shall not have any voting right in the Council meetings.

## **CHAPTER – 4 FUNCTIONAL ORGANS**

### **Article – 10 ORGANS OF THE ORGANIZATION**

1. The organs of the Organization shall include:
  - a) The Council, to be headed by the Chairman of the Council; and
  - b) The Secretariat, to be headed by the Secretary-General.
2. The Organization may establish such subsidiary institutions, as it deems necessary for the performance and achievements of its objectives.

## **CHAPTER – 5 COUNCIL OF THE ORGANIZATION**

### **Article – 11 COMPOSITION OF THE COUNCIL**

1. The Council shall be the highest decision-making body of the Organization.
2. The Council shall consist of ministers or ministerial representatives of the national space agencies of the Member States of the Organization. Each Member State shall nominate one minister or ministerial representative for representation at the Council;
3. The Council shall elect a Chairman and two Vice-Chairmen whose term of office shall be two years;

### **Article – 12 RESPONSIBILITIES OF THE COUNCIL**

The Council shall:

- a) Define and approve the policy, including Rules, Regulations, Laws to be followed by the Organization in pursuit of its objectives;
- b) Approve accession, deprivation and termination of membership, and make decisions on admission of Observers and Associate Members;
- c) Adopt and approve its own Rules of Procedure;
- d) Adopt and approve annual reports and working plans of the Organization;
- e) Adopt and approve cooperative programs and their financial budgets;
- f) Adopt and approve the proportion of the financial contribution of the Member States and annual budget of the Organization;
- g) Approve the five-year budget plan according to the present level of financial resources and by determining the financial resources to be made available to the Organization for the next five-year period;
- h) Approve the annual expenditure and financial statement for the Organization;
- i) Approve all other management provisions for the Organization;
- j) Approve and publish the report on the annual audited accounts of the Organization;
- k) Appoint the Secretary-General and approve other officials who are to be appointed by the Council. The appointment of the Secretary-General may be postponed for a period of six months at any time. In such event, a suitable person shall be appointed by the Council as the Acting Secretary-General for that period, who shall be responsible for carrying out the tasks with such powers and responsibilities as the Council may determine for him or her;
- l) Decide to establish institutions and branch offices and approve their structure, including that of the Secretariat and their staff quotas;
- m) Appoint other functionaries for effective performance of the activities of the Organization;
- n) Interpret this Convention if so requested by Member State(s).

### Article – 13 MEETINGS OF THE COUNCIL

1. The Council shall meet as and when required but at least once annually. The meetings shall be held at the Organization's Headquarters, unless the Council decides otherwise.
2. The participation of the official delegates from a two-thirds majority of all Member States shall be necessary to form a quorum at any meeting of the Council.

### Article – 14 VOTING

1. Each Member State of the Council shall have one vote;
2. Unless otherwise unanimously provided for by the Council, the Council shall make every effort to reach decisions upon matters by consensus.

## **CHAPTER –6 SECRETARIAT**

### Article – 15 COMPOSITION OF THE SECRETARIAT

1. The Secretariat shall be the executive organ of the Organization;
2. The Secretariat shall consist of the Secretary-General and Secretariat staff members.

### Article – 16 SECRETARY- GENERAL

1. The Secretary-General will be chief executive officer of the Organization and its legal representative. He or She will have full authority to run the Secretariat of the Organization.
2. The Council shall appoint a Secretary-General for a period of five years, and may extend his or her appointment for another term of five years. The Council may, by a three-fourths majority vote of the Member States attending the Council meeting, terminate his or her appointment during his or her tenure in office.
3. The Secretary-General shall participate in the meetings of the Council without the right to vote.

### Article – 17 RESPONSIBILITIES OF SECRETARY GENERAL

1. In accordance with the directives issued by the Council, the Secretary-General shall report to the Council and shall be responsible for:
  - a) Executing and implementing all the policies of the Organization, as desired by the Council;
  - b) Achieving the objectives of the Organization;
  - c) Managing and functioning of the Organization;
  - d) Drawing up annual reports, working plans and financial budgets of the Organization for approval of the Council;
  - e) Formulating and implementing the internal management provisions of the Secretariat;
  - f) Submitting proposals to the Council concerning programs and activities as well as measures designed to achieve the objectives of the programs and activities of the Organization;
  - g) Recruiting and managing the staff of internal divisions from the Member States according to the Service Regulations set by the Council;
  - h) Appointing on contract basis such scientists, technologists and other experts who are not regular staff members for carrying out the assigned jobs of the Organization;
  - i) Negotiating and signing international cooperative agreements with the approval of the Council.

2. The responsibilities of the Secretary-General and the staff, whether regular or on contract, with regard to the Organization shall be exclusively international in character. During the course of the discharge of their duties with the Organization, they shall not seek or receive instructions from any government or from any authority external to the Organization. Each Member State shall also respect international character of the responsibilities of the Secretary-General and the staff members, and shall not exert any influence on them in any manner or form during the course of the discharge of their duties with the Organization.

## **CHAPTER – 7 FINANCES**

### **Article – 18 FINANCIAL ARRANGEMENTS**

1. The funds for the Organization shall be provided through the contributions of the Member States, voluntary grants from the Host Government and other Member States, donations/subsidies received from other organizations, and services provided to others.
2. Each Member State shall contribute to the budget of the Organization in accordance with the financial arrangements to be decided by the Council.
3. The Council through consensus shall decide the scale of financial contribution of each Member State. It shall be reviewed every three years.
4. The scale of the financial contribution of each Member State shall be calculated in accordance with the level of its economic development and average gross domestic product (GDP) per capita.
5. Each Member State shall be required to make a minimum financial contribution, called the “floor”, to the Organization, to be decided by the Council by a two-thirds majority vote.
6. No Member State shall be required to make financial contribution in excess of eighteen percent (18 %) of the approved budget of the Organization.
7. Subject to any directions given by the Council, the Secretary-General may accept donations, gifts or legacies to the Organization provided that these do not entail any conditions contrary to the objectives of the Organization.

## **CHAPTER – 8 DISPUTES**

### **Article – 19 SETTLEMENT OF DISPUTES**

Any dispute between two or more Member States, or between any of them and the Organization, concerning the interpretation or application of this Convention, shall be resolved through cordial consultations in the Council. In case of non-settlement of the dispute, it shall be settled through arbitration in accordance with the additional rules adopted by the Council through consensus.

## **CHAPTER – 9 OTHER PROVISIONS**

### **Article – 20 EXCHANGE OF PERSONNEL**

Upon request from the Organization, Member States shall facilitate the exchange of personnel concerned with the work entrusted to the Organization and within its competence. This exchange of personnel shall be consistent with the laws and regulations of the Member States relating to entry into, stay in, or departure from their territories.

### **Article – 21 EXCHANGE OF INFORMATION**

1. The Organization and the Member States shall facilitate the exchange of scientific and technical information pertaining to the areas of space science, space technology and their applications. A Member State may not communicate such information to the Organization and vice versa if it considers that such information will infringe its own agreements with the third party or it is inconsistent with the interests of its own security.
2. In carrying out its activities, it will be ensured by the Organization that the scientific results in view of a scientific and / or technological research / study shall be made public / published only after these have been used by the scientists / engineers within the Member States responsible for the experiments under the aegis of the Organization. The Organization shall have all exclusive rights on the results and reduced data which shall be the property of the Organization.

#### **Article – 22 INTELLECTUAL PROPERTY RIGHTS**

1. Intellectual property rights of those inventions, products, technical data or techniques as well as other intellectual properties resulting from any programs and activities that are carried out by the Organization or through use of the resources owned by the Organization shall be owned by the Organization.
2. The Council shall adopt guidelines and procedure for use by the Member States of inventions, products, technical data or techniques as well as other intellectual properties owned by the Organization.
3. The Council shall adopt guidelines and procedure for use by the Organization and Member States of inventions, products, technical data or techniques as well as other intellectual properties owned by a Member State through appropriate agreements or contracts. The Organization shall abide by international conventions concerning protection of intellectual properties.

#### **Article – 23 TECHNOLOGY SAFEGUARDS AND EXPORT CONTROL**

1. The Organization shall not allow any unauthorized access to protected information, items and related technologies / measures in order to ensure the fulfillment of the duties by the representatives and the personnel of the Member States, competent to handle such protected items / products and also to take appropriate measures aimed at their protection and monitoring of handling them as well as for elaboration and implementation of specific technology security plans.
2. With a view to implementing cooperative activities, programs and projects of the Organization, the Member States shall conclude agreements on technology safeguard measures, and in specific cases promote the conclusion of such agreements by competent organizations and other designated organizations in order to elaborating and implementing specific technology security plans.
3. The Member States shall act in accordance with their respective national regulations and export control legislation concerning the goods and services included in the export control list.

#### **Article – 24 COOPERATION WITH OTHER ENTITIES**

1. The Organization shall cooperate with the agencies in the United Nations system, in particular its Committee on the Peaceful Uses of Outer Space.
2. The Organization may establish cooperative partnerships with non-Member States of the Organization and other international organizations and institutions in pursuit of its objectives, with the unanimous approval of the Council, for which the Council shall draw appropriate guidelines and procedure.

#### **Article – 25 PRIVILEGES AND IMMUNITIES**

1. The privileges and immunities to be enjoyed by the Organization, its staff members and experts, and the representatives of its Member States in the territory of the Member State where the Headquarters of the Organization is located, shall be determined by the specific agreement to be concluded between the Organization and the State where the Headquarters is located.
2. The Organization, its staff members and experts, and representatives of its Member States shall enjoy in the territory of each Member State such privileges and immunities as are necessary for the exercise of the functions of the Organization or in connection therewith. Unless otherwise agreed, such privileges and immunities shall be the same as those each Member State accords to similar inter-governmental organizations and related personnel.

#### **Article – 26 USE OF FACILITIES**

Subject to the provision that the use of the facilities established and/or owned by the Organization for its own programs and activities is not thereby prejudiced, the Organization shall make its facilities available to any Member State that requests for using them. The Council shall formulate guidelines and procedure as well as practical arrangements under which those facilities will be made available to the Member States.



## **CHAPTER – 10 AMENDMENTS**

### **Article – 27 AMENDMENTS TO THE CONVENTION**

1. Any Member State that wishes to propose an amendment to this Convention shall inform the Secretary-General in writing in respect thereof, who shall inform the Member States of the proposed amendment at least three months before it is discussed by the Council. The Council may recommend to Member States the amendments to this Convention.
2. The amendments to this Convention shall be adopted by the Council by consensus.
3. After adoption of the amendment(s) by the Council, the Secretary-General shall formally inform all the Member States about the adoption of the amendment(s), requesting them for their formal approval through their domestic procedures.
4. After receipts of the formal acceptances by all Member States, the Secretary-General shall put up those acceptances for information of the Council and forward the same to the Host Government. The Host Government shall, in turn, notify all Member States of the date of entry into force of the amendment(s) within thirty days of the receipt of the notifications of acceptance by all Member States.

## **CHAPTER – 11 RATIFICATION, ENTRY INTO FORCE, ETC.**

### **Article – 28 SIGNATURE AND RATIFICATION**

1. This Convention shall be open for signature until 31 July 2006.
2. This Convention shall be subject to the ratification or acceptance by States referred to in paragraph 1 of Article 9 of this Convention.
3. Instruments of ratification or acceptance shall be deposited with the Host Government.

### **Article – 29 ENTRY INTO FORCE**

1. This Convention shall enter into force when at least five States in the Asia-Pacific Region, which are members of the United Nations, have signed it and have deposited with the Host Government their instruments of ratification or acceptance.
2. After the entry into force of this Convention and pending the deposit of its Instrument of ratification or acceptance, a signatory State may, subject to the guidelines and procedure agreed upon by the Council, participate in the open meetings of the Organization without the right to vote.

### **Article – 30 ACCESSION**

1. After the entry into force of this Convention, or the expiry of the signing period, whichever is later, any State, as defined in paragraph 1 of Article 9, may accede to it with the unanimous approval of the Council.
2. A State wishing to accede to this Convention shall apply formally to the Secretary-General, who shall inform all the Member States of that request at least three months before it is submitted to the Council for a decision.
3. The instruments of accession shall be deposited with the Host Government.

### **Article – 31 NOTIFICATIONS**

The Host Government shall notify all signatories and acceding States about:

- a) The date of deposit of each instrument of ratification, acceptance or accession;
- b) The date of entry into force of this Convention and of amendments to this Convention;
- c) The date of withdrawal from the Convention by a Member State.

#### Article – 32 DEPRIVATION

Any Member State that fails to fulfill its obligations under this Convention shall be deprived of its membership of the Organization following a decision of the Council taken by a two-thirds majority vote.

#### Article – 33 WITHDRAWAL

1. After this Convention has entered into force for a period of five years, any Member State intending to withdraw itself from it shall apply to the Secretary-General in writing at least one calendar year in advance.
2. The Secretary-General shall expeditiously inform the Chairman of the Council and all the Member States of the application for withdrawal of the Member State. The Chairman shall call a meeting of the Council within 90 days to consider whether or not to approve the application.
3. After the formal approval of the withdrawal, the Member State concerned shall remain bound to honor its due share of the financial obligations corresponding to approved programs / activities and its due contribution for the year in which the withdrawal was formally approved.
4. Such withdrawal shall in no way affect the fulfillment of the contractual obligations or of the agreements assumed by the Member State in question and the Organization prior to its withdrawal.
5. The State withdrawing from the Convention shall retain the rights it has acquired due to its Membership of the Organization, up to the date on which the withdrawal takes effect.

#### Article – 34 DISSOLUTION

1. The Organization shall be dissolved at any time by a consensus agreement among all its Member States.
2. The Organization shall also be dissolved if its membership comes to less than four Member States.
3. In the event of dissolution, the Council shall appoint an official liquidation authority to negotiate with the Member States on whose territories the Headquarters and the establishments of the Organization are located at the time of liquidation. The legal advisors of the Organization shall remain present during the entire process of liquidation.
4. After the completion of the dissolution process, any surplus assets shall be distributed among Member States in proportion to the contributions actually made by those States. In the event of deficit, this shall be met by the Member States in proportion to their contributions as assessed for the financial year in which the liquidation takes place.

#### Article – 35 REGISTRATION

Upon the entry into force of this Convention, the Host Government shall register it with the Secretariat of the United Nations in pursuance of Article 102 of the United Nations Charter.

In witness whereof, the undersigned plenipotentiaries, having been duly authorized thereto have signed this Convention.

Done at Beijing, People's Republic of China on 28 October 2005 in English in a single original.

Texts of this Convention drawn up in other official languages of the Member States of the Organization shall be authenticated by a consensus decision of all Member States of the Organization. Such texts shall be deposited in the archives of the Host Government, which shall transmit certified copies to all signatory and acceding States.