



PRESIDEN
REPUBLIK INDONESIA

KEPUTUSAN PRESIDEN REPUBLIK INDONESIA
NOMOR 59 TAHUN 1994
TENTANG
CONSTITUTION OF THE ASIA-PASIFIC TELECOMMUNITY

PRESIDEN REPUBLIK INDONESIA,

- Menimbang :
- a. bahwa di Colombo, Sri Lanka, pada bulan Nopember 1991 telah diterima perubahan Constitution of the Asia-Pasific Telecommunity, sebagai hasil Sidang Umum Luar Biasa Telekomunikasi Wilayah Asia Pasific;
 - b. bahwa perubahan tersebut telah disatukan di Bangkok pada tahun 1992 ke dalam naskah Constitution of the Asia-Pasific Telecommunity yang lama sehingga membentuk satu Naskah Constitution of the Asia-Pasific Telecommunity yang baru;
 - c. bahwa Constitution of the Asia-Pasific Telecommunity yang lama sebagai hasil Sidang Ekonomi dan Sosial untuk Asia-Pasific di Bangkok tahun 1976 telah disahkan dengan Keputusan Presiden Nomor 12 Tahun 1985;
 - d. bahwa sehubungan dengan itu, dan sesuai dengan Amanat Presiden Republik Indonesia kepada Ketua Dewan Perwakilan Rakyat Nomor 2826/HK/1960 tanggal 22 Agustus 1960 tentang Pembuatan Perjanjian-perjanjian dengan Negara Lain, dipandang perlu untuk mengesahkan Constitution of the Asia-Pasific Telecommunity tersebut dengan Keputusan Prsiden.

- Mengingat :
- 1. Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar 1945;
 - 2. Keputusan Presiden Republik Indonesia Nomor 12 Tahun 1985 tentang Pengesahan Constitution of the Asia-Pasific Telecommunity (Lembaran Negara Tahun 1985 Nomor 13);



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MEMUTUSKAN :...

MEMUTUSKAN :

Menetapkan : KEPUTUSAN PRESIDEN REPUBLIK INDONESIA TENTANG
CONSTITUTION OF THE ASIA-PASIFIC TELECOMMUNITY

Pasal 1

Mengesahkan Constitution of the Asia-Pacific Telecommunity sebagaimana telah diubah pada Sidang Umum Luar Biasa Telekomunikasi Wilayah Asia Pasific di Colombo, Sri Lanka, pada bulan Nopember 1991 yang salinan naskah aslinya dalam bahasa Inggris sebagaimana terlampir pada Keputusan Presiden ini;

Pasal 2

Keputusan Presiden ini mulai berlaku pada tanggal ditetapkan.



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Agar...

Agar setiap orang mengetahuinya, memerintahkan pengundangan Keputusan Presiden ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 2 Agustus 1994
PRESIDEN REPUBLIK INDONESIA

ttd.

SOEHARTO

Ditetapkan di Jakarta
pada tanggal 2 Agustus 1994

MENTERI NEGARA SEKRETARIS
NEGARA
REPUBLIK INDONESIA

ttd.

MOERDIONO



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LAMPIRAN KEPUTUSAN PRESIDEN RI
NOMOR 50 TAHUN 1994

CONSTITUTION OF THE ASIA-PASIFIC 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");

Convinced of the need 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;

Have agreed 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)



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Article 2...

Article 2

OBJECTIVES

1. The objectives of the Telecommunity shall be :
 - (a) To correlate the planning, programming and development within the region of intra-regional and international telecommunication network to meet immediate and future requirements;
 - (b) To promote the implementation of all 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-ordinations within the region of technical standards and routing plans for intra regional and international traffics;
 - (e) To seek the adoption of efficient operating methods in regional telecommunication services.

2. In furtherance thereof, the Telecommunity may :
 - (a) Undertake, in co-ordinations 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 organization of its Members and Associate Members;
 - (c) Study the feasibility of transfer of technology in the field of telecommunications amongst its Members and Associate Members;
 - (d) Arrange the provision of the short-term technical assistance to its Members



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and Associate Members, when so required;

(e) Advice...

- (e) Advice its Members and Associate Members in the assessment of their needs with respect to telecommunication personnel and programmers for training;
 - (f) Promote in on co-operation with appropriate international organization concerned with telecommunications in the region, the establishment within the region of telecommunication training “institutes of a regional or multinational character;
5. Promote and assist in the formulation and implementation of bilateral of bilateral or multilateral telecommunication programmers 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 any state within the region which is a member of the United Nation or 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 quality 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 on a party to this Constitution in accordance with the provisions of 17 become of 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 provider of telecommunication services to the public within the region and which is nominated for affiliate membership by a Member or an Associate Member of Telecommunity. Any such entity, upon informing the Telecommunity, through the nominating Member or Associate Member, in communication addressed to Executive Director



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or prior to the appointment of the Executive Secretary 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...

Article 4

RECOGNITION OF RIGHTS

The Telecommunity shall recognize shall recognize fully the rights of a Members and a Associate Member to regulate their telecommunications. It shall also take into consideration the obligations of a Member, an Associate Member and a Affiliate Member to the existing international and regional telecommunication organizations.

Article 5

HEADQUARTERS

The headquarters of 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 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 Telecommunity.



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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 simulatenously laid down.

4. The...

4. The meeting of the General Assembly and the Management Committee shall be at the head quarters 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 an observer.
5. The General Assembly shall meet in ordinary session every three years and in extraordinary session when circumstances required. Extraordinary sessions shall be convened by the President of the General Assembly at the request of two-thirds of the Member of the Telecommunity.
6. The General Assembly shall :
 - (a) Establish general policies and principles for the fulfillment 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



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matters upon which action may be deemed necessary;

(d) Conclude or revise, if necessary, agreements between the Telecommunity and Governments, organization or administrations;

(e) Adopt...

(e) Adopt its own rules of procedure.

7. The General Assembly shall elect President and two Vice-Presidents at each ordinary session from among the representatives of the Members of the Telecommunity. The President and two Vice-Presidents shall each hold office until the next ordinary session of the General Assembly. They shall be eligible 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 function 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 decision on financial matters shall require a two-thirds majority of the Members present and voting.
12. A quorum for 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 Member 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



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officials serving in, or directly responsible to or for, the telecommunication administration of the Member of the Associate Member.

2. Each Member shall have one vote the right to vote in the Management Committee.

3. An...

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 function of the Telecommunity;

(b) Draw up such regulation as it may consider necessary for the administration, 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, 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



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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 started above;
 - (j) Determine...
 - (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 Chairman every two years from among the representatives of the Members of the Telecommunity. The Chairman and the two Vice-Chairman shall each hold office until the holding of next election. They shall be eligible for election to the same office for more than two consecutive terms.
7. the Management Committee shall meet once year Additional meeting 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 present.
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. The decisions of the Management Committee shall be arrived at by consensus.



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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 Executive Director shall be appointed by the Management Committee except that in the meeting held for the selection of Deputy-Executive Director, the Executive Director may be present and consulted.

Article 10...

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 Director shall hold office for term of three years. They shall be eligible for appointment but shall not hold office 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 services 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;



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- (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...

- (g) Administer the technical assistance programmers and project 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 report and periodic report of the Telecommunity for submission of the Management Committee for its consideration and approval.

Article 11

FINANCES OF THE TELECOMMUNITY

1. The Expenses of the Telecommunity shall include the coats of:
 - (a) The General Assembly;
 - (b) The Management Committee;
 - (c) Conference or meetings convened by the Telecommunity;
 - (d) The Secretariat;
 - (e) Technical Assistance activities of the Telecommunity;



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- (f) Other miscellaneous activities;
 - (g) Any specific 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...
 - (a) Regular contributions of 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 Member and Affiliate Members of the Telecommunity from the following scale of unit classes :
60, 50, 40, 30, 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, Affiliate Members and other sources.
3. The expenses of the Telecommunity specified in paragraph 1 (g) of this Article shall be met from extra-budgetary 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 rights 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 preceding two years.
6. Each Member, Associate Member and Affiliate Member shall bear the expenses of



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its delegations to the General Assembly, to the Management Committee and to any 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...
- (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 fulfillment 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, or at the option of any Members of Associate Member such privileges and immunities as may be defined agreements concluded between it and the Telecommunity.

Article 13
RELATIONSHIP WITH UNITED NATIONS
AND WITH INTERNATIONAL AND
REGIONAL ORGANIZATIONS

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

Article 14



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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 Members which has been nominate by the withdrawing Member or Associate by the above notification;
2. Any Affiliate Member may withdraw form the Telecommunity by notification addressed to the Executive Director through the Member or Associate Member which has nominated it.
3. The executive Director shall inform shall other Members, Associate Members and Affiliate Members of his receipt of the notification, and transmit the notification to the Depository under Article 16 of this Constitution.
4. A notification...
4. A notification of withdrawl shall take effect on the last day of the same fiscal year if it is received by the Executive Director within the first six month of the fiscal year and one 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 communicates by the Executive Director to the Depository under Article 16 of this Constitution.



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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. The 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...
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 the 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 deposits and the date thereof.
5. Any signatory whose instrument of ratification or acceptance is deposited before the date on which this Constitution enter into force, shall become a Member or Associate Member of the Telecommunity on the date of entry into force of this Constitution. Any other signature who compiles 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



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ENTRY INTO FORCE

This Constitution shall 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 and any associate members 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 deposits. The Depositary shall notify the Members, Associate Members and Affiliate Members of each accession when it is received.

Article 20...

Article 20

ASSOCIATE MEMBERS OF ESCAP

If an associate members 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 international relations of that 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 MEETING OF THE GENERAL ASSEMBLY AND THE MANAGEMENT COMMITTEE OF THE TELECOMMUNITY



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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 meeting of the General Assembly and the Management Committee if 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.