

Constitution of the Asia-Pacific Satellite Communications Council

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Part I Constitution of the Asia-Pacific Satellite Communications Council

Government, public and private organizations which are engaged in outer space activities or in matters related to satellite services including broadcasting activities within the Asia-Pacific region;

Convinced of the need to develop and promote services via satellite within the Asia-Pacific region, in order to facilitate social and economic development;

Considering the need for cooperation and coordination among member countries through the exchange of views and ideas related to technologies, systems, policies and services related to outer space and satellite services including broadcasting;

Realizing the need for the establishment of a regional forum to discuss issues relevant to these regional interests;

Recognizing the need for a permanent mechanism that will formulate the planning and operational arrangement of joint tasks and projects beneficial to the region;

Hereby agree as follows:

Article 1 Foundation. The Asia-Pacific Satellite Communications Council (hereinafter referred to as APSCC) is hereby established as a regional organization in conformity with:

- (1.1) The recommendation to establish APSCC adopted in the Plenary Meeting of the 1992 United Nations Workshop, "Space Communication for Development," held in November 1992, in Seoul, the Republic of Korea under the sponsorship of the Office for Outer Space Affairs, United Nations;
- (1.2) Majority support of the recommendations from government, public and private organizations in the Asia-Pacific region;
- (1.3) Recognition of APSCC by the Office for Outer Space Affairs, United Nations;
- (1.4) Recognition of APSCC by the International Telecommunication Union.

Article 2 Objectives. The objectives of APSCC shall be:

- (2.1) To exchange views and ideas on technologies, systems, policies and outer space activities generally and satellite services, including broadcasting, particularly which are applicable to the betterment of the Asia-Pacific region;
- (2.2) To promote and accelerate the efficient introduction of outer space activities, services and businesses via satellites in the region;
- (2.3) To assist in the development of national capabilities for establishing domestic and regional satellite communications and broadcasting services;

- (2.4) To enhance the coordinated effort to formulate recommendations of technical standards for satellite communications including broadcasting within the region and around the world;
- (2.5) To provide information on issues that affect the satellite industry and to share that information through information services;
- (2.6) To perform the roles of consensus development, advocacy and international coordination for the satellite industry in the region;

In order to realize the above objectives, APSCC may:

- (2.7) Sponsor programs and other undertakings for the exchange of information, technical experts and personnel in outer space activities and satellite services including broadcasting, among members; and other programs related to satellite and space activity;
- (2.8) Hold the APSCC Satellite Conference and Exhibition, workshops, summits, and, symposia to exchange and discuss ideas related to space-based technologies, systems, policies and satellite services including broadcasting among members, and other organizations engaged in satellite and space-related activities;
- (2.9) Promote multinational training programs dealing with technology, system maintenance, operation and satellite services including broadcasting for members in cooperation with, and sponsored by, appropriate organizations;
- (2.10) Perform studies to generate recommendations to related international organizations and governmental bodies on issues such as optimal usage of spectrum and regulatory issues, and technical standards for satellite services including broadcasting, and other related issues through study groups and other activities within APSCC;
- (2.11) Publish periodicals, yearbook, reviews, reports and analysis of the activities of the space and satellite industry;
- (2.12) Support introduction of new services in the region by the members through activities such as forums, meetings, and campaigns to appropriate authorities;
- (2.13) Support promotion of new services by members in the region;

Article 3 Membership.

- (3.1) APSCC Membership is open to any government bodies, public and private organizations, associations and corporations, involved in satellite services, broadcasting, manufacturing, launch service, risk management and associate fields such as data-casting, informatics, multi-media, and telecom carriers or

other outer space related activities with an interest in the Asia-Pacific region.

- (3.2) APSCC shall consist of Platinum Members, Gold Members, Regular Members, Affiliate Members and Individual Members.
- (3.3) The Platinum Member Category is open to any entity that provides financial support to APSCC through a contribution to funds of US\$250,000 or that pays an annual membership fee of US\$10,000 or more per year. Platinum Members enjoy the highest benefits possible from the APSCC Membership.
 - (3.3.1) Platinum Members are entitled to three (3) votes in the General Assembly. They are also invited to all APSCC activities. Office positions are given to this membership entity on the most preferential basis. Representation is transferable within the company.
- (3.4) The Gold Member Category is for any entity that pays an annual membership fee of US\$5,000 or more per year. Gold Members are entitled to two (2) votes in the General Assembly. They are also invited to all APSCC activities. They are eligible for priority office positions. Representation is transferable within the company. Gold Members can enjoy the second highest level of benefits from the APSCC membership.
- (3.5) The Regular Member Category is for any entity that pays an annual membership fee of US\$3,000 or more per year. Regular Members hold one (1) voting right in the General Assembly. They are also invited to all APSCC activities. Member representatives are eligible for office positions. Representation is transferable within the company.
 - (3.5.1) The Board of Directors shall determine the annual fees to be paid by government ministries, regulatory bodies, educational institutions, foundations, organizations, and companies in less developed countries as well as small enterprises which have requested fee reductions, according to individual evaluation by the company overview, statement of number of employees etc.
- (3.6) The Affiliate Member Category is available to international organizations, associations connected with satellite communications and broadcasting, manufacturing, launch service, risk management and associate fields such as data-casting, informatics, multi-media, and telecom carriers and that have a major interest in the development of satellite industry in the area.
 - (3.6.1) Affiliate Members shall have no voting rights in the General Assembly Meeting. However, they may attend them and offer suggestions. They may also enjoy all other benefits of the APSCC Regular Membership.
 - (3.6.2) Affiliate Members are free of membership fee.

- (3.7) The Individual Member category shall be restricted to academics, consultants and professionals (not being a firm, corporation or other entity) who are directly or indirectly involved with the satellite or space related industries with interests in the Asia-Pacific region and who share the aims and objectives of APSCC. Members shall pay an annual membership fee of US\$300.
- (3.7.1) An individual member shall not represent any entity or his or her own firm. Individual membership is not open to a person from a profit-making entity employing more than 3 employees.
- (3.7.2) Representation is not transferable and benefits are limited to a single representative. Individual Members are not eligible to be nominated for election to the President or the Board of Directors, the duties of which include the establishment of guidelines, policies, and priorities of APSCC. This membership category offers no voting right in the APSCC Meetings.
- (3.7.3) Individual membership applicants are required to include curriculum vitae with their application.
- (3.8) The Board of Directors shall determine the guidelines on membership benefits in consultation with the Secretariat.

Article 4 Recognition of Rights and Legal Status. APSCC shall recognize the rights of Members to maintain their membership within other participating organizations with international and regional activities in space or terrestrial communication.

Article 5 Official Language

- (5.1) The official language of APSCC shall be English.
- (5.2) Interpretation or translation into a non-English language may be provided at formal meetings of APSCC.

Article 6 Organs of APSCC.

- (6.1) APSCC shall consist of:
- (a) The General Assembly;
 - (b) Board of Directors;
 - (c) The President;
 - (d) The Vice Presidents;
 - (e) The Executive Director;
 - (f) The Secretariat;
 - (g) The Advisory Board.

- (6.2) The General Assembly shall be attended by Platinum, Gold, Regular, and Affiliate Members for the consensus gathering process of APSCC on general issues of the APSCC operation and APSCC opinions on satellite services including broadcasting recommended by the President, and the Board of Directors. The General Assembly shall decide whether APSCC needs additional organs, rules and procedures.
- (6.3) The Board of Directors shall consist of up to sixteen (16) Directors who oversee the executive branches of APSCC; regulatory affairs, membership management, finance and budget, publications, project development, international coordination and cooperation for the promotion of the space and satellite industries. The Board of Directors shall be responsible for reviewing, making decisions on the principles, and recommending important decisions for final approval by the General Assembly.
- (6.4) The President of APSCC shall be the Chief Executive Officer elected from its members for a two (2)-year term. The President represents APSCC, with the authority and responsibility for implementing the directions and guidelines set by the Constitution and the Board of Directors with assistance from the Vice Presidents and the Executive Director.
- (6.5) The Vice Presidents shall be nominated by the President and approved by the Board of Directors.
- (6.6) The Executive Director shall be a full-time, administration officer in charge of APSCC Secretariat, and shall be appointed for a four (4)-year term which may be renewed. The Executive Director shall be appointed from the country hosting the Secretariat.
- (6.7) The Secretariat shall be the operating headquarters of APSCC. The Secretariat shall be responsible for the daily operation of APSCC according to the directions set by the President and the Board of Directors.
- (6.8) The Advisory Board shall consist of distinguished experts on space and satellite communications including broadcasting, and advise the President upon request on matters of satellite communications including broadcasting and the direction for the development of the APSCC operation.

Article 7 General Assembly.

- (7.1) The General Assembly shall be a general meeting of the APSCC members held biennially for consensus gathering on matters submitted by the President, and recommended by the Board of Directors.
- (7.2) The General Assembly shall be chaired by the President.

- (7.3) The General Assembly shall approve the recommendation from the Board of Directors on the following matters:
- (a) Nominee for the next President;
 - (b) Nominees for the next Board of Directors;
 - (c) Nominee for the next Executive Director;
 - (d) Amendment of the APSCC Constitution;
 - (e) Dissolution of APSCC;
 - (f) Relocation of the Secretariat to another country.

Article 8 Board of Directors.

- (8.1) The Board of Directors shall consist of up to sixteen (16) from Platinum or Gold or Regular Members to assist the President for the duration of the term of the President. The President shall nominate candidates for the Board of Directors for approval by the General Assembly. The elected candidates shall constitute the Board of Directors.
- (8.1.1) Members of the Board of Directors shall hold office until a new Board of Directors is composed.
- (8.1.2) When a vacancy occurs in the Board of Directors, the President shall nominate a successor and the Board of Directors shall approve it. If the remaining term of the vacancy is less than a half year, no successor to the vacancy shall be elected.
- (8.1.3) Members of the Board of Directors shall be eligible for re-election.
- (8.2) The Board of Directors shall be responsible for assisting the President in setting policies and directions for the organization.
- (8.3) The following areas of APSCC activities are among those that shall be assigned to the Board of Directors:
- (a) Membership Management;
 - (b) Finance and Budget;
 - (c) Technical Publications;
 - (d) Project Development;
 - (e) International Coordination;
 - (f) Business Cooperation;
 - (g) APSCC Events;
 - (h) External Affairs.
- (8.4) Formal Board of Directors Meetings shall convene quarterly. The Board of Directors Meetings shall convene via teleconferencing or in person or by delegation whenever needed.

- (8.5) The Board of Directors shall nominate by vote one candidate for the next President and recommend the nominee to the General Assembly for approval before the current presidential term expires.
- (8.6) The Board of Directors shall recommend one candidate for the Executive Director nominated by the President to the General Assembly for approval.
- (8.7) The Board of Directors Meeting shall be chaired by the President.

Article 9 President.

- (9.1) The President of APSCC shall be the Chief Executive Officer of APSCC without pay and shall represent APSCC.
- (9.2) The President shall oversee the overall operations and activities of APSCC.
- (9.3) The next President of APSCC shall be elected with the approval of the General Assembly of one candidate nominated by the Board of Directors.
- (9.4) The candidate for the next President shall be recommended from among Platinum, Gold, or Regular Members.
- (9.5) The term of the President shall be two (2) years, which is renewable once. Excepting renewal, the next President shall not be from the same country as the incumbent President. The same person may be re-elected to the presidency after one lapse of administration by another President.

Article 10 Vice Presidents.

- (10.1) The President shall nominate candidates for Vice Presidents from Platinum, Gold, Regular, or Individual Members for approval by the Board of Directors.
- (10.2) Vice Presidents shall be responsible for assisting the President and for leading Standing Committees or ad hoc committees based upon assignment from the Board of Directors and the President.

Article 11 Executive Director. The Executive Director shall be responsible for the operations of the Secretariat according to the directions and guidelines set forth by the President and the Board of Directors.

Article 12 Secretariat.

- (12.1) The Secretariat shall be the operation headquarters of APSCC.
- (12.2) Location of the Secretariat shall be decided by the Board of Directors and the Board of Directors shall make a recommendation on the relocation of the Secretariat to another country to the General Assembly. The General

Assembly shall decide to relocate it to another country by vote.

- (12.3) The Secretariat shall consist of the necessary number of administrative staff members and clerks.

Article 13 Advisory Board. The Advisory Board shall advise the President upon request on matters of satellite communications including broadcasting and the direction for the development of the APSCC operation.

Article 14 Funding.

- (14.1) Funding of APSCC shall be obtained from the following sources:

- (a) Annual fees from the APSCC members classified in Article 3;
- (b) Special donations from members;
- (c) Contributions and donations from public organizations;
- (d) Support funds from international organizations or governments;
- (e) Profits through projects organized in partnership with other organizations or associations;
- (f) Revenue generated by organizing a variety of projects

- (14.2) APSCC Platinum, Gold, Regular Members, and Individual Members shall be obliged to pay membership fees except where specifically exempted by the Board of Directors.

- (14.3) The Board of Directors shall decide on fee reduction or exemption requests from the APSCC members, based on the qualifications of the requesting member.

- (14.4) The two point six billion (2,600,000,000) Korean Won, which was established in Korea between 1994 and 1997 as one of the sources for the annual budget of the APSCC Secretariat shall be maintained to fulfill the original purpose and arrangements.

- (14.5) The APSCC members who fail to fulfill the fee obligation shall lose their status upon approval by the Board of Directors.

Article 15 Coordination with International Organizations.

- (15.1) APSCC shall maintain cooperative relationships with the branch offices of the United Nations, UN-OOSA (United Nations-Office for Outer Space Affairs) ITU, UNDP, APT and other international and regional organizations.

- (15.2) APSCC shall honor the standards and practices set forth by aforementioned organizations.

- (15.3) The specifics of the cooperative relationship between APSCC and other

international organizations shall be defined by mutual agreement.

(15.4) APSCC shall endeavor to assist in policies concerning interference coordination and related matters with appropriate authorities and regional and international organizations;

(15.5) APSCC shall interact with international organizations for sharing of information on legislative and regulatory activities that affect the satellite industry in the region;

Article 16 Withdrawal.

(16.1) APSCC members may withdraw from APSCC by written notification to the President.

(16.2) Any withdrawing member shall fulfill its membership obligation until the end of the current withdrawing year.

Article 17 Dissolution. The Board of Directors may adopt a recommendation on the dissolution of APSCC by a two-thirds majority to the General Assembly. The General Assembly shall approve the recommendation by a two-thirds majority.

Article 18 Amendment. This Constitution may be amended by written formal request by more than five Board of Directors Members and shall be approved in the Board of Directors Meeting by a two-thirds majority of the present votes and then by a simple majority in the General Assembly.

Part II Rules and Operating Procedures of the APSCC Organs

A. Rules and Procedures of the General Assembly.

(A-1) The General Assembly shall be held every two years during the APSCC Conference and Exhibition. Special General Assembly shall be called by the President or by one-eighth of the total votes of the General Assembly.

(A-1-1) The General Assembly shall be in session by one-third of the total votes of Platinum, Gold and Regular Members.

(A-2) The President of APSCC shall preside over the General Assembly.

(A-3) The General Assembly shall hear opinions from the participants on overall matters regarding the activities of APSCC.

(A-4) The General Assembly shall vote to approve the nominee for the next President, nominees for the Board of Directors, and the nominee for the Executive Director.

- (A-5) A simple majority of the present votes of the APSCC membership shall be applied for voting on general issues in the General Assembly except for the dissolution of APSCC, where a two-thirds majority of the present votes shall be applied.
- (A-6) The Executive Director shall generate the minutes of the General Assembly Meeting and distribute the minutes to the APSCC Members after obtaining notarization.

B. Rules of Voting

- (B-1) The meaning of the “present votes” in this Constitution is the total of votes of Members who are physically attending or participating in the teleconferencing or delegating the letter of attorney. Therefore, the “present member” means a member who is attending or participating in the teleconferencing or delegating the voting rights.
- (B-2) The meaning of the “total votes” in this Constitution is the simple tally of voting rights of Members.

C. Rules and Procedures of the Board of Directors

- (C-1) The Board of Directors shall be responsible for approving the following matters:
 - (a) Nomination of a candidate for the next President by vote and recommendation for approval in the General Assembly;
 - (b) Nomination of a candidate for the next Executive Director by vote and recommendation for approval in the General Assembly.
 - (c)
 - (d) Amendment of the APSCC Constitution and recommendation for approval by the General Assembly;
 - (e) Recommendation of the APSCC dissolution to the General Assembly;
 - (f) Recommendation of the relocation of the Secretariat to the General Assembly;
 - (g) Budget and major business plan;
 - (h) Financial Statement;
 - (i) The APSCC events such as Annual Conference and Exhibition, workshops and seminars.
- (C-2) The Board of Directors shall be responsible for assisting the President in deciding on directions and operation plans of APSCC regarding the following matters:
 - (a) Membership Management - eligibility, admission, expansion of membership, status;
 - (b) Promote cooperation for supporting the space and satellite industry,

- international joint projects, and regulatory affairs;
 - (c) Programs - conceive and assist in planning forums, conferences, exhibitions, seminars, workshops, study projects, tasks, events and programs in general areas of the space and the satellite industry;
 - (d) APSCC and other international and regional organizations;
 - (e) Review the creation and dissolution of the Committees;
 - (f) Recommend chairpersons for the Committees;
 - (g) Review annual major project plan;
 - (h) Review membership fee scale, membership qualifications, fee reduction requests;
- (C-3) The Board of Directors may establish Standing Committees and Ad hoc Committees to review and study issues assigned by the Board of Directors.
- (a) Standing or Ad hoc Committees shall study the tasks assigned by the Board of Directors and provide recommendations and directions on any issues requested by the Board of Directors.
 - (b) Standing or Ad hoc Committees may be formed to address issues such as technology, publication, regulatory policies, and standards for members.
- (C-4) Formal regular meetings of the Board of Directors shall be held quarterly. A special Board of Directors Meeting may be called by the President, or by the request of one-quarter of Members of the Board of Directors.
- (C-5) The Board of Directors Meeting shall be in session by one-third of Members of the Board of Directors and be chaired by the President of APSCC. The Board of Directors Meeting shall hear opinions from the participants on matters regarding the activities of APSCC
- (C-6) The voting of the Board of Directors on all matters shall be a two-thirds majority of the present votes of the Board of Directors.
- (C-7) The Board of Directors Meeting may use of fax, email, or teleconferencing resources as needed.
- (C-8) The Executive Director shall announce the time and location of the meeting. A meeting notice with an agenda shall be distributed at least one week before the regular Board of Directors Meeting.
- (C-9) The Executive Director shall generate the minutes of the Board of Directors Meeting and obtain signatures of the present Board of Directors.
- (C-10) When a Member of the Board of Directors becomes incapable of performing duties, and the remaining term is more than 6 months, the Board of Directors shall elect a replacement Member upon nomination of the President. Election for the replacement Member shall take place within one (1) month from the time when the incapability occurs, and the approval of the General

Assembly shall not be required. The newly elected Member shall serve for only the remainder of the term.

D . Functions and Responsibilities of the President

- (D-1) The President shall be the Chief Executive Officer, who is elected in the General Assembly and shall represent APSCC externally.
- (D-2) The term of the President shall be two (2) years, which is immediately renewable only once. He or she may be eligible for office again after the lapse of one other administration.
- (D-3) The President shall have the following responsibilities:
 - (a) Oversee overall activities of APSCC;
 - (b) Recommend the appointment of the Vice Presidents for approval of the Board of Directors;
 - (c) Recommend the appointment of the Executive Director to the Board of Directors for approval in the General Assembly;
 - (d) Preside over the General Assembly;
 - (e) Chair meetings of the Board of Directors;
 - (f) Approve requests from the Executive Director for administrative actions
 - (g) Appoint the chairs of Committees
- (D-4) The President shall collect opinions from the Board of Directors before making important decisions on APSCC matters.
- (D-5) APSCC shall provide the President with maximum possible support for additional requirements of communication and travel for official APSCC business.
- (D-6) When the President becomes incapable of performing duties, the Executive Director shall temporarily act for the President.
- (D-7) When the President becomes incapable of performing duties and the remaining term is more than 6 months, the Board of Directors shall elect an acting President among the Members of the Board of Directors. Election for the acting President shall take place within two (2) months from the time when the incapability occurs, by a special General Assembly which may be collected by electronic mail vote. The acting President shall serve for only the remainder of the term. The acting President shall be eligible for two full terms, if elected.

E. Functions and Responsibilities of Vice Presidents. The following areas of the APSCC activities shall be assigned to the Vice Presidents:

- (a) External relations and membership;

- (b) Regulatory Issues;
- (c) Technical Research & Development;
- (d) Programs and publications.

F. Functions and Responsibilities of the Executive Director

- (F-1) The Executive Director shall be a full-time permanent employee of APSCC in charge of administration of the APSCC Secretariat, independent of the term of the President. The Executive Director shall assist the President in overall operations and activities of APSCC.
- (F-2) The Executive Director shall assist the President by administering the directions and guidelines set by the Board of Directors and President.
- (F-3) The Executive Director shall temporarily act for the President until a new President is elected, if the President is absent from his normal duty for less than six (6) months, or resigns before the term expires and the remaining term for the President is less than 6 months.
- (F-4) The Executive Director shall implement the plans and decisions set by the APSCC General Assembly, the President and the Board of Directors.
- (F-5) The Executive Director shall hire a specified number of staff members and clerks for the APSCC Secretariat from any country holding the APSCC membership.
- (F-6) The Executive Director shall report the operational status of the APSCC Secretariat to the Board of Directors quarterly.

G. Functions and Operating Procedures of the Secretariat

- (G-1) The Secretariat shall be responsible for preparing the APSCC annual Satellite Conference and Exhibition. The Secretariat shall be responsible for supporting the Board of Directors meetings.
- (G-2) The APSCC Newsletter shall be published and distributed on a monthly and quarterly basis. The APSCC Yearbook shall be published and distributed on a biennial basis.
- (G-3) The APSCC Secretariat shall be located in the city of Seongnam, Gyeonggi Province.
- (G-4) The Secretariat may support the business of members as much as possible.
- (G-5) The Secretariat shall support the activities of standing or ad hoc committees.
- (G-6) The Secretariat shall support the cooperative relationship with the related

international bodies.

H. Compensation for and Terms of the APSCC Officers

- (H-1) The APSCC Officers are the President, Members of the Board of Directors, Members of the Advisory Board, the Vice Presidents, and the Executive Director.
- (H-2) Due to the intrinsic characteristics of contribution based on honor, all APSCC Officers except the Executive Director shall be without pay. The Executive Director shall be the only full-time Officer of APSCC.
- (H-3) Terms of the APSCC Officers shall be the same as the term of the President except the Executive Director.

[end]