

(Unofficial translation)

Asia-Pacific Space Cooperation Organization's

Operation Protection Act,

B.E. 2550 (2007)

BHUMIBOL ADULYADEJ, REX;

Given on the 29th Day of December B.E. 2550 (2007);

Being the 62nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have the law on Asia-Pacific Space Cooperation Organization's Operation Protection.

Be it, therefore, enacted by the King by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1: This Act is called "Asia-Pacific Space Cooperation Agency's Operation Protection Act, B.E. 2550 (2007)"

Section 2: This action shall come into force on the day following the date of its publication in the Government Gazette.

Section 3: In this Act:

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"Convention" means the Convention of the Asia-Pacific Space Cooperation Organization, which the Government of Thailand signed on 28 October 2015.

"Organization" means the Asia-Pacific Space Cooperation Organization established under the Convention.

"A person who is a member of magistracy" means the Organization Council, the Secretary of the Organization, the Personnel of the Secretariat of the Organization, and Experts of the Organization.

Section 4: To protect the organization's operations in Thailand to achieve its objectives,

(1) the organization is a juristic person who shall be accepted and deemed to have domicile in Thailand.

(2) The Organization, its personnel, and representatives of each member state of the Organization shall be granted the privileges and immunities necessary to perform the duties of the Organization or the mission in connection with the functions of the Organization for the purpose of its objectives as per a translation of the Convention annexed to this Act or as the Government of Thailand has agreed with the Organization on the same privileges and immunities that the Government of Thailand has given to specialized agencies of the United Nations under the Operational Protection Act of the United Nations and Specialized Agencies in Thailand, B.E. 2508 (1965)

Section 5: The Minister of Foreign Affairs and the Minister of Information and Communication Technology shall be in charge of this Act.

Countersigned by:

General Surayud Chulanont

Prime Minister

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The Convention
of
the Asia-Pacific Space Cooperation Organization

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The Convention of the Asia-Pacific Space Cooperation Organization

The States Parties to This Convention,

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

Desiring to strengthen multilateral cooperation among the countries of the Asia-Pacific Region 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 are 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 to enable the member states to develop their programs and activities relating to those fields jointly.

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 complementariness, 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:

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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, which is 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 the Chief Executive Officer and legal representative of the Organization.

Article 3

LEGAL STATUS

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

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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 technology 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 the Member States shall be the cornerstone of the Organization's industrial policy. The Organization will 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,

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and encouraging the development of industrial structures according to market demands.

5. The industrial policy shall have the following main goals:
 - a) Development of the 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 SCOPE OF COOPERATION AND COOPERATIVE ACTIVITIES

Article 6

Scope of Cooperation

The Organization shall carry out activities in the following scope 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 the 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 are agreed upon by the Member States.

Article 7

BASIC ACTIVITIES

1. The basic activities of the organization should include:
 - a. Establishing 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.

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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 terms 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 the 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 projects and their financial budgets.

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- f) Adopt and approve the proportion of the Member States' financial contribution and the Organization's annual budget.
- g) Approve the five-year budget plan according to the present level of financial resources and determine 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 them.
- l) Decide to establish institutions and branch offices and approve their structure, including the Secretariat and their staff quotas.
- m) Appoint other functionaries for the 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 on matters by consensus.

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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 the 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;

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- 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 a 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 the 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 the 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 the financial contribution of each Member State. It should 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 "minimum floor", to the Organization, to be decided by the Council by a two-thirds majority vote.

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6. No Member State shall be required to make a financial contribution over 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 the 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 inconsistent with its own security interests.

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2. In carrying out its activities, the Organization will ensure that the scientific results, in view of a scientific and/or technological research/study, will be made public / published only after they 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 to 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 procedures 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 procedures for use by the Organization and the 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 the 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 should conclude agreements on technology safeguard measures, and in specific cases,

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shall promote the conclusion of such agreements by competent organizations and other designated organizations in order to elaborate 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. (COPUOS)
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

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make its facilities available to any Member State that requests for using them. The Council shall formulate guidelines and procedures 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 the Member States amendments to this Convention.
2. The amendments to this Convention shall be adopted by the Council by consensus.
3. After the 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 acceptance 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.

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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 procedures 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.

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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 Member State application for withdrawal. 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 the agreements assumed by the Member State in question and the Organization before 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 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

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- 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 the Member States in proportion to the contributions actually made by those States. In the event of a 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 in Beijing, the 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.

This Convention is for and on behalf of
Government of the People's Republic of Bangladesh

This Convention is for and on behalf of
Government of the People's Republic of China

This Convention is for and on behalf of
Government of the Republic of Indonesia

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Government of the Islamic Republic of Iran

This Convention is for and on behalf of
Government of Mongolia

This Convention is for and on behalf of
Government of the Islamic Republic of Pakistan

This Convention is for and on behalf of
Government of the Republic of Peru

This Convention is for and on behalf of
Government of Thailand

This Convention is for and on behalf of
Government of the Republic of Turkey

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Note:- The reason for proclaiming this Act is because Thailand will become a member state of the Convention of the Asia Pacific Space Cooperation Organization (APSCO) signed by the Government of Thailand on 28 October 2005. Under this Convention, each member state shall provide privileges and immunities as provided for in the Convention are granted to the Organization, its personnel, and representatives of each member state of the Organization and for the organization to be a juristic person under Thai law, therefore, it is necessary to enact this Act.

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