



Chairmanship of Kazakhstan

**DRAFT CHARTER OF THE CONFERENCE ON INTERACTION
AND CONFIDENCE BUILDING MEASURES IN ASIA**

PP0 We, the Heads of State or Government of the Member States of the Conference on Interaction and Confidence Building Measures in Asia (CICA), having met in _____ on _____,

PP1 *Recognizing* that rapid changes taking place all around the world require stronger cooperation among our Member States in response to new challenges, threats and opportunities and in promoting peace, security, stability and sustainable development based on our shared principles and common goals;

PP2 *Cognizant* that Asia, being vast, populous and rich in resources, economically and culturally diverse and an increasingly interdependent region in the multipolar world, is transforming into a driving force of global progress, economic development and growth;

PP3 *Aiming at* attaining sustainable growth and equitable development of our countries, reducing economic disparities, facilitating the growth of trade and investment and improving the economic and social well-being of our peoples;

PP4 *Underscoring* the close link between peace, security and stability in Asia and in the rest of the world and *reiterating our commitment* to working to ensure peace and security in Asia and making it a region open to dialogue and cooperation;

PP5 *Taking into account* the evolution of various multilateral processes, *underscoring* the need to strengthen cooperation between regional and international organizations and forums and *supporting* platforms focused on constructive cooperation;

PP6 *Emphasizing* that our cooperation in CICA is aimed at promoting peace, security, stability and development in the region on the basis of the principles of voluntary implementation of confidence building measures (CBMs), equal partnership, mutual trust, mutual benefit, dialogue and consultation, consensus in decision-making, respect for national economic and social development and cultural diversity and taking into account specific features and characteristics of various parts of our region;

PP7 *Appreciating* the role and contribution of CICA, as a forum for dialogue, consultations and consensus-based decision-making on a broad spectrum of practical issues, to building a sustainable environment conducive to peace, security and prosperity throughout the region;

PP8 *Acknowledging* that our forum has successfully served as an effective multilateral mechanism for interaction, confidence building and cooperation with a mature and permanently functioning institutional structure and *building on* what CICA has achieved to date;

PP9 *Expressing our strong resolve* to gradually and incrementally move our cooperation forward and to enhance the prospects of dynamic, balanced, equitable and sustainable development in our region, and *in order to* set directions for future development of our forum for the benefit of our peoples;

HAVE AGREED TO THE PRESENT CHARTER OF THE CONFERENCE ON INTERACTION AND CONFIDENCE BUILDING MEASURES IN ASIA:

Article 1. Nature and status

1.1 CICA, hereinafter referred to as the “Organization”, is hereby

- recognized as an international organization,
- conferred international legal personality and
- declared a regional arrangement under Chapter VIII of the United Nations (UN) Charter.

Article 2. Principles and objectives

2.1* The main objective and thrust of CICA shall be to enhance cooperation through elaborating multilateral approaches towards promoting peace, security and stability in Asia.

* **Paragraphs linked with and containing the quintessence of the draft CICA Rules of Procedure and therefore replicated in the draft CICA Charter.**

2.2 The CICA Member States recognize the central role of the UN as the universal multilateral organization, resolutely uphold the authority and status of the UN and reaffirm their commitment to the UN Charter, its principles and purposes and to universally recognized norms and principles of the international law, including respect for the principles of sovereign equality, territorial integrity, political independence, non-interference in internal affairs, refraining from the threat or use of force and settlement of disputes by peaceful means.

2.3 The CICA Member States remain committed to the common values, principles and objectives enshrined in the Declaration on the Principles Guiding Relations among the CICA Member States of 14 September 1999 and the Almaty Act of 4 June 2002, which have laid down a firm foundation to the CICA process, and to all other documents adopted by the CICA governing bodies.

2.4 The Organization shall contribute to dynamic, equitable, comprehensive and balanced economic growth, connectivity and social and cultural development of its Member States, shall seek joint solutions for their common challenges of the twenty-first century towards a secure and prosperous region and shall pursue peaceful settlement of disputes in accordance with the UN Charter.

Article 3. Areas and forms of cooperation

3.1 The CICA Member States shall continue their cooperation in the areas agreed in the Declaration on the Principles Guiding Relations among the CICA Member States of 14 September 1999 and the Almaty Act of 4 June 2002 and in other CICA documents.

3.2 The CICA Catalogue of Confidence Building Measures shall remain the core instrument of the Organization for guiding the voluntary implementation of specific CBMs in and across the five dimensions of cooperation – the military-political, new threats and challenges, economic, environmental and human dimensions, on a bilateral or multilateral basis.

3.3 The CICA Member States may define any other overarching or specific areas and forms of their cooperation in the aforementioned five dimensions of CICA, but not limited to them, in pursuing the Organization's values, principles and objectives.

3.4 The CICA Member States may establish any operational tools, cooperation mechanisms or other capacities of the Organization to support

their political dialogue and practical cooperation, to implement their tasks and decisions, to assist them in achieving CICA objectives, to facilitate their efforts on peaceful settlement of disputes, or to carry out any other operational activities.

3.5 The Organization shall interact and cooperate in areas of interest of all Member States with other states, organizations and forums sharing the same goals and principles for the purpose of strengthening results-oriented and consensus-based multilateral cooperation in its region.

Article 4. Membership and accession

4.1 The current CICA Member States, which have adopted this Charter, shall retain their membership in the Organization without prejudice to their commitment to timely ratify this Charter in accordance with Article 14 of this Charter.

4.2* The admission of any other state to the membership in the Organization shall be effected by a [consensus] (+IRAN) (+IND) (CHAIR tcb) decision of the CICA Summit or CICA Ministerial Council upon the recommendation of the Senior Officials Committee.

4.3 A state seeking the Member State status shall meet and fulfil the following criteria and conditions:

- (a)*** have at least part of its territory geographically located in Asia,
[(a2) possess a persistent record of interaction with the Asian intergovernmental or inter-parliamentary organizations,] (+IRAN) (-ISR) (CHAIR tcb)
- (b)*** express in writing its commitment to abide by the principles and decisions adopted or signed within the CICA framework,
- (c)*** sign the Declaration on the Principles Guiding Relations among the CICA Member States of 14 September 1999 and the Almaty Act of 4 June 2002, and
- (d)** complete the process of accession to this Charter.

[4.4* The CICA Member State status may be granted to a state which does not meet the criteria set out in provision 4.3(a) of this Article if in the judgment of the CICA Summit or CICA Ministerial Council this state is able and willing to carry out its CICA commitments and to contribute to promoting peace, security, stability and prosperity in Asia.] (-IRAN) (-IND) (-TUR)

4.5 Procedures for admission to the Organization as a Member State or obtaining [another] (-IRAN) (+RUS) [observer] (+IRAN) (-RUS) status in the Organization [, such as observer status,] (+CHAIR, suggestion based on comment of Iran) shall be laid down in the CICA Rules of Procedure.

Article 5. Governing bodies and decision-making

5.1* The Organization shall have the following governing bodies:

- CICA Council of Heads of State or Government, also referred to as “CICA Summit”,
- CICA Council of Ministers of Foreign Affairs, also referred to as “CICA Ministerial Council” (MC) and
- CICA Senior Officials Committee (SOC).

The MC shall be a subordinate body to the Summit, and the SOC shall be a subordinate body to the MC and the Summit.

5.2* “CICA governing bodies” are the bodies consisting of representatives of all Member States and authorized to take decisions and adopt texts on behalf of all Member States, hereinafter referred to as “CICA decisions” or “CICA documents”.

5.3* All CICA decisions/documents shall be adopted by consensus. “Consensus” shall be understood to mean the absence of objection from any Member State expressed prior to the adoption of the decision or document in question.

5.4 Terms of reference and working methods of the CICA governing bodies and decision-making procedures shall be laid down in the CICA Rules of Procedure.

Article 6. Subsidiary and specialized bodies

6.1* Any CICA governing body may establish its “subsidiary bodies” – those without the decision-making capacity as specified in Article 5.2 of this Charter, consisting of representatives of all Member States and reporting to their superior governing body.

6.2* Without prejudice to possible establishment of other subsidiary bodies, the Organization shall have the following subsidiary bodies of the SOC:

- Special Working Group (SWG),

- Committee of Permanent Representatives (CPR) – an SOC subsidiary body at the seat of the Organization,
- Project Review Committee (PRC) of the CICA Fund.

6.3* The CICA governing bodies may establish or convene on a permanent, temporary or ad-hoc basis “specialized bodies” or “specialized meetings” – those without the decision-making capacity as specified in Article 5.2 of this Charter and with the participation of heads of competent national authorities of all Member States for consideration of issues of specific or technical nature.

6.4 Terms of reference and working methods of the CICA subsidiary and specialized bodies shall be laid down in the CICA Rules of Procedure and/or separate documents adopted by the governing body which has established it.

Article 7. Expert meetings

7.1* The CICA governing bodies, the CICA Chairmanship or the chairpersons of governing and subsidiary bodies may set up or convene on a permanent, temporary or ad-hoc basis “expert meetings” – those without the decision-making capacity as specified in Article 5.2 of this Charter and consisting of representatives of all Member States for consultation, discussion and facilitation of decision-making on any matter, including on issues of specific or technical nature.

7.2* Expert meetings may also be convened, in consultation with the CICA Chair, by the Coordinators and Co-coordinators of CBM implementation, for any purpose pertaining to implementation of their functions, including for consideration of draft concept papers on CBMs.

7.3 Terms of reference and working methods of the CICA expert meetings shall be laid down in the CICA Rules of Procedure and/or defined by the authority which establishes or convenes them.

Article 8. Advisory bodies and affiliated institutions

8.1 The CICA governing bodies may establish specific or thematic “advisory bodies” – those consisting of representatives of and/or other participants from Member States, without the decision-making capacity as specified in Article 5.2 of this Charter, for specific purposes, including but not limited to facilitating dialogue, discussion and exchange of information among CICA Member States and developing recommendations for CICA governing bodies.

8.2 When establishing an advisory body, the establishing authority shall define its terms of reference and working methods.

8.3 Without prejudice to possible establishment of other bodies of such type, the Organization shall have the following advisory bodies with the terms of reference contained in their respective regulations adopted by CICA governing bodies:

- CICA Council of Eminent Persons,
- CICA Business Council,
- CICA Youth Council,
- CICA Think Tank Forum.

8.4 The CICA Member States may establish any other types of bodies, institutions or cooperation mechanisms as integral part of, under the auspices of or affiliated with the Organization as they deem necessary for pursuing the Organization's objectives.

Article 9. Chairmanship

9.1* The role of coordination of and consultation on current CICA business, including but not limited to presiding over the CICA governing and subsidiary bodies and steering the decision-making processes therein, as well as directing the activities of the CICA executive structures and representing the Organization in its external relations, shall be exercised by one CICA Member State at a time, referred to as "CICA Chair" or "CICA Chairmanship", designated as such by the CICA Summit or CICA Ministerial Council for a certain period of time.

9.2 Provisions on the role, functions, tenure and procedures for designation of the CICA Chairmanship shall be laid down in the CICA Rules of Procedure.

Article 10. Executive structures

10.1 The CICA governing bodies may establish "CICA executive structures" – permanent executive bodies, specific institutional structures or arrangements, or other operational tools and instruments of the Organization for the implementation of tasks and decisions of the CICA Member States and for carrying out operational activities of the Organization.

10.2 The CICA executive structures shall report to the CICA governing bodies, carry out their activities in accordance with the mandates set by the CICA

Member States and collectively constitute the “executive branch” of the Organization.

10.3 When establishing an executive structure, the establishing authority shall define its mandate and ensure that necessary human and financial resources are envisaged for its effective implementation.

10.4 The CICA Secretariat shall be the primary executive structure of the Organization acting in accordance with the Statute of the CICA Secretariat of 17 June 2006 and other relevant CICA documents.

10.5 The CICA Secretary General shall be the Chief Executive Officer of the Organization, the Head of the CICA Secretariat and the highest-level representative of the executive branch of the Organization. The CICA Secretary General shall support the Chairmanship in all its functions and shall represent the Organization in its external relations.

10.6 In the performance of their duties the Secretary General and the staff of the Organization shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

10.7 Each CICA Member State undertakes to respect the exclusively international character of the responsibilities of the CICA Secretary General and the staff of the Organization and not to seek to influence them in the discharge of their responsibilities.

10.8 Provisions on the role, functions, tenure and procedures for appointment of the CICA Secretary General shall be laid down in the Statute of the CICA Secretariat and other relevant CICA documents.

Article 11. Funding

11.1 The budget of the Organization shall be funded by all its Member States on the basis of fair and equitable distribution of the financial burden with due account of the level of economic development and capacity to pay, as well as from voluntary contributions. The CICA Member States shall establish and regularly update a scale of assessed contributions to the budget of the Organization, as well as mechanisms for voluntary support of Member States to each other in funding the budget of the Organization.

11.2 The basic principles of the Organization's funding modalities, budget process, management of financial and human resources, financial accountability, audit and other aspects of management of the Organization's resources shall be laid down in the Statute of the CICA Secretariat, including the CICA Financial Rules, the CICA Financial Regulations, the CICA Staff Regulations and other CICA documents.

11.3 Besides the regular CICA budget, the CICA Member States may create any other arrangements and procedures for funding the Organization's activities, such as the CICA Fund – a special mechanism for identification of CICA projects and mobilization of voluntary funding for their implementation.

Article 12. Headquarters

12.1 The Organization shall have its seat in Astana, the Republic of Kazakhstan, hereinafter referred to as the "Host Country". The premises of the CICA Secretariat shall be the headquarters of the Organization and shall be provided by the Host Country on a gratis basis.

12.2 The terms and conditions of stay and functioning of the Organization on the territory of the Host Country shall be regulated by the Host Country Agreement between the CICA Secretariat and the Government of the Republic of Kazakhstan regarding the Terms and Conditions of the Secretariat's Location in the Territory of the Republic of Kazakhstan of 26 June 2007 and its amendments. The CICA Member States authorize the CICA Secretary General to conclude, as necessary, further agreements with the Host Country regarding terms and conditions of the Organization's location and functioning on the territory of the Host Country.

Article 13. Legal capacity, privileges and immunities

13.1 The Organization shall enjoy in the territory of each of its Member States such legal capacity, privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its purposes. Representatives of the Members States and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

13.2 The representatives of CICA Member States, CICA Secretary General, CICA Deputy Secretary General, CICA Secretariat and its personnel shall enjoy privileges and immunities provided in the Convention on the Privileges and Immunities of the Secretariat, its Personnel and Representatives of Members of the Conference on Interaction and Confidence Building Measures in Asia of 8

June 2010 and in any subsequent amendments to it, hereinafter referred to as the "CICA Convention".

13.3 Out of respect to the exclusively international character of the responsibilities of the staff of the Organization, the CICA Member States shall in good faith accord on their territories to all staff of the CICA Secretariat the same privileges and immunities as those stipulated in the CICA Convention for the seconded personnel of the CICA Secretariat.

13.4 Privileges and immunities of other CICA executive structures and their personnel shall be determined by a separate agreement to be concluded by the CICA Member States.

Article 14. Final provisions

14.1 This Charter shall be subject to signature and ratification by the current CICA Member States as soon as possible following its adoption and, from the date of its adoption, shall be open for accession of other states joining the Organization pursuant to Article 4 of this Charter.

14.2 The Depository of this Charter shall be the CICA Secretary General. The instruments of ratification by the current CICA Member States and instruments of accession by future CICA Member States shall be deposited with the CICA Secretary General. The Depository shall notify all CICA Member States of each deposit.

14.3 This Charter shall enter into force on the thirtieth day following the date of the deposit of the fourteenth instrument of ratification or accession.

14.4 For any current CICA Member State this Charter shall individually enter into force on the date of the receipt of its instrument of ratification by the Depository. For any other state the present Charter shall, pursuant to Article 4 of this Charter, individually enter into force on the date of its admission to the membership in the Organization following the receipt of its instrument of accession by the Depository.

14.5 This Charter shall be provisionally applied from the date of its adoption until its entry into force by those signatory Member States whose constitutional systems permit such an application.

14.6 From the date of the adoption of this Charter all CICA Member States shall consider it a CICA document pursuant to Article 5.2 of this Charter and fulfil in good faith the obligations assumed by them in this Charter.

14.7 This Charter may be amended by the CICA Member States by a separate protocol which shall enter into force and shall be applied in the same manner as this Charter.

14.8 Any CICA Member State may withdraw from this Charter by forwarding a written notification to the Depository. This Charter shall cease to be in force for this state following three months from the date of the receipt by the Depository of such a notification.

14.9 All references to the earlier adopted CICA documents in the text of the present Charter should be understood as referring also to any future revisions of, amendments or supplements to those documents.

14.10 The present Charter shall be submitted to the UN Secretariat for registration and publication pursuant to Article 102.1 of the UN Charter.

Done in ___ on ___ in one original version in the English language.