



## **THE CONSTITUTION OF THE WORLD ORGANISATION OF UNITED CITIES AND LOCAL GOVERNMENTS ASIA PACIFIC REGIONAL SECTION (UCLG ASPAC)**

### **PREAMBLE**

We, representatives of local governments in Asian and Pacific region, serving the populations of rural and urban communities; small, medium and large towns, metropolises and regions; gathered in Taipei city, East & North East Asia sub region of Asian and Pacific Region, on 14 April, 2004:

#### **Recalling:**

- the Universal Declaration of Human Rights, and particularly the principle recognised in Article 21, that the will of the people is the basis of the authority of government;
- the considerable work achieved by the International Union of Local Authorities (IULA) since 1913 and the World Federation of United Towns and Cities (UTO) since 1957 in developing municipal international relations and strengthening local government worldwide;
- the United Towns Charter adopted by UTO in 1957;
- the IULA Worldwide Declaration of Local Self-Government, adopted by IULA in 1985 and amended in 1993, and ratified by the UTO in 1994;
- the Final Declaration of the World Assembly of Cities and Local Authorities adopted in Istanbul in 1996;
- the Habitat Agenda and the Declaration on Cities and other Human Settlements in the New Millennium, Agenda 21 and the Political Declaration of the World Summit on Sustainable Development, and the Millennium Declaration and Millennium Development Goals

#### **Considering:**

- that the world is being reshaped by changing economic, technological, demographic, environmental and social forces;
- that the traditional role of the State is profoundly affected by the above trends and that States cannot centrally manage and control the complex integrated cities and towns of today and tomorrow;
- that population growth and the continuing process of urbanisation makes the task of local governments, both rural and urban, more complex but all the more essential;
- that in this changing world, the essential value of democracy, grounding government's legitimacy in the people, remains stronger than ever;
- that local government is one of the main foundations of any democratic society, being the level of government closest to the people;

#### **Recognising:**

- the vital role of local government as a force for sustainable development, good governance, sustainable urbanisation and promotion of the rights of the citizen;
- the vital role of local government as a force for promoting Human Rights - civil and political, social and economic - as recognised, codified and endorsed by the United Nations;
- local government's responsibility to take an active role in responding to the challenges facing humanity; to fight strongly against poverty, ignorance, intolerance, discrimination, exclusion, insecurity, environmental degradation and cultural levelling;
- the vital role of local government as a force for peace and solidarity between peoples;
- the diversity of democratic ways and means by which local communities can achieve these objectives;

- that local democracy is not just a formal value but must be continuously updated and revised, ensuring genuine equality and participation open to all, men and women;

**Emphasising:**

- that strengthening local government in any country strengthens the entire nation and the world community by ensuring more effective and democratic public policies;
- that Municipal International Cooperation and decentralised cooperation, partnership, twinning, international local government diplomacy, sister city links, and mutual assistance through capacity-building programmes and international municipal solidarity initiatives, are a vital contribution to the construction of a peaceful and sustainably developed world;
- that the more united local governments are, at national, regional and world level, the stronger they are in voicing the will of the communities they serve;

**Committed to:**

- local democracy and autonomy, i.e. to the principles of democratic decentralisation and subsidiarity in the spirit of inter-connecting spheres of government;
  - citizen-centred, participative local governance within the principles of decentralisation and subsidiarity;
  - high ethical standards of public service, efficiency, effectiveness and transparency;
  - partnership with the international community and other spheres of government, civil society and other key actors,
- \* noting that some local government bodies are moving towards this objective;

**hereby** ordain and establish the Constitution of the World Organisation of United Cities and Local Governments – Asian and Pacific Section as follows:

## **NAME, HEADQUARTERS AND LEGAL STATUS**

### **Article 1**

By the present Constitution establishing an association under its own constitution, and its seat shall be in Indonesia or such other place as the Executive Bureau so determined, is hereby formed. Its name shall be the World Organization of United Cities and Local Governments – Asian and Pacific Section (UCLG ASPAC), here onwards referred to as the Section. Its legal seat shall be based at Mitra Praja Building 2<sup>nd</sup> Floor, Jalan Sunter Permai Raya no. 1, Jakarta, Indonesia or such other location from time to time as determined by the Executive Bureau of UCLG ASPAC.

The Section consists of members of UCLG in an area stretching from countries in the region within 60<sup>0</sup> East Longitude to 180<sup>0</sup> East Longitude and 45<sup>0</sup> North Latitude to 55<sup>0</sup> South Latitude OR within agreed geographical area.

The UCLG ASPAC shall be a non-profit international organisation with no affiliation to any political party or religion.

## **OBJECTIVES**

The Section provides the UCLG World with institutional support within its agreed geographical area in the region in pursuing its mission and objectives.

### **Article 2      Mission**

To be the united voice and regional/world advocate of democratic local self-government, promoting its values, objectives and interests, through cooperation between local governments, and within the wider international community in the region.

### **Article 3      Objectives**

- a. To promote strong and effective democratic local self-government throughout the region/world.
- b. To promote unity and cooperation amongst members.
- c. To ensure the effective political representation of local government to the international community, in particular the UN and its agencies.
- d. To be the worldwide source of key information and intelligence regarding local government.
- e. To be the worldwide source of learning, exchange and capacity-building, supporting the establishment and strengthening of free and autonomous local governments and their associations.
- f. To promote economic, social, cultural, vocational and environmental development and service to the population based on the principles of good governance, sustainability and social inclusion.
- g. To promote race and gender equality, and to combat all forms of discrimination that are illegal with regard to international law, and/or illegitimate in relation to the values and policies of the Section.
- h. To be a strong democratic organisation, reflecting in its composition and functioning the diversity of the local spheres of governance.
- i. To promote decentralised cooperation and international cooperation between local governments and their associations.

- j. To promote twinning and partnerships as a means for mutual learning and friendship between peoples.
- k. To develop policies, programmes and initiatives within the framework of the World Organisation/Section's mission, values and objectives, which implies seeking appropriate means to implement them, within the internal rules of the Section.

#### **Article 4           Tasks**

In pursuance of these objectives, the Section shall undertake such tasks and enterprises as may be determined appropriate and desirable in order to achieve its missions and objectives, including in particular:

- a. Engaging actively in lobbying and advocacy work to promote the role and status of local government in the international arena and to influence international policy making
- b. Developing and promoting policies and positions on issues of key interest and importance to local government and the international community
- c. Collaborating actively with the United Nations and its agencies, and other relevant international organisations.
- d. Developing initiatives and action programmes based on the principles of self-government and international cooperation, particularly through decentralised cooperation/development projects between local governments and associations of local governments, seeking funding and the creation of financial tools to support these projects.
- e. Building an international platform of exchanges and partnerships, in order to strengthen the capacities of local governments and their associations.
- f. Supporting a strong network of local government members and developing services and global products to meet their needs and demands
- g. Becoming a major region/world source of information on local self-government, local authorities, international solidarity and the exchange of know-how.
- h. Disseminating information amongst its members, through publications, seminars and new information technologies, on the situation and the evolution of local government all over the region/world.
- i. Organising congresses, other events and activities, and increasing the number of members, in order to reinforce the World Organisation/Section's political influence and its financial autonomy.

#### **Article 5           Adherence to the principles of international law and United Nations decisions**

In pursuing its mission, objectives and tasks, and in dealing with issues of membership and other decisions under this constitution, the Section shall act in accordance with, and be guided by, the principles of international law and relevant decisions of the United Nations on recognition of states and other related matters.

### **MEMBERSHIP**

#### **Article 6           Categories of membership**

The membership of the Section shall consist of the following categories:

- a. Local government members;
- b. International organisation members;
- c. Associate members;
- d. Honorary members.

**Article 7            Local government members**

Local government membership shall be open to:

- a. National associations of local governments which shall include at least a third of the population of one or more categories of local and regional governments or at least a quarter of the population of a country;
- b. National Sections, founded by two or more national associations and/or other members in one country;
- c. Sub-national associations of local governments provided that their membership includes at least a third of the population of one or more categories of local governments or at least a quarter of the population of their region/province/state/geographical area;
- d. Multi-national associations of local governments provided that their membership includes at least more than one half of the population of the categories of local governments that they represent within the area covered by their association; and
- e. Individual cities and local governments.

**Article 8            International organization members**

International organisation membership shall be open to international local government organisations which represent specific categories of local governments, and/or whose purposes relate to specific sectoral or thematic issues.

**Article 9            Associate members**

Associate membership shall be open to entities which, though not themselves local government organizations, are strongly concerned with or involved in local government matters:

- a. Organizations;
- b. Institutions;
- c. Government ministries and agencies of national and other levels of government;
- d. Other bodies involved in and/or concerned with local government matters;
- e. Individual persons with interest in local government affairs and not in employment in any of the already mentioned categories of members; and
- f. Supporting or contributing members such as private enterprises, foundations and other organisations interested in local government.

**Article 10          Honorary members**

Honorary membership may be granted to individuals who or institutions which have rendered distinguished service to the association of local governments or to the cause of democratic local government. Nominations for honorary membership shall be made by the Executive Bureau and approved by the Regional Council.

**RIGHTS AND OBLIGATIONS OF MEMBERS**

**Article 11**

Members may participate in the various activities and programmes of the Section and have equal access to information, data and documentation on local government matters and the activities and decisions of the Section.

## **Article 12**

Members undertake to support, promote and adhere to the World Organisation/Section's mission, values and objectives.

## **Article 13      Membership fees**

Local government members, international organisation members and associate members shall pay an annual membership fee. The Regional Council, upon proposal of the Executive Bureau, shall decide on the amount of the respective membership fees. The membership fees for local government members shall take the following into consideration:

- a. the number of inhabitants represented by the member;
- b. the state of the country's economic development.

The formula for membership fees shall be included in the General Rules of Procedure.

Where Local Governments are members of their National Association and where their National Association is a full member of UCLG, individual members may be direct members of UCLG ASPAC by only paying the ASPAC component for individual members.

Should they wish to be full direct members of UCLG and UCLG ASPAC they would need to pay the full individual membership fee.

Provisional membership may be provided for a potential new member in a country where an affiliated National Local Government Association does not exist. Membership of UCLG ASPAC, for up to two years, may be made by paying the ASPAC component, following which they must enter into full membership of UCLG unless a National Association, of which they are a member, affiliates with UCLG. Such members will be non-voting members of UCLG ASPAC.

## **Article 14**

Membership fees shall be paid in accordance with the General Rules of Procedure. Membership shall become effective upon receipt of the new member's first payment.

## **Article 15**

Any member may resign at any time by giving a minimum of six months written notice to the General Secretariat as specified in the General Rules of Procedure, provided that such a member shall remain liable to pay any outstanding membership dues, including any appropriate pro rata share.

## **ADMISSION**

### **Article 16**

Applications for local government, international organisation and associate membership shall be decided by the Executive Bureau, whose task is to ensure that applicants meet the relevant requirement for membership. All applicants for membership must undertake to support, promote and adhere to the World Organisation/Section's mission, values and objectives.

*Applications for local government, international organisation and associate membership shall be processed by the Secretariat on a provisional basis and following the administrative requirements shall refer them to the Executive Bureau for final determination, whose task is to ensure that applicants meet the relevant requirement for membership. All applicants for membership must undertake to support, promote and adhere to the World Organisation/Section's mission, values and objectives.*

A Membership Committee shall be appointed by the Executive Bureau to consider and advise on special issues that may arise in relation to membership questions and to be also responsible for the oversight on membership development and servicing, particularly membership drive and campaign and provision of services to members.

## **EXCLUSION**

### **Article 18**

A member is liable to exclusion or suspension:

- a. if it breaches the obligations and principles set out in this Constitution;
- b. if, without the consent of the Executive Bureau, membership fees are more than one year in arrears;
- c. if it no longer fulfils other conditions of membership set out in this Constitution.

### **Article 19**

The decision to exclude or suspend a member shall rest, on the recommendation of the Executive Bureau, with the Regional Council, which shall decide by a two-thirds majority of the votes cast by the Regional Council members in attendance.

### **Article 20**

A member whose exclusion is proposed shall be given at least two months written notice of the relevant Regional Council meeting. The member shall be invited to make his written observations known before the Regional Council and shall be entitled to attend and speak at the meeting of the Regional Council dealing with the question.

### **Article 21**

The same procedure shall apply to a member whose suspension is proposed. The suspension shall apply for the period until the next Regional Council where the decision will be taken whether to lift the sanction or, on the contrary, exclude the member.

## **GOVERNANCE STRUCTURE**

### **Article 22**

The governance of the Section is executed by:

- a. the Regional General Assembly;
- b. the Regional Council;
- c. the Executive Bureau;
- d. the Presidency, composed of the President and seven Co-Presidents;
- e. the Secretary General.

## **THE REGIONAL GENERAL ASSEMBLY**

### **Article 23      Role**

The Regional General Assembly is the supreme organ of the Section It has responsibility for the overall policy, direction and oversight of the Section. In particular, the Regional General Assembly shall:

- a. give guidance on the general policy direction of the Section;
- b. receive the report of activities and financial report submitted by the Regional Council;
- c. appoint members of the Regional Council from among the local government members who are duly elected as set out in the Electoral Procedure Rules.
- d. deal with all matters placed on its agenda by the Regional Council;
- e. adopt any revisions to the Constitution; and,
- f. decide on the dissolution and the liquidation of the Section.

#### **Article 24      Composition**

The Regional General Assembly shall comprise all members of UCLG in the region, through their duly appointed representatives.

#### **Article 25      Sessions**

The Regional General Assembly shall be convened every two years normally at the time of the Regional Congress to which both the Section members and non-members are invited. The Regional General Assembly may call extraordinary sessions in between ordinary meetings, in the conditions described in the General Rules of Procedure.

The announcement of ordinary and extraordinary meetings must be sent to members at least one month in advance, indicating the agenda items.

The Regional Council may invite persons and entities which are not members of the Section to attend the General Assembly as observers.

The session will be chaired by the President of the Section or in his/her absence, a co-President or whomsoever agreed to in the meeting, who will direct the discussions and give attendees a chance to speak. The Secretary General will act as the Secretary of the Assembly, noting the resolutions passed in the meeting minutes.

#### **Article 26      Voting**

Each member shall assign a delegate to represent it at the Regional General Assembly and may also assign a substitute. The latter may only participate in the meeting if the named delegate is absent.

All members are entitled to participate in the sessions and to express their opinions and proposals publicly. If there are numerous requests to participate, the Chairperson may moderate their length. The Chairperson may also grant participating members the right to respond.

Local government members who are up to date in payments of their membership fees for the current year shall have voting rights in the Regional General Assembly and the same applies in relation to international organisation members. Associate members and honorary members shall not have voting rights in the Regional General Assembly of the Section.

#### **Article 27**

Each voting member of the Regional General Assembly shall have an equal vote.

#### **Article 28**

Except in special cases provided for in the Constitution, decisions of the Regional General Assembly shall be taken by a simple majority of the votes cast.

### **THE REGIONAL COUNCIL**

#### **Article 29            Role**

The Regional Council is the principal policy-making body of the Section. It decides the Section's policies in a collegial way and ensures that general policies decided by the Regional General Assembly are implemented.

#### **Article 30**

The Regional Council shall conduct its activities in accordance with this Constitution and the decisions of the Regional General Assembly.

#### **Article 31**

The Regional Council shall in particular:

- a. elect the President and the eight co-Presidents of the Section
- b. appoint members of the Executive Bureau from among Regional Council members, after elections for this purpose are duly held as set out in the Electoral Procedure Rules.
- c. approve the annual budget and accounts submitted by the Executive Bureau.
- d. decide on applications, suspensions and cancellations of membership
- e. decide on level of membership fees
- f. appoint any committee to consider particular problems and issues concerning the Section, or to deal with any matters or issues it deems appropriate, and delegate tasks accordingly. It may delegate this function to the Executive Bureau.

#### **Article 32            Composition**

The Regional Council shall comprise the following members:

- a. the President and eight co-Presidents, (including co-President (Host) and co-President (Founding))
- b. 45 local government members appointed by the Regional General Assembly, after elections duly held in each sub-region on the basis of two colleges representing the two types of local government members, for the term between two ordinary sessions of the Regional General Assembly;
- c. the Secretary General (non voting and ex officio);
- d. designated representatives of international local government organisations and associate members (both non-voting), subject to initial agreement and, at least annual review, by the Executive Bureau, the office holders specified in class a) may be drawn from local government members which, in the view of the Executive Bureau, are seen as moving towards a democratically elected structure.

The members of the Regional Council fulfil their function without remuneration.

### **Article 33**

Representatives in the Regional Council must hold a political mandate from a local government.

*This political mandate shall mean an elected member of a local government or having been approved by resolution to represent the elected body.*

### **Article 34            Substitutes**

Each member of the Regional Council may have one duly appointed standing substitute. The latter may only attend meetings in the absence of the full member. The substitute may or may not be an elected member of a local government

### **Article 35            Sessions**

The Regional Council shall meet at least once a year, as convened by the President or at the request of at least one third of its members.

The announcement of ordinary and extraordinary meetings must be sent to members at least one month in advance, indicating the agenda items.

The session will be chaired by the President of the Section, or in his/her absence, a co-President or whomsoever agreed to in the meeting, who will direct the discussions and give attendees a chance to speak. The Secretary General will act as the Secretary of the Regional Council, noting the resolutions passed in the meeting minutes.

All members of the Regional Council are entitled to participate in the sessions and to express their opinions and proposals publicly. If there are numerous requests to participate, the Chairperson may moderate their length. The Chairperson may also grant participating members the right to respond.

### **Article 36            Voting**

Each member of the Regional Council has one vote.

### **Article 37**

Except in special cases provided for in the Constitution, decisions of the Regional Council shall be carried by a simple majority of the votes cast. In case of equal voting, the President of the session shall have a casting vote.

## **THE EXECUTIVE BUREAU**

### **Article 38            Role**

The Executive Bureau is responsible for initiating proposals and carrying out the decisions of the Regional Council and for any other matter delegated to it by the Regional Council. It is in charge of the Section's administrative and financial management. It prepares the

meetings of the Regional Council and of the Regional General Assembly.

### **Article 39**

The Executive Bureau shall in particular:

- a. approve and submit the annual budget, accounts and reports to the Regional Council.
  - b. appoint the Membership Committee.
  - c. appoint the Financial Management Committee.
  - d. appoint any other committee to consider particular problems and issues covering the Section as delegated by the Regional Council
  - g. appoint the independent external auditor(s) for the Section
  - h. be empowered to enter into agreements for the acquisition, alienation and encumbering of property, the creation or transfer of interests in which require public registration and to enter into agreements whereby the Section acts as surety or undertakes to be severally liable as co-debtor, agrees to answer for another party or provides security for any debt of another party.
- i. *Establish and appoint members to Standing Committees as required from time-to-time.*

### **Article 40**

The Executive Bureau shall be entitled to make policy decisions between meetings of the Regional Council within existing policy guidelines on matters that cannot reasonably await the next meeting of the Regional Council.

### **Article 41**

The Executive Bureau shall exercise all other powers that are not reserved to the Regional General Assembly and the Regional Council. The President or the Secretary General, under the terms set out herein, shall act as the legal representative of the Section.

### **Article 42      Composition**

Subject to the provision of article 32, the Executive Bureau shall comprise the following membership:

- a. the President and eight co-Presidents (including Host co-President, Founding President, Immediate Past President and Women in Local Government)
- b. 15 members elected by the Regional Council from among its members, following the same proportion between the two types of local government member as in the Regional Council, for the term between two ordinary sessions of the Regional General Assembly;
- c. the Secretary General (non voting and ex officio);
- d. designated representative (s) of international organisation members (non-voting);

The Executive Bureau may co-opt up to 3 non-voting members for different purposes, which may include the representative of the host of the next Regional Congress.

The members of the Executive Bureau fulfil their function without remuneration.

### **Article 43**

Representatives in the Executive Bureau must hold a political mandate from a local government.

*This political mandate shall mean an elected member of a local government or having been approved by the elected body to represent it by resolution.*

**Article 44      Substitutes**

Each member of the Executive Bureau may have one duly appointed standing substitute. The latter may only attend meetings in the absence of the full member. The substitute may or may not be an elected members of a local government

**Article 45      Sessions**

The Executive Bureau shall meet at least twice a year, as convened by the President or at the request of at least one third of its members.

The announcement of ordinary and extraordinary meetings must be sent to members of the Executive Bureau at least one month in advance, indicating the agenda items.

The session will be chaired by the President of the Section, or in his/her absence, a co-President or whomsoever agreed to in the meeting, who will direct the discussions and give attendees a chance to speak. The Secretary General will act as the Secretary of the Executive Bureau, noting the resolutions passed in the meeting minutes.

All members of the Executive Bureau are entitled to participate in the sessions and to express their opinions and proposals publicly. If there are numerous requests to participate, the Chairperson may moderate their length. The Chairperson may also grant participating members the right to respond.

**Article 46      Voting**

Each voting member of the Executive Bureau has one vote.

**Article 47**

Except in special cases provided for in the Constitution, decisions of the Executive Bureau shall be taken by a simple majority of the votes cast. In case of equal voting, the President of the session shall have a casting vote.

**THE PRESIDENCY**

**Article 48**

The Presidency, comprising the President and four co-Presidents, are elected by the Regional Council from among local government members representing the different sub regions, for a renewable term between two ordinary sessions of the Regional General Assembly. At least one of the above office-holders must represent an individual local government member, and at least one must represent an association of local government member.

The representatives are to cover the four sub-regions and the Associate and International Members and ex-officio include the Co-President (Host), the Co-President (Immediate Past President) and the Co-President (Founding).

The President shall be elected for a two year term on a sub-regional rotational basis.

*A candidate for President, or Co-President, must be a sitting member of a Local Government within the appropriate sub-region. Should a sitting member from the sub-region not nominate, a non-sitting candidate who can demonstrate a considerable history as a sitting member may be appointed at the discretion of the Regional Council of UCLG ASPAC.*

#### **Article 49**

Candidacies for the President and co-Presidents may be presented by:

- a. the Executive Bureau; or
- b. at least 2 local government members from different countries and at least two different sub-regions.

#### **Article 50      President**

The President is the principal representative of the Section and chairs the meetings of the Regional General Assembly, the Regional Council and the Executive Bureau. He/she shall ensure the continuity of the policies of the Section between meetings of the Executive Bureau.

The President fulfil his/her function without remuneration.

#### **Article 51      Co-Presidents**

The co-Presidents assist the President in carrying out his/her responsibilities and when necessary assume the role of President. The co-Presidents fulfil their function without remuneration.

#### **Article 52**

Members of the Presidency hold an elected mandate from a local government or a mandate from a local government which, in view of Executive Bureau, is seen as moving towards a democratically elected structure.

#### **Article 53**

The President and the co-Presidents have the right to resign.

### **FINANCES**

#### **Article 54**

The Section shall derive its finances from a percentage of membership fees paid by members in the region, income from activities, grants and other sources.

#### **Article 55**

The accounting period will be yearly. The accounts will be closed on 31 December each year.

#### **Article 56        The co-President (Finance)**

The co-President (Finance) is responsible for the oversight of the financial strategy, accounting and management of the Section's finances. Every year, he/she shall present to the Executive Bureau:

- a. the accounts of the previous financial year, certified by an independent external auditor appointed by the Executive Bureau which shall be submitted to the Regional Council for final approval;
- b. the budget for the next financial year;
- c. other significant financial reports.

#### **Article 57        The Financial Management Committee**

The Financial Management Committee shall be appointed by the Executive Bureau, chaired by the co-President (Finance) and composed of representatives of the 6 members paying the highest membership fees and 6 elected representatives of other members, taking into account the geographical diversity and representation of the local government membership.

The members of the Financial Management Committee fulfil their function without financial remuneration.

#### **Article 58**

The Financial Management Committee's role is to advise the co-President (Finance) and the Executive Bureau on financial matters. The Committee shall be consulted on the preparation and execution of the budget, and may propose a mechanism for internal audit to the Executive Bureau.

### **THE SECRETARY GENERAL**

#### **Article 59**

The Secretary General is the executive officer of the Section. He/she directs the daily activities of the Section and carries out the decisions of the Regional General Assembly, the Regional Council and the Executive Bureau. The Secretary General manages the General Secretariat and the activities, programmes and finances of the Section under the guidance of the Presidency and the responsibility of the Executive Bureau.

*The Secretary General shall attend the Secretariat daily to provide leadership and supervision except when on other duties as approved by the President.*

#### **Article 60**

*The Secretary General is appointed by the Executive Bureau and may be dismissed by the Executive Bureau. He/she is responsible to the Executive Bureau and between such meetings to the President.*

#### **Article 61**

The Secretary General is responsible for the employment of the General Secretariat's personnel, within the prescribed policies of the Executive Bureau.

#### **Article 62**

The Secretary General has a general authorization to represent the Section on behalf of the Executive Bureau in association with the President.

#### **Article 63**

In other matters, the President and the Secretary General jointly are the legal representatives of the Section.

### **CONDUCT OF ELECTIONS**

#### **Article 64**

The Electoral Procedure Rules, annexed to this constitution, shall have effect for regulating the conduct of elections to the Regional Council and Executive Bureau.

#### **Article 65**

The Electoral Procedure Rules may be amended by the Regional Council, by a majority of not less than two-thirds of those voting, upon a resolution of the Executive Bureau recommending such amendment. All members of the Section shall have at least two month's written notice of the meeting of the Regional Council at which any proposed amendment to the Electoral Procedure Rules is to be voted on.

### **LIABILITY**

#### **Article 66**

The Section is liable as a legal entity only to the extent of its assets; members are not individually liable for such corporate debts and liabilities.

### **GENERAL RULES OF PROCEDURE**

#### **Article 67**

The Executive Bureau approves the General Rules of Procedure, which shall deal with details concerning the internal operation and regulation of the Section. They shall be ratified by the Regional Council.

#### **Article 68**

Subject to Article 1, any point which is not dealt with in these statutes shall be ruled by the laws of Indonesia.

### **AMENDMENTS TO THE CONSTITUTION, DISSOLUTION AND LIQUIDATION OF THE SECTION**

#### **Article 69**

Any proposal for a revision of the Constitution or the dissolution of the Section shall emanate from the Executive Bureau or from six or more local government members from different countries.

#### **Article 70**

The members of the Section shall be notified in writing of the proposals at least two months before the meeting of the Regional General Assembly at which they shall be considered.

#### **Article 71**

No decision on amendments to the Constitution or dissolution of the Section shall be adopted unless two-thirds of the local government members are represented and it is approved by a two-thirds majority of the valid votes cast.

#### **Article 72**

If less than two-thirds of the local government members were represented at the first meeting, the Regional General Assembly shall at the subsequent meeting be entitled to make a binding decision irrespective of the number of the local government members represented. Given the frequency of meetings of the Regional General Assembly, a vote by correspondence may be organised, upon decision of the Presidency.

#### **Article 73**

In the event of a dissolution, the Regional General Assembly shall make the necessary arrangements for winding down the Section's affairs, including the appointment of a liquidator, and for the distribution of any surplus assets.

### **OFFICIAL LANGUAGES**

#### **Article 74**

*The official language of the Section shall be English. The Regional Council may make subsequent decisions on other working languages, taking into account the development of membership, resources available and the development of sub-regional offices.*

The Articles of the Constitution of UCLG World Organisation referring to Regional Sections are as follows:

## **REGIONAL SECTIONS**

### Article 25

Regional sections shall establish their own constitution and governing bodies and are established as independent legal entities. They set their own policies and administer their own affairs, provided these are not contrary to this Constitution.

### Article 26

Regional sections are part of the World Organisation's operating structure. They do not preclude direct membership in the World Organisation, but provide the World Organisation with institutional support within their agreed geographical area in pursuing its mission and objectives.

### Article 27

Regional sections co-ordinate and facilitate membership in their geographical area. With their members, they provide support to the policies and activities decided by the governing bodies of the World Organisation. They perform a policy, programming and administrative role within the World Organisation, and a co-ordinating role in relation to the electoral process, within the framework of this Constitution.

### Article 28

The formal establishment of a regional section shall be approved by the World Council, taking into account the existing situation and after full consultation with local government members affected by the establishment of the section.

### Article 29

There shall be a written agreement between the World Organisation and each regional section, in which the division of tasks and mutual responsibilities shall be defined and agreed. The conclusion of such an agreement shall be a pre-condition for the establishment of a regional section. These agreements shall take into account the diversity and specific needs of each regional section, in relation to its context and the characteristics of its membership and area.

### Article 30

With the exception of particular conditions (if any) set out in such agreements, the World Organisation is not liable for debts and liabilities of the regional sections, nor shall regional sections have liability for debts and liabilities of the World Organisation.

### Article 31

The World Organisation shall coordinate, at world level, the multilateral activities of its members for which it has received a mandate.

## ELECTORAL PROCEDURE RULES

### PART I - GENERAL PRINCIPLES

#### Rule 1

- 1.1 Elections to the Regional Council and Executive Bureau shall be carried out through elections held in each defined sub-region within geographical boundaries or at an agreed venue.
- 1.2 The local government members in each defined sub-region shall be entitled to elect the number of their representatives to the Regional Council as set out in Rule 2.
- 1.3 The representatives for the Regional Council in each defined sub-region shall be entitled to elect the number of their representatives to the Executive Bureau as set out in Rule 2.

#### Rule 2

- 2.1. The defined sub-regions, and the respective number of representatives to the Regional Council and Executive Bureau respectively, are as set out in the following table:

<i>Sub-Region</i>	<i>Regional Council</i>	<i>Executive Bureau</i>
East & North East Asia	15	5
South & South West Asia	12	4
South East Asia	12	4
Pacific	6	2
<i>Totals</i>	<i>45</i>	<i>15</i>

- 2.2 The above distribution of seats is based on respective total population size and other agreed factors.

#### Rule 3

- 3.1 Within each defined sub-region, seats for the Regional Council and Executive Bureau are divided between representatives of the two types of local government members, namely

- (a) associations of local government
- (b) individual cities and local governments,

taking into account the number of inhabitants represented by each type of local government member in that sub-region.

- 3.2 The division of seats on the Regional Council and Executive Bureau as a whole shall ensure that the two types of local government member are duly represented.

### PART II - DIVISION OF SEATS BETWEEN TYPES OF MEMBER

#### **Rule 4**

- 4.1 In order to calculate the division of seats between the two types of local government members, the total population represented by each type of member shall be calculated. This calculation shall be done for the Section as a whole, and for each sub-region separately.
- 4.2 Each type of member, within each sub-region, is entitled to;
- 10% of the seats wherever it represents up to 10% of the population represented by the whole membership in that sub-region;
  - 30% of the seats whenever it represents more than 10% but no more than 30% of such population;
  - a share of the seats directly proportional to its share of the population wherever it represents more than 30% of such population.
- 4.3 In making the calculations set out above, the following shall apply:
- The actual population represented by a local government association, through its own members, is taken into account (as against using the total national population, and excluding any individual member that is not a member of that association)
  - The total population represented by each local government member is calculated, even if this means that the same population is accounted for more than once

The best available statistics and evidence shall be used in relation to these calculations. To this end, each member will provide on request information on their current membership including population.

#### **Rule 5**

- 5.1 Each type of local government member shall be entitled to at least 30% of the seats on the Regional Council and Executive Bureau, even if (according to the calculation of population represented under Rule 4 above) its actual percentage is less.
- 5.2 Where the total number of seats ascribed to one type of local government member across each defined sub-region totals less than the 30% minimum required under Rule 5.1 above, a means of achieving the required balance is to be determined. Such recommendations may include allocating unfilled places from other sub- regions to the under-represented type in order to reach the 30% threshold.

### **PART III – REGIONAL COUNCIL ELECTION PROCESS**

#### **Rule 6**

- 6.1 Within each sub-region, the electoral process shall be conducted so as to ensure that there is an equitable geographical balance in the overall representation from the sub-region, including in relation to each type of local government member. Members from different countries in a sub-region may put forward proposals for common representation.
- 6.2 Where there is a high degree of consensus among the members within a sub-region as to the means by which the electoral process shall be carried out, including any proposed geographical or national distribution of seats within the sub-region, it shall be implemented. Any such consensus proposal shall ensure that the lesser represented of the two types of local government member is entitled to not less than its share of the seats in that sub-region, calculated under Rule 4.2.
- 6.3 Where there is no consensus proposal put forward, the process within a sub-region must ensure that each type of local government member is entitled to its relevant number of seats, as calculated under these Rules, as well as ensuring an equitable geographical balance.
- 6.4 Within each sub-region, the members within each type shall elect their representation on the Regional Council.
- 6.5 All elections shall be fairly conducted, in accordance with good practice. Inter alia, a fair opportunity must be given for candidates to be nominated, and reasonable written notice of any election shall be given to all members entitled to vote.

6.6 Members within each sub-region, and those organising elections, shall ensure that candidates for election have the required political mandate. Due regard shall be had to the need to ensure an equitable gender balance in such representation.

#### **PART IV – EXECUTIVE BUREAU ELECTION PROCESS**

##### **Rule 7**

- 7.1 The members of the Executive Bureau are elected, within each sub-region, by and from among the members elected for that sub-region to the Regional Council.
- 7.2 The election of the Executive Bureau members, within each sub-region, shall take place as soon as reasonably practicable after the Regional Council elections within that sub-region.
- 7.3 The provisions of Rule 6 shall apply, mutatis mutandis, to elections of members of the Executive Bureau. A consensus proposal under Rule 6.2 may deal jointly with elections to the Regional Council and to the Executive Bureau.

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### Executive Bureau Motion

The UCLG ASPAC Executive Bureau in its meeting in Sydney, 22 October 2008 decided that commencing for the period 2010-2012 the President shall be a candidate from South East Asia sub-region, for 2012-2014 South and Southwest Asia sub-region, 2014-2016 Pacific and 2016-2018 East and Northeast sub region. Should there not be a candidate from the respective sub region it shall be competent for the electing body to choose a candidate from another sub-region.