

**The APCCA JOINT DECLARATION 2002**  
**(as amended)**

Representatives of government agencies and departments responsible for prison or correctional administration from Australia, Brunei Darussalam, Cambodia, Canada, China, Hong Kong (China), Fiji, India, Indonesia, Japan, Republic of Korea, Malaysia, Mongolia, New Zealand, Philippines, Singapore, Sri Lanka, Tonga, Thailand and Vietnam met in Bali, Indonesia on 18 October 2002,

**Recalling** the long history of development of and sustained cohesion in the Asian and Pacific Conference of Correctional Administrators;

**Conscious of** the support and personal involvement of senior correctional administrators from states, territories and areas which together share a well-defined geographical identity and represent a sizable world population;

**Mindful** of the existence of common interests and problems among correctional jurisdictions within the Asia-Pacific Region and convinced of the need to strengthen existing relationships and further co-operation;

**Taking into account** the differences in the stages of economic development and in the cultural and socio-political systems in the region;

**Recognising** equality, trust and mutual respect being the basis of communication and co-operation;

**Acknowledging** the informal nature of the grouping based on the principles of voluntariness and consensus;

**Desiring** to give the Asian and Pacific Conference of Correctional Administrators a more professional identity;

Do hereby declare as follows:-

1. The purpose of the Asian and Pacific Conference of Correctional Administrators (hereinafter referred to as the APCCA) is to provide a forum for government officials responsible for prison or correctional administration within the Asia-Pacific Region to share ideas and practices in the professional area of

correctional administration and develop networks aimed at fostering co-operation.

## **Definitions**

2. For the purpose of this Joint Declaration:-
  - (a) “*Annual Conference*” means the Annual Conference referred to in Paragraph 7;
  - (b) “*APCCA Fund*” means the APCCA Fund referred to in Paragraph 28;
  - (c) “*APCCA Secretariat*” means the APCCA Secretariat referred to in Paragraph 19;
  - (d) “*Finance Committee*” means the Finance Committee referred to in Paragraph 22;
  - (e) “*APCCA Fund Administrator*” means the APCCA Fund Administrator referred to in Paragraph 31;
  - (f) “*Governing Board*” means the Governing Board referred to in Paragraph 13; and
  - (g) “*Rapporteur*” means the Rapporteur referred to in Paragraph 24.

## **Scope of activities**

3. For the purpose stated in Paragraph 1, the APCCA will carry out the following:
  - (a) To organise conferences, seminars and workshops;
  - (b) To promote co-operation and collaborative initiatives between members in areas of common interest;
  - (c) To promote staff exchanges and study visits;
  - (d) To promote best practices;
  - (e) To compile regional correctional statistics; and
  - (f) To conduct any other activities as approved by the Governing Board and/or the Annual Conference.

## **Membership**

4. Membership of the APCCA will be confined to the government agencies and departments responsible for prison or correctional administration within the Asia-Pacific Region.

5. A territory or an area of a sovereign state may participate in the APCCA on its own, subject to the consent of the sovereign state and the endorsement of the Governing Board.
6. Membership in the APCCA entitles a member to vote and to be elected to office.

### **Organisation**

7. There will be an Annual Conference. The host state, territory or area will be responsible for all the activities in the organisation of this Conference.
8. The Annual Conference will be held at such time and place as the Governing Board may determine in consultation with the Annual Conference host.
9. The Annual Conference will be the ultimate authority to govern the affairs of the APCCA, and may issue guidelines to the Governing Board and the APCCA Secretariat for the operation and management of the APCCA.
10. The Annual Conference has the power to:
  - (a) set policies on directions, programs, activities and expenditures;
  - (b) decide on practices and procedures;
  - (c) confirm the membership of the Governing Board;
  - (d) appoint Finance Committee members and, in case of joint APCCA Secretariat hosts, the APCCA Fund Administrator;
  - (e) decide on the host(s) of the APCCA Secretariat;
  - (f) endorse the appointment and approve the duties of the Rapporteur;
  - (g) endorse agreed contributions to the APCCA Fund; and
  - (h) consider and adopt or reject the APCCA Fund Administrator's annual report.
11. The host of a current Annual Conference will preside as the Chair at the Annual Conference.
12. The APCCA and its Annual Conference operate by consensus. When a consensus is clearly not possible, decisions may be reached by a simple majority vote of the APCCA members in attendance of the Annual Conference and a declaration by the Chair of the Annual Conference that a resolution has been carried. Each member as one vote and no proxy vote will be allowed. The Chair will cast the deciding vote in case of a tie. APCCA members will endeavour to follow

decisions concerning internal matters of the APCCA that are reached by consensus.

13. The governing body of the APCCA will be the Governing Board, which is responsible for:-
  - (a) directing all activities relating to the purpose of the APCCA;
  - (b) managing the business of the APCCA as directed by the Annual Conference;
  - (c) providing advice on the APCCA activities and conference business;
  - (d) identifying and recommending suitable APCCA members to host the APCCA Secretariat;
  - (e) identifying and recommending a suitable person to serve as Rapporteur, as required, for the endorsement of the Annual Conference; and
  - (f) recommending agenda items for each Annual Conference.
  
14. The composition of the Governing Board for a particular Annual Conference will be as follows:<sup>1</sup>
  - (a) *Board Chair* – the host of that Annual Conference will be the Board Chair;
  - (b) *Elected membership* – there will be four elected members. Each year, there will be an election for one of the four seats;
  - (c) *Previous host membership* – the previous host membership will consist of the past three consecutive host states/territories/areas of the Annual Conferences;
  - (d) *Rotating membership* – the rotating membership will consist of three reversed alphabetically chosen states/territories/areas attending the previous year’s Annual Conference;
  - (e) *Secretariat host membership* – the existing APCCA Secretariat host(s); and
  - (f) *Next host membership* – the hosts of the next two Annual Conferences.<sup>2</sup>

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<sup>1</sup> The original opening words of Clause 14 stated: “There will be a maximum of 14 Governing Board members, including the Board Chair.” At the 2014 conference in Canada, Clause 14(f) was amended to ensure the hosts of the next two conferences would be members of the Governing Board (rather than one). However, this meant that the Board could now consist of 15 members. To resolve this, it was decided at the 2015 conference in Bangkok, to delete the opening words which limited the membership to 14.

<sup>2</sup> The original *Joint Declaration* was signed in 2002 in Bali, Indonesia (see APCCA Report of 2002), including the original wording of Clause 14. However, at the 2004 conference in Singapore, Clause 14(f) was inserted stating: “(f) *Next host membership* – the host of the next Annual Conference” as member of the Governing Board (please see APCCA Report 2004 for the amendments made). Clause 14(f) was amended at the 2014 conference in Canada to include the hosts of the next two Annual Conferences.

15. The Governing Board will hold office from the conclusion of the Annual Conference at which its composition is confirmed until the conclusion of the next Annual Conference.
16. The Governing Board will meet at least once a year at such time and place as the Board Chair may determine.
17. Five Governing Board members will constitute a quorum for the meetings of the Governing Board. The Governing Board will operate by consensus. Where consensus is not reached, decisions of the Governing Board may be made by a simple majority vote of the members present. Each member, regardless of whether he serves on the Governing Board in more than one capacity, will have one vote. The Board Chair will abstain from voting unless there is a tie.
18. The Governing Board may transact business by means other than meetings and a decision by a simple majority of its members will be valid.
19. There will be an APCCA Secretariat to provide support services to the APCCA and to the Governing Board.
20. The APCCA Secretariat will:
  - (a) be a focal contact point between the APCCA and its members, and between the APCCA and other individuals and organisations;
  - (b) maintain and distribute the APCCA materials and documents;
  - (c) publish and distribute the APCCA Newsletter;
  - (d) operate the APCCA web site;
  - (e) be the APCCA Fund Administrator;
  - (f) implement the resolutions and exercise such powers as authorized by the Annual Conference and/or the Governing Board; and
  - (g) serve as the secretary to the Governing Board meetings in case the Rapporteur is not available.
21. The Annual Conference will appoint one or two APCCA members to discharge the APCCA Secretariat functions. The appointment will be reviewed every two years.

22. There will be a Finance Committee comprising the APCCA Fund Administrator, the APCCA Fund Administrator, the current conference host, the two immediate prior hosts, and the two immediate future hosts.<sup>3</sup> All expenditures above a nominal amount set by the Governing Board will require the prior approval of the APCCA Fund Administrator and one other member of the Finance Committee.
23. There will be a Programme Committee to assist the Annual Conference host in planning conference programmes.
24. There may be a Rapporteur, if required, to serve the APCCA in accordance with a Charter approved by the Annual Conference. His or her duties would be to prepare the Discussion Guide and compile the report for each Annual Conference and to serve as the secretary to the Governing Board meetings.
25. The appointment of the Rapporteur will be recommended by the Governing Board and endorsed by the Annual Conference.
26. A Rapporteur will serve the APCCA for a fixed term of three years, which upon expiry may be extended once for a period of two years. One year's notice may be given by either the APCCA or the Rapporteur for termination of the appointment.
27. The Governing Board may pay an honorarium to the Rapporteur.

### **The APCCA Fund**

28. The APCCA Fund comprises:
  - (a) agreed contributions from the APCCA members as endorsed by the Annual Conference;
  - (b) voluntary contributions from the APCCA members; and
  - (c) any income as the Governing Board may approve.
29. The APCCA Fund will be applied exclusively for the purpose of the APCCA.

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<sup>3</sup> The membership of the *Finance Committee* was amended in 2012 in Brunei Darussalam. The original wording regarding membership was: "*There will be a Finance Committee comprising the APCCA Fund Administrator and two other APCCA members appointed by the Annual Conference. ....*".

30. The financial year of the APCCA ends on 31 July.<sup>4</sup>
31. The host of the APCCA Secretariat is the APCCA Fund Administrator with the following responsibilities:
- (a) operation of the APCCA Fund account;
  - (b) calling for annual contributions;
  - (c) acknowledgement of receipt of contributions; and
  - (d) preparation of the APCCA Fund Administrator's Report and financial statement for presentation at the Annual Conference.
32. The financial statements of the APCCA Fund will be certified by an accounting professional and, together with the APCCA Fund Administrator's Report, will be presented to the Governing Board for endorsement before tabling at the Annual Conference.<sup>5</sup>

### **Settlement of disputes**

33. Any dispute regarding the interpretation or application of this Joint Declaration will be resolved by consultations between the parties to this Joint Declaration.

### **Signature and acceptance**

34. This Joint Declaration will come into effect between the parties signing this Joint Declaration on the date upon their signatures. Any state, territory or area who is a member of the APCCA before the coming into effect of this Joint Declaration may accept this Joint Declaration by signing a registration book deposited at the APCCA Secretariat and this Joint Declaration will come into effect for such a state, territory or area on the date upon its signature.

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<sup>4</sup> As amended in India in 2013. The previous wording of Clause 30 was: *'The financial year of the APCCA ends on 30 September'*.

<sup>5</sup> As amended in New Delhi, India in 2013. The previous wording of clause 32 was: *"The APCCA Fund Administrator's Report will be presented to the Governing Board and the Annual Conference. It will be audited by the current Annual Conference host and the host of the previous year's Annual Conference."*

35. Any other state may accept this Joint Declaration by signing a registration book deposited at the APCCA Secretariat and this Joint Declaration will come into effect for such a state on the date upon its signature.
36. Any other territory or area of a sovereign state may accept this Joint Declaration on its own by signing a registration book deposited at the APCCA Secretariat and completing the procedures set out in Paragraph 5. This Joint Declaration will come into effect for such a territory or an area on the date upon its signature and the completion of the procedures set out in Paragraph 5.
37. For the avoidance of doubt, parties to this Joint Declaration are members of the APCCA.

### **Withdrawal**

38. A party to this Joint Declaration may withdraw from this Joint Declaration and cease to be a member of the APCCA by written notice to the APCCA Secretariat at any time.
39. A party to this Joint Declaration will be deemed to have withdrawn from this Joint Declaration and ceased to be a member of the APCCA for not attending the Annual Conference for five consecutive years. The withdrawal will take effect on the date of the conclusion of the fifth consecutive Annual Conference from which the party is absent.

### **Amendments**

40. Any party to this Joint Declaration may propose amendments to this Joint Declaration. All parties to this Joint Declaration will make every effort to reach a consensus on any proposed amendment. If all parties to this Joint Declaration do not reach a consensus on a proposed amendment, the proposed amendment will be adopted by a simple majority vote of the parties present at the Annual Conference.
41. Any acceptance of this Joint Declaration expressed on or after the coming into effect of an amendment to this Joint Declaration will be deemed to accept the Joint Declaration as amended.

## **Transition**

42. All decisions, practices, procedures and appointments adopted or approved by the APCCA before the coming into effect of this Joint Declaration, which are not contrary to or inconsistent with the provisions of this Joint Declaration, will continue to have effect until such decisions, practices and procedures expire by their own limitation or are altered, repealed or abolished pursuant to this Joint Declaration.

This Joint Declaration does not create any legally binding obligations under international law.

In witness whereof the undersigned have signed this Joint Declaration.

Done in Bali, Indonesia on 18 October 2002, in the English Language, in a single copy which will remain deposited in the APCCA Secretariat that will transmit certified copies to all parties referred to in Paragraphs 34 to 36 of this Joint Declaration.