

CHARTER OF THE SHANGHAI COOPERATION ORGANIZATION

The Republic of Kazakhstan, the People's Republic of China, , the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan being the founding states of the Shanghai Cooperation Organization (hereinafter SCO or the Organization),

Based on historically established ties between their peoples;

Striving for further enhancement of comprehensive cooperation;

Desiring to jointly contribute to the strengthening of peace and ensuring of security and stability in the region in the environment of developing political multipolarity and economic and information globalization;

Being convinced that the establishment of SCO will facilitate more efficient common use of opening opportunities and facing new challenges and threats;

Considering that interaction within SCO will promote the realization of a huge potential of good neighborliness, unity and cooperation between States and their peoples;

Proceeding from the spirit of mutual trust, mutual advantage, equality, mutual consultations, respect for cultural diversity and aspiration for joint development established at the meeting of the heads of six States in 2001 in Shanghai;

Noting that the compliance with the principles set out in the Agreement between the People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan on Strengthening Confidence in the Military Field in the Border Area of April 26, 1996, and in the Agreement between the People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan on Mutual Reductions of Armed Forces in the Border Area of April 24, 1997, as well as in the documents signed at the summit meetings of the heads of the People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan in the period from 1998 to 2001, has made an important contribution to the maintenance of peace, security and stability in the region and in the world;

Reaffirming our adherence to the goals and principles of the Charter of the United Nations, other universally recognized principles and norms of the international law related to the maintenance of international peace, security and de-

velopment of good neighborly and friendly relations, as well as cooperation between States;

Guided by the provisions of the Declaration on the Establishment of the Shanghai Cooperation Organization of June 15, 2001,

Have agreed as follows:

Article 1

Goals and Tasks

The main SCO goals and tasks shall be:

strengthening mutual trust, friendship and good neighborliness between the member States;

development of multifaceted cooperation in the maintenance and strengthening of peace, security and stability in the region and promotion of a new democratic, fair and rational political and economic international order;

joint combating terrorism, separatism and extremism in all their manifestations, fighting against illicit narcotics and arms trafficking and other types of transnational criminal activity, and also illegal migration;

encouraging efficient regional cooperation in such areas as politics, trade and economy, defense, law enforcement, environment protection, culture, science and technology, education, energy, transport, credit and finance, and also other areas of common interest;

facilitating comprehensive and balanced economic growth, social and cultural development in the region through joint actions on the basis of equal partnership aimed at steady increase of living standards and improvement of living conditions of the peoples of the member States;

coordinating approaches to integration into the global economy;

promoting enjoyment of human rights and fundamental freedoms in accordance with the international obligations of the member States and their national legislation;

maintaining and developing relations with other States and international organizations;

cooperating in the prevention of international conflicts and their peaceful settlement;

jointly searching for solutions to the problems that would arise in the 21st century.

Article 2

Principles

The SCO member States shall adhere to the following principles:

mutual respect of sovereignty, independence, territorial integrity of States and inviolability of State borders, non-aggression, non-interference in internal affairs, non-use of force or threat of its use in international relations, seeking no unilateral military superiority in adjacent areas;

equality of all member States, search of common positions on the basis of mutual understanding and respect for opinions of each of them;

gradual implementation of joint activities in the areas of mutual interest;

peaceful settlement of disputes between the member States;

SCO being not directed against other States and international organizations;

prevention of any illegitimate acts directed against the SCO interests;

implementation of obligations arising out of the present Charter and other documents adopted within the SCO framework in good faith.

Article 3

Areas of Cooperation

The main areas of cooperation within SCO shall be the following:

maintenance of peace and enhancing security and confidence in the region;

search of common positions on foreign policy issues of mutual interest, including issues arising within international organizations and international fora;

development and implementation of measures aimed at jointly counteracting terrorism, separatism and extremism, illicit narcotics and arms trafficking and other types of criminal activity of a transnational character, and also illegal migration;

coordination of efforts in the field of disarmament and arms control;

support for, and promotion of regional economic cooperation in various forms, fostering favorable environment for trade and investments with a view to gradually achieving free flow of goods, capitals, services and technologies;

effective use of available transportation and communication infrastructure, improvement of transit capacity of the member States and development of energy systems;

providing of sound environmental management, including water resources management in the region, and implementation of specific joint environmental programs and projects;

mutual assistance in preventing natural and man-made disasters and mitigation of their impacts;

exchange of legal information in the interests of developing cooperation within SCO;

expanding of interaction in such area as science and technology, education, health care, culture, sports and tourism.

By mutual agreement the SCO member States may expand the areas of cooperation.

Article 4

Bodies

1. For the implementation of goals and tasks of the present Charter the following bodies shall operate within the Organization:

The Council of Heads of State;

The Council of Heads of Government (Prime Ministers);

The Council of Ministers of Foreign Affairs;

Meetings of Heads of Ministries and/or Agencies;

The Council of National Coordinators;

The Regional Anti-terrorist Structure;

The Secretariat.

2. The functions and working procedures for the SCO bodies, other than the Regional Anti-terrorist Structure, shall be governed by the appropriate provisions adopted by the Council of Heads of State.

3. The Council of Heads of State may decide to establish other SCO bodies. New bodies shall be established by issuing additional protocols to the present Charter that enter into force in line with the procedure set forth in Article 21 of this Charter.

Article 5

The Council of Heads of State

The Council of Heads of State shall be the supreme SCO body. It shall determine priorities and define major areas of activities of the Organization, decide upon the fundamental issues of its internal arrangement and functioning and its interaction with other States and international organizations, as well as consider major international issues.

The Council shall hold its regular meetings once a year. A meeting of the Council of Heads of State shall be chaired by the head of the organizing State. As a rule, the venue of the regular meeting of the Council shall be selected follow the Russian alphabetic order of the names of the SCO member States.

Article 6

The Council of Heads of Government (Prime Ministers)

The Council of Heads of Government (Prime Ministers) shall approve the budget of the Organization, consider and decide upon major issues related to specific, particularly economic areas of cooperation within the Organization.

The Council shall hold its regular meetings once a year. A meeting of the Council shall be chaired by the head of the Government (Prime Minister) of the State hosting the meeting.

The venue of a regular meeting of the Council shall be determined by prior agreement among the heads of Government (Prime Ministers) of the member States.

Article 7

The Council of Ministers of Foreign Affairs

The Council of Ministers of Foreign Affairs shall consider issues related to current activities of the Organization, preparation of meetings of the Council of Heads of State and holding of consultations on international problems within the Organization. The Council may, as appropriate, make statements on behalf of SCO.

The Council shall typically meet one month prior to a meeting of the Council of Heads of State. Extraordinary meetings of the Council of Ministers of Foreign Affairs shall be convened on the initiative of at least two member

States and upon consent of the ministers of foreign affairs of all other member States. The venue of a regular or extraordinary meeting of the Council shall be determined by mutual agreement.

The Council shall be chaired by the minister of foreign affairs of the member State hosting the regular meeting of the Council of Heads of State during the period starting from the date of the last ordinary meeting of the Council of Heads of State to the date of the next ordinary meeting of the Council of Heads of State.

The Chairman of the Council of Ministers of Foreign Affairs shall represent the Organization in its external contacts in accordance with the Rules of Procedure of the Council.

Article 8

Meetings of Heads of Ministries and/or Agencies

According to decisions of the Council of Heads of State and the Council of Heads of Government (Prime Ministers), heads of sector ministries and/or agencies of the member States shall hold regular meetings to consider particular issues of cooperation in respective fields within SCO.

The meeting shall be chaired by the head of a respective ministry and/or agency of the State organizing the meeting. The venue and date of a meeting shall be agreed upon in advance.

For the purpose of preparing and holding meetings, the member States may, upon prior agreement, establish standing or ad hoc expert working groups of experts carrying out their activities in accordance with the regulations adopted by the meetings of heads of ministries and/or agencies. These groups shall consist of representatives of ministries and/or agencies of the member States.

Article 9

The Council of National Coordinators

The Council of National Coordinators shall be a SCO body coordinating and directing day-to-day activities of the Organization. It shall make the necessary preparation for the meetings of the Council of Heads of State, the Council of Heads of Government (Prime Ministers) and the Council of Ministers of Foreign Affairs. National coordinators shall be appointed by each member State in accordance with its internal rules and procedures.

The Council shall hold its meetings at least three times a year. A meeting of the Council shall be chaired by the national coordinator of the member State hosting the regular meeting of the Council of Heads of State from the date of the last regular meeting of the Council of Heads of State to the date of the next regular meeting of the Council of Heads of State.

On the instruction of the Chairman of the Council of Ministers of Foreign Affairs, in accordance with the Rules of Procedure of the Council of National Coordinators, its Chairman may represent the Organization in its external contacts.

Article 10

The Regional Anti-Terrorist Structure

The Regional Anti-terrorist Structure established by the member States of the Shanghai Convention on Combating Terrorism, Separatism and Extremism of June 15, 2001, having its headquarters located in Tashkent, the Republic of Uzbekistan, shall be a permanent SCO body.

Its main objectives and functions, principles of its constitution and financing, as well as its rules of procedure shall be governed by a separate international treaty concluded by the member States, and other necessary instruments adopted by them.

Article 11

The Secretariat

The Secretariat shall be the main permanent executive body of the SCO and carries out coordination, information-analytical, legal and organizational and technical support of activities of the Organization, develops proposals on enhancing of cooperation within the SCO and international relations of the Organization, supervises the implementation of decisions of SCO bodies.

The Secretariat shall be headed by the Secretary-General nominated by the Council of Ministers of Foreign Affairs and appointed by the Council of Heads of State.

The Secretary-General shall be appointed from among the nationals of the member States on a rotating basis following the Russian alphabetic order of the

member States' names for a period of three years without a right to be reappointed for another period.

The Secretary-General's deputies shall be nominated by the Council of National Coordinators and appointed by the Council of Ministers of Foreign Affairs. They cannot be representatives of the State from which the Secretary-General has been appointed.

The Secretariat officials shall be recruited from among nationals of the member States on a quota basis.

In fulfilling their official duties, the Secretary-General, his (her) deputies and other Secretariat officials should not request or receive instructions from any member State and/or government, organization or individuals. They should refrain from any actions that might affect their status as international officials reporting only to SCO.

The member States shall undertake to respect the international character of the duties of the Secretary-General, his (her) deputies and Secretariat staff and not exert any influence upon them as they perform their official functions.

The SCO Secretariat shall be located at Beijing (the People's Republic of China).

Article 12

Financing

The SCO shall have its own budget drawn up and executed in accordance with a special agreement between member States. This agreement shall also determine the amount of contributions paid annually by the member States to the budget of the Organization on the basis of a cost-sharing principle.

The budget resources shall be used to finance permanent SCO bodies in accordance with the above agreement. The member States shall cover themselves the expenses related to the participation of their representatives and experts in the activities of the Organization.

Article 13

Membership

The SCO membership shall be open for other States in the region that undertake to respect the objectives and principles of this Charter and comply with

the provisions of other international treaties and documents adopted in the SCO framework.

The admission of new SCO members shall be decided upon by the Council of Heads of State based on the presentation of the Council of Ministers of Foreign Affairs in response to an official request from the State concerned addressed to the current Chairman of the Council of Ministers of Foreign Affairs.

The membership in SCO of a member State violating the provisions of this Charter and/or systematically failing to meet its obligations under international treaties and documents concluded in the SCO framework, may be suspended by a decision of the Council of Heads of State adopted on the basis of a representation made by the Council of Ministers of Foreign Affairs. If this State continues to violate its obligations, the Council of Heads of State may take a decision to expel it from SCO as of the date established by the Council itself.

Any member State shall be entitled to withdraw from the SCO by forwarding to the Depositary an official notification of its withdrawal from this Charter no later than twelve months before the date of withdrawal. The obligations assumed during participation in this Charter and other instruments adopted within the SCO framework shall be binding for the corresponding States until their full completion.

Article 14

Relationship with Other States and International Organizations

The SCO may interact and maintain dialogue, in particular in specific areas of cooperation, with other States and international organizations.

The SCO may grant to the State or international organization concerned the status of a dialogue partner or observer. The rules and procedures for granting such a status shall be established by a special agreement between the member States.

This Charter shall not affect the rights and obligations of the member States under other international treaties which they are parties to.

Article 15

Legal Capacity

As a subject of international law, the SCO shall have international legal capacity. It shall have such legal capacity in the territory of each member State as required to achieve its goals and tasks.

The SCO shall enjoy the rights of a legal person and may, in particular:

- conclude treaties;
- acquire movable and immovable property and dispose of it;
- appear in court as litigant or defendant;
- open accounts and make monetary transactions.

Article 16

Decisions-Taking Procedure

The SCO bodies shall take decisions by agreement without vote and their decisions shall be considered adopted if no member State has raised objections during its consideration (consensus), except for the decisions on suspension of membership or expulsion from the Organization that shall be taken by "consensus minus one vote of the member State concerned".

Any member State may state its opinion on particular aspects and/or concrete issues of the decisions taken which shall not be an obstacle to taking the decision as a whole. This opinion shall be placed on record.

Should one or several member States be not interested in implementing particular cooperation projects of interest to other member States, non-participation of the above member States in these projects shall not prevent the implementation of such cooperation projects by the member States concerned and, at the same time, shall not prevent the said member States from joining such projects at a later stage.

Article 17

Implementation of Decisions

The decisions taken by the SCO bodies shall be implemented by the member States in accordance with the procedures set out in their national legislation.

Compliance with obligations of the member States related to the implementation of this Charter, other agreements and decisions adopted within SCO shall be controlled by the SCO bodies within their competence.

Article 18

Permanent Representatives

In accordance with their domestic rules and procedures, the member States shall appoint their permanent representatives to the SCO Secretariat who will be part of the diplomatic staff of the embassies of the member States in Beijing.

Article 19

Privileges and Immunities

The SCO and its officials shall enjoy in the territory of all member States the privileges and immunities necessary for fulfilling functions and achieving goals of the Organization.

The extent of the privileges and immunities of the SCO and its officials shall be defined by a separate international treaty.

Article 20

Languages

Russian and Chinese shall be the official and working languages of the SCO.

Article 21

Duration and Entry into Force

This Charter is concluded for an indefinite period.

This Charter shall be subject to ratification by signatory States and it shall enter into force on the thirtieth day following the date of the deposit of the fourth instrument of ratification to the Depositary.

For a signatory State that has ratified this Charter thereafter it shall enter into force on the date of the deposit of its instrument of ratification to the Depositary.

Upon its entry into force this Charter shall be open for accession by any State.

For each acceding State this Charter shall enter into force on the thirtieth day following the date of the receipt by the Depositary of appropriate instruments of accession.

Article 22

Settlement of Disputes

In case of disputes or disagreements relating to interpretation or application of this Charter the member States shall settle them through consultations and negotiations.

Article 23

Changes and Amendments

By mutual agreement of the member States this Charter can be changed and amended. The decisions by the Council of Heads of State concerning changes and amendments shall be made by way of issuing separate protocols that shall form an integral part of this Charter and enter into force in accordance with the procedure set forth in Article 21 of this Charter.

Article 24

Reservations

No reservations to this Charter shall be allowed that contradict the principles, goals and tasks of the Organization and could prevent any SCO body from performing its functions. If at least two thirds of the member States have objections, the reservations shall be considered as contradicting the principles, goals and tasks of the Organization or preventing any body from performing its functions and being null and void.

Article 25

Depositary

The People's Republic of China shall be the Depositary of this Charter.

Article 26

Registration

Pursuant to Article 102 of the Charter of the United Nations, this Charter is subject to registration with the Secretariat of the United Nations.

Done at Saint-Petersburg, the seventh day of June 2002, in a single original, in the Chinese and Russian languages, both texts being equally authentic.

The original copy of this Charter shall be deposited with the Depositary that will forward its certified copies to all signatory States.
