Law Firm's recommendation
with regard to the improvement of the Charter

Outline of Suggested Approach

ICAPP already has an international character. This is underscored by its very composition and purpose. ICAPP brings together ruling, opposition and independent political parties in Northeast Asia, Southeast Asia, Central Asia, West Asia, Middle East and Oceania. As of May 2018, more than 352 political parties in 52 countries are eligible to participate in ICAPP activities. Because ruling parties participating in ICAPP are responsible for forming the governments in their respective countries, they are interconnected with these governments and can thus virtually be identified as these governments.

That ICAPP also includes non-ruling parties in its membership does not detract from this; to the contrary, such parties represent important alternative interests in their respective countries, and also influence and engage substantively in the activities of their governments

However, to bolster its case for admission as an observer to the UN GA through the thorough review at the Sixth (Legal) Committee of the UN General Assembly, we strongly recommend the ICAPP improve its Charter, and adopt rules and other organizational documents, as proposed by the ICAPP Secretary General, to demonstrate that ICAPP is in fact an intergovernmental organization. Recommendations on major changes are the following.

1. **Language clarifying ICAPP's feature as an international organization.**

- ICAPP's charter should be improved with amendments to specifically state that ICAPP is a kind of the regional international organization consisting of the members of Asian political parties/governments. This includes members of both ruling and opposition parties, which make up the governments in the respective states.

- Show that ICAPP will submit its opinions, recommendations and other advisory instruments to its Members. At the same time, political parties will

keep ICAPP apprised of measures taken to promote the implementation of adopted instruments.

2. **Language showing ICAPP has full legal personality and the legal capacity for carrying out its purpose and functions. (Chapter III)**

- ICAPP's legal capacity should be further supported by its ability to acquire and dispose of immovable and movable property; and institute and manage its own legal proceedings regarding disputes under the Charter.

- The Charter should set forth that members of ICAPP not be held responsible by reason of their status or participation in ICAPP, for acts, omissions or obligations of ICAPP arising out of such agreements. This will further highlight ICAPP's independent legal character.

- Show that ICAPP has the ability to collaborate with other international organizations or regional institutions, including by entering into agreements with them. Reference can be made here to the declaration between ICAPP and COPPPAL as an example.

3. **Research into language referencing ICAPP'S Privileges and Immunities. (Chapter XI)**

- Language could be included to show that ICAPP may enjoy requisite privileges and immunities in the Republic of Korea, the state in which the ICAPP Secretariat office is established.

4. **Language showing ICAPP has a budget to carry out its own functions. (Chapter X)**

- Language should indicate that ICAPP may be provided with the necessary financial resources from voluntary contribution by members to perform the programs and activities of the ICAPP effectively. The manner in which the budget is contributed and approved should be added to the Charter.

5. **Language showing ICAPP hosts conferences and meetings parallel to other intergovernmental organizations.**

- This language will be suggested for inclusion in ICAPP's organizational documents other than the Charter, including in the rules and working modalities of the ICAPP Youth Wing and the Women's Wing.