SAARC CHAMBER OF COMMERCE AND INDUSTRY
APEX TRADE ORGANISATION OF SAARC

APPROVED COPY OF
THE CONSTITUTION
OF

SAARC
CHAMBER OF COMMERCE
AND INDUSTRY

SOUTH ASIAN ASSOCIATION FOR REGIONAL CO-OPERATION
Bangladesh  Bhutan  India  Maldives  Nepal  Pakistan  Sri Lanka
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APPROVED COPY OF
THE CONSTITUTION
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SAARC
CHAMBER OF COMMERCE
AND INDUSTRY

SOUTH ASIAN ASSOCIATION FOR REGIONAL CO-OPERATION

Bangladesh  Bhutan  India  Maldives  Nepal  Pakistan  Sri Lanka

UNANIMOUSLY ADOPTED
AT KATHMANDU ON 12th MARCH 1992
PREAMBLE

WHEREAS the business community of the SAARC Member Countries are unanimous in their desire to promote and foster economic co-operation among themselves.

1. AND whereas this desire has been expressed in the Memorandum of Understanding signed in New Delhi on 20th December, 1988.

2. AND whereas the SAARC Study on "Trade, Manufactures and Services" endorsed in principle by the Council of Ministers made the recommendation that "the Federation of Chambers of Commerce and Industries" of Member Countries may be requested to consider setting up a "SAARC Chamber of Commerce and Industries"/ "Association of the Federations of Commerce and Industries" of Member Countries. The venue, modalities, articles of association, election of office bearers, financing etc. of such a Chamber/Association may be best left to the national Federations themselves to decide. The national chambers will provide SAARC Chamber/Association with information regarding the business environment, potential tradable goods and the possibility of joint ventures for dissemination with the region and that "there should be close interaction between the SAARC Divisions/Cells in the Commerce Ministries and the 'SAARC Chamber of Commerce and Industries/Associations' in the dissemination of information on trade matters. They must also work together closely in identifying and resolving various bottlenecks to trade, viz., tariff and non-tariff barriers, inadequate production capacity, lack of information, absence of standardisation, poor quality control etc."

3. NOW therefore, we, the Federations of Chambers of Commerce & Industry and similar apex institutions in the SAARC gathered in conference, convinced of our obligation to contribute towards fulfilment of the said desire to this end decide to establish the 'SAARC Chamber of Commerce and Industry," which shall closely co-ordinate the achievements of the objectives, as hereinafter specified, in close co-operation with the SAARC.
CHAPTER 1

ARTICLE 1

NAME AND PLACE

1. A permanent organisation is hereby established under the name of "The SAARC Chamber of Commerce and Industry" hereinafter to be called the "SAARC Chamber."

2. The headquarters of the SAARC Chamber shall be located at ISLAMABAD and offices may be established, where and when deemed necessary.

ARTICLE 2

OBJECTIVES

The objectives of the "SAARC Chamber" are:

(a) To develop co-operation among its members and other similar institutions in the SAARC countries.

(b) To encourage trade, industry, agriculture, intra-regional tourism and handicrafts, to promote collective self-reliance based on the harnessing of complementarities, to propose economic policies mutually advantageous to its SAARC Member Countries and create avenues for the collaboration amongst its members and similar organisations throughout the SAARC Countries in their efforts for economic development.

(c) To make recommendations to safeguard the economic and business interests of the SAARC Countries, with special consideration to land-locked and least developed countries.

(d) To promote co-operation between the SAARC Chamber on the one hand and other international, commercial, industrial and agricultural organisations/agencies on the other.

(e) To encourage Member Countries to give preferential terms of trade to each other.

(f) To promote investment opportunities and joint ventures among the SAARC Member Countries.
(g) To further develop co-operation in the fields of banking, insurance, reinsurance, shipping and other modes of transportation within the SAARC.

(h) To provide for arbitration in the settlement of disputes arising out of commercial and industrial transactions between parties who are willing to abide by the judgement of the SAARC Chamber.

(i) To organise trade fairs, joint display centres, exhibitions, seminars, lectures and publicity campaigns as and where may be thought advisable.

(j) To promote the exchange of commercial, technical, industrial management and scientific information, education and know-how amongst its members.

(k) To collate, collect and disseminate statistical data of SAARC Member Countries.

(l) To promote joint research and development among the SAARC Member Countries.

(m) To do all other things that are likely to promote the aims and objectives of the SAARC Chamber.

(n) Finally to strive towards the gradual realisation of the SAARC Economic Community.

ARTICLE 3
MEMBERSHIP

a) The SAARC Chamber shall be composed of the following Member Bodies representing each SAARC Country.

1. Federation of Bangladesh Chambers of Commerce and Industry.
2. Bhutan Chamber of Commerce and Industry.
3. Federation of Indian Chambers of Commerce and Industry.
5. Federation of Nepalese Chambers of Commerce and Industry.

b) The Membership of the SAARC Chamber shall be limited to one Member Body from each Member Country.

c) Patron Members shall be bodies corporate donating a minimum fee of US Dollars 5,000. They shall be invited to attend meetings of the General Assembly as observers.

d) Life Members shall be individuals donating a minimum fee of US Dollars 3,000. They shall be invited to attend meetings of the General Assembly as observers.

e) The amounts received from Patron Members and Life Members shall be put into a fund/corpus to finance activities of the SAARC Chamber, as may be decided by the Executive Committee.

ARTICLE 4
APPLICATION FOR MEMBERSHIP

Applications by the Federations of Chambers of Commerce and Industry or similar institutions, as the case may be, of a country for membership, after the admission of that country to SAARC, shall after consideration and recommendation by the Executive Committee of the SAARC Chamber, be submitted to the General Assembly of the SAARC Chamber for approval.

ARTICLE 5
WITHDRAWAL OF MEMBERSHIP

No member may withdraw from the SAARC Chamber without giving notice, in writing, to the General Secretary of its intention to do so. Such notice shall be considered by the Executive Committee at its next meeting, unless it is withdrawn, and shall be submitted to the next General Assembly. The resignation shall be effective from the date of adoption of the decision by the General Assembly.

ARTICLE 6
SUSPENSION OF MEMBERSHIP

The SAARC Chamber has the right to suspend the membership of any member in case of violation of the provisions of the constitution, or, for activities prejudicial and detrimental to the interest and objectives of the SAARC Chamber, or for the non-payment of subscription for two consecutive years to the SAARC Chamber. Suspension of the Membership shall be subject to a decision by the General Assembly on the recommendation of the Executive Committee.
ARTICLE 7
ORGANS

The SAARC Chamber shall comprises the following organs:-

(a) The General Assembly
(b) The Executive Committee
(c) The General Secretariat

ARTICLE 8
GENERAL ASSEMBLY

(a) The General Assembly shall be the supreme authority of the SAARC Chamber.

(b) It shall be composed of 70 members having 10 members nominated by each Member Body, including the 5 on the Executive Committee as provided for hereinafter in the Article 16 (a).

(c) In the absence of nominated member(s) the Member Body may appoint alternate member(s) to the General Assembly.

(d) The Secretary General of the South Asian Association for Regional Co-operation or his representative shall be a permanent invitee to the General Assembly meetings.

ARTICLE 9

The General Assembly shall:

a) Elect the first President of SAARC Chamber. Thereafter, the Presidency shall rotate from among the Vice-Presidents nominated by the Member Bodies of Bangladesh, Bhutan, India, Maldives, Nepal, Sri Lanka and Pakistan, respectively.

b) Determine the general policy and the programme of work of the SAARC Chamber.

c) Approve the bylaws and rules of procedure of the SAARC Chamber.

d) Decide on the admission of new members and suspension of membership.

e) Approve the annual budget, accounts and adopt the annual report.

f) Such other matters as may be recommended by the Executive Committee duly defined hereinafter in this Constitution.

ARTICLE 10
GENERAL ASSEMBLY MEETING

(a) The General Assembly of the SAARC Chamber shall meet at least once every year at such place and time as is recommended by the Executive Committee and notified by the General Secretary to the Members. The General Assembly meeting shall take place in different SAARC Countries.

(b) The President shall preside over the Annual Meeting. In his absence, one of the Vice Presidents shall preside.

ARTICLE 11
EXTRAORDINARY MEETING(S) OF GENERAL ASSEMBLY

Extraordinary Meeting(s) of the General Assembly of the SAARC Chamber shall be convened by the Executive Committee of the SAARC Chamber at the request to do so by at least one third of the total number of Member Bodies. The place of the meeting shall be decided by the Executive Committee and extraordinary meeting of the General Assembly shall discuss only those items on the agenda for which the meeting has been specifically convened.

ARTICLE 12
NOTICE OF MEETING

A notice of at least sixty clear days must be given for all meetings of the General Assembly. Extraordinary meetings of the General Assembly can be called at a notice of at least thirty days before the meeting.

ARTICLE 13
PARTICIPATION

No Member Body which has failed to pay its dues for two consecutive years shall be entitled to participate in the meetings of the SAARC Chamber, provided however that the General Assembly may permit such a Member to participate if it is satisfied that the failure to pay its dues is due to conditions beyond the control of the Member.
ARTICLE 14
QUORUM

a) At all ordinary and extra-ordinary meetings of the General Assembly of the SAARC Chamber, the quorum shall be a simple majority of the Member Bodies. The presence of even one nominee from a Member Body shall constitute its representation.

b) If a quorum is not reached at the first session, an adjournment of 24 hours shall be allowed. At the adjourned session, quorum shall be complete when at least one third of the Member Bodies are present.

ARTICLE 15
RESOLUTIONS OF THE GENERAL ASSEMBLY

A resolution of the General Assembly shall be deemed to be have been adopted if it has been unanimously accepted by the members or their alternates present.

ARTICLE 16
COMPOSITION OF THE EXECUTIVE COMMITTEE

a) i) The Executive Committee shall consist of up to 35 members. Each Member Body shall have the right to nominate 5 members, including one Vice President.

ii) In the absence of the nominated members, each Member Body shall be entitled to appoint alternates to the meetings of the Executive Committee, excepting for the posts of President/Vice President, as the case may be. The alternate shall have the same rights as the nominated member at that meeting.

b) In the event of a Vice President being elected as President, the nominating Member Body shall nominate one of its nominees as a Vice President.

c) In addition to the 35 Members provided for in (a) above, all Past Presidents and Immediate Past Vice-Presidents of SAARC Chamber of Commerce and Industry shall be the ex-officio members of the Executive Committee.

d) The President of the SAARC Chamber of Commerce and Industry may at any time co-opt up to eleven (11) persons (with a maximum of two (2) persons from any one Member Body) into the Executive Committee in addition to the existing members nominated by the Member Bodies.

ARTICLE 17
POWER OF THE PRESIDENT

The President shall be the Chief Executive of the SAARC Chamber. In this capacity the President shall:

a) Make representations and lead all deputations and delegations on behalf of the SAARC Chamber in accordance with the policy decision of the General Assembly and the directives of the Executive Committee.

b) Have the authority to sign all documents on behalf of the SAARC Chamber, as well as the power to delegate this authority to one of the Vice Presidents.

c) Generally perform any other functions incidental to the office of the President, and take decisions in matters of urgency in agreement with at least three Vice-Presidents provided that he shall report such decisions to the next meeting of the Executive Committee.

ARTICLE 18
TERM OF OFFICE

a) The Office of the President of the SAARC Chamber shall rotate amongst the Member Bodies.

b) The term of office of:

i) The President shall be two years.

ii) The Vice Presidents and other Members of the Executive Committee, shall be for a period of two years. They shall be eligible for re-nomination.

iii) The members of the General Assembly shall be for a period of two years. They shall be eligible for re-nomination.
iv) The President, the Vice-Presidents and the other members of the Executive Committee and the members of the General Assembly shall run concurrently and will expire simultaneously.

c) The Secretary General shall request the Member Bodies in writing for nominations to the General Assembly and Executive Committee and for the Vice-President at least 60 (sixty) days prior to the expiry of their term of office and the Member bodies must send their nominations in writing so as to reach the Secretariat not later than 30 (thirty) days after receipt of such request.

d) Should a Member Body fail to submit nominations as per (c) above the existing Vice-President, Executive Committee members and/or General Assembly members shall be deemed to be re-nominated as Vice-President, Executive Committee member and/or General Assembly member, as the case may be, representing that Member Body.

ARTICLE 19
MEETINGS

a) The President shall call at least two meetings of the Executive Committee every year.

b) The President shall also call meetings of the Executive Committee at the request of at least three (3) Member Bodies, giving notice of at least sixty (60) clear days.

c) The President may call Emergency Meetings of the Executive Committee giving notice of at least fifteen (15) clear days, at the request of a simple majority of Member Bodies.

d) The President shall preside over the meetings of the Executive Committee and may also preside over the other Committee meetings of the SAARC Chamber. In his absence, one of the Vice Presidents shall preside.

e) The Venue of the Executive Committee meetings may rotate.

ARTICLE 20
QUORUM

The provisions of Article 14 shall apply *mutatis mutandis* to the Executive Committee.

ARTICLE 21
RESOLUTIONS

A resolution of the Executive Committee shall be deemed to have been adopted when it is unanimously accepted by the members present.

ARTICLE 22
FUNCTIONS

The Executive Committee shall:

a) Implement the decisions of the General Assembly and take such other steps as may be necessary to further the objectives of the SAARC Chamber.

b) Prepare the draft Agenda for the General Assembly.

c) Supervise the work of the General Secretariat.

d) Examine and consider various subjects that come within the purview of the programme of work of the SAARC Chamber.

e) Approve the annual budget.

f) Fulfil other functions delegated to it by the General Assembly.

g) Prepare and recommend, for adoption by the General Assembly, the bylaws and the rules of procedure of the SAARC Chamber and their modifications.

h) Consider applications for membership and submit them to the General Assembly with its recommendations.

i) Recommend the time and place of meetings of the General Assembly of the SAARC Chamber.
j) Decide to invite observers to attend its sessions and those of the General Assembly.

k) Appoint the General Secretary as provided for in Article 23 and fix the terms and conditions of appointment.

ARTICLE 23
GENERAL SECRETARY

There shall be a General Secretary of the SAARC Chamber.

ARTICLE 24
THE GENERAL SECRETARIAT

a) There shall be a General Secretariat of the SAARC Chamber headed by the General Secretary and composed of such other staff as may be appointed in accordance with the bylaws of the SAARC Chamber.

b) Subject to the general direction and supervision of the Executive Committee through the President, the General Secretary:

i) Shall be responsible for the work of the General Secretariat and shall appoint necessary staff and fix their emoluments in accordance with the bylaws.

ii) May, in the performance of his duties, communicate, with Government authorities, national and international organisations and institutions in all matters falling within the competence of the SAARC Chamber.

iii) May consult experts for the study and discussions of questions falling within the competence of the SAARC Chamber.

iv) May invite national or international organisations to participate consultatively in the study of any question to which its economic interest may bear relation and may also accept the invitation of any such organisation for the same purpose and under the same conditions.

v) Shall publish periodically an Economic Review which will contain studies, information and statistical data on SAARC Countries and may also issue publications dealing with the subjects of interests to the General Assembly.

vi) Shall circulate the preliminary agenda of the ordinary session of the General Assembly to all members, at least 30 (thirty) days before the date fixed for any such meetings.

vii) Shall circulate the draft agenda of all Executive Committee Meetings to all members of the SAARC Chamber at least 30 (thirty) days before the date fixed for any such meetings.

viii) Shall prepare and circulate to all members summary records of the proceedings of all meetings of the General Assembly and the Executive Committee.

ix) Shall draw up and circulate the annual report and audited accounts to the members after approval by the Executive Committee.

x) The right to attend all meetings of the General Assembly, the Executive Committee and such other Committees as may be appointed from time to time.

xi) The relation between the General Secretariat and the host Government shall be determined by an agreement to be negotiated.
CHAPTER 2

ARTICLE 25
BUDGET AND ACCOUNTS

a) The financial year of the SAARC Chamber shall be the calendar year.

b) The Executive Committee shall prepare the budget and accounts of the SAARC Chamber for each year and submit it to the General Assembly for approval.

ARTICLE 26
SUBSCRIPTION FOR MEMBERSHIP

The amount of the total annual subscription for membership of the SAARC Chamber shall be fixed by the General Assembly and it will be contributed to by each Member Body payable as per following formula:

1. India & Pakistan 26.25% each
2. Bangladesh, Nepal & Sri Lanka 12.50% each
3. Bhutan & Maldives 5.00% each

The subscription shall be payable in internationally convertible currencies and shall become due on 1st January every year, and shall be paid by the Member by 30th June of that calendar year.

ARTICLE 27
SPECIAL SUBSCRIPTIONS AND DONATIONS

a) The SAARC Chamber may accept special subscriptions, donations and subsidies.

b) The SAARC Chamber may charge a fee in any form for any service rendered.

CHAPTER 3

ARTICLE 28
OFFICIAL LANGUAGES

The official language of the SAARC Chamber shall be English.

ARTICLE 29
AMENDMENTS TO THE CONSTITUTION

a) Amendments to the Constitution of the SAARC Chamber whether proposed by the Executive Committee or by any Member Body shall be included in the agenda of the next meeting of the General Assembly. Amendment shall be said to have been carried when it is adopted unanimously by the members present.

b) Any proposals for amendments should be notified to the Secretariat of the SAARC Chamber for circulation among the Member Bodies at least ninety (90) days prior to the next General Assembly session.

c) Should the proposal for amendment not reach the Secretariat within the period specified above, the General Assembly session may discuss the proposal if consented by all Member Bodies.

We the respective member bodies have unanimously adopted the constitution of the SAARC Chamber of Commerce and Industry on 12th March, 1992 at Kathmandu, Nepal and have set their hands as under:

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MEMORANDUM OF UNDERSTANDING BETWEEN THE REPRESENTATIVES OF CHAMBERS OF COMMERCE AND INDUSTRY OF SAARC COUNTRIES

RECOGNISING
The need and expediency for closer economic co-operation especially in the fields of industry, trade, agriculture, mining, transportation, technology exchange, sub-contracting etc. between and among the member countries of SAARC region.

RECALLING
That in all the member countries of SAARC the private sector has been assigned the role of engine of growth and it is charged with the responsibility of developing these areas including infrastructure services and of sharing social responsibility.

NOTING
The complementarity of the economies of SAARC member countries and the possibilities of developing the potential through interaction and co-ordination between the SAARC countries.

REALISING
That to achieve a strong and effective linkage and to initiate organised effort, there is a common desire, and a movement necessary, to institutionalise these aspirations and arrangements;

This meeting of the representatives of Chamber of Commerce & Industry of SAARC countries, held today in New Delhi, resolves to sign the following Memorandum of Understanding:

1. That the Chambers of SAARC countries will take measures to promote intra-regional trade.

2. They would help to encourage the setting up of joint ventures between the SAARC countries.

3. That necessary steps will be taken to narrow down the communication gap among the member countries through exchange of delegations and of commercial and economic literature, and through holding trade exhibitions, seminars and conferences.

4. That they will take necessary steps to arrange common programme of managerial and technical training, promote consultation services and exchange experiences in the field of technology.

5. That they will take necessary steps to establish a Chamber of Commerce and Industry of SAARC countries for the promotion of trade and industry in the SAARC region and to achieve common objectives in these areas.

6. That a committee, consisting of:
   INDIA
   PAKISTAN
   BANGLADESH
   is hereby constituted to frame a draft constitution of the SAARC Chambers after seeking clearance from the respective Governments.

SIGNATORIES TO THE MEMORANDUM

Sd/-
AKHTARUZZAMAN CHAUDHRY
BHUTAN

Sd/-
KARNAG SINGH
INDIA

Sd/-
J.P. AGARVAL
NEPAL

Sd/-
THINLEY PENJOR

Sd/-
IBRAHIM SHAHID
MALDIVES

Sd/-
TARIQ SAEED
PAKISTAN

for SRI LANKA

for SRI LANKA

for SRI LANKA
Dear Mr. Inan,

We had received on 3rd December 1992 through the Ministry of Foreign Affairs, Islamabad your communication dated 19 August 1992 enclosing the final version of the Constitution of SAARC Chamber of Commerce and Industry. Your communication along with the Constitution of the SAARC Chamber of Commerce and Industry (SCCI) was considered by the SAARC Standing Committee at its Seventeenth Session held in Dhaka during 7-9 December 1992. The Standing Committee has noted the following in its final Report:

"42. Recalling its decision at its Sixteenth Session to grant recognition to SAARC Chamber of Commerce and Industries (SCCI) subject to compliance with stipulated procedures the Committee expressed satisfaction that the Chamber had now complied with the relevant procedures."

The SAARC Council of Ministers at its Twelfth Session held in Dhaka on 10-11 December 1992 also

"noted with satisfaction that the SAARC Chamber of Commerce and Industries had complied with the relevant procedures for granting recognition as directed by the Sixteenth Session of the Standing Committee."

The SAARC Secretariat would like to convey its good wishes to the SAARC Chamber of Commerce and Industry for its successful functioning in future. We are quite confident that under your leadership, SCCI will fulfill the onerous responsibility of promoting intra-regional trade which is unfortunately very negligible at present.

The SAARC Secretariat would also like to request you to kindly keep us informed about all the activities of SCCI for the purpose of coordination. Secretariat would be happy to extend full cooperation in the activities of SCCI.

With regards,

Yours sincerely,

(R.N. Roy)
Director

Mr. S.M. Inan,
Convener, SAARC Chamber of Commerce & Industry (SCCI),
Emin Villa, 47-B, Khayabane-E-Shansher,
Defence Housing Authority,
Phase-V, Karachi, Pakistan.

Post Box No. 4222, Kathmandu, Nepal.
Tel: 231785, Tele: 2561 SAARC MP, Fax: 23013
FROM: MR. ZAHEER PERVEZ KHAN
Section Officer (SAARC)
Tele:827887  Ministry of Foreign Affairs
Islamabad


SUB: APPLICATION FOR RECOGNITION OF SAARC CHAMBER OF COMMERCE & INDUSTRY BY SAARC SECRETARIAT KATHMANDU, NEPAL.

My dear S.M. Inam,

Enclosed please find a copy of note verbal No. SAARC. 3/6/92, dated 29 November, 1992 address to the SAARC Secretariat Kathmandu, requesting for grant of recognition to the organization for your kind information and record.

With regards,

Yours sincerely,

(ZAHEER PERVEZ KHAN)

Mr. S.M. Inam,
Convenor,
SAARC Chamber of Commerce & Industry
Emin Villa, 47-B, Khayabane-e-Shamsheer,
Defence Housing Authority Phase-V,
KARACHI

Ministry of Foreign Affairs
Islamabad


The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the Secretariat of South Asian Association for Regional Cooperation, Kathmandu and has the honour to refer to the application made by SAARC Chamber of Commerce and Industry on 19 August, 1992. Enclosed are copies of the communications addressed to the Foreign Secretary of Pakistan and Secretary General SAARC as well as the copy of the constitution. It may be stated that the organization enjoys the status of recognized apex bodies in Pakistan and has constituent unit in all the member states. The organization fulfill the criteria being regional apex bodies and the Government of Pakistan endorses the application for grant of recognition by SAARC as a regional body.

The SAARC Secretariat is requested to kindly initiate action for grant of recognition to the organization.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the SAARC Secretariat the assurances of its highest consideration.