



Miscellaneous Series No. 2 (2016)

Instruments Amending

the Constitution of the International Telecommunication Union (Geneva, 1992) and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994) (Amendments adopted by the Plenipotentiary Conference (Minneapolis, 1998))

Adopted Minneapolis, 6 November 1998

[The Amendments have not been ratified by the United Kingdom]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 2016*



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**INSTRUMENTS AMENDING THE CONSTITUTION OF THE
INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992)
AND THE CONVENTION OF THE INTERNATIONAL
TELECOMMUNICATION UNION (GENEVA, 1992) AS AMENDED BY
THE PLENIPOTENTIARY CONFERENCE (KYOTO, 1994)
(AMENDMENTS ADOPTED BY THE PLENIPOTENTIARY
CONFERENCE (MINNEAPOLIS, 1998))**

EXPLANATORY NOTES

Symbols used in the Instruments

The symbols given in the margin indicate changes adopted by the Plenipotentiary Conference (Minneapolis, 1998) in relation to the texts of the Constitution and Convention (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), and have the following meaning:

- | | | |
|--------------|---|---|
| ADD | = | addition of a new provision |
| MOD | = | modification of an existing provision |
| (MOD) | = | editorial modification of an existing provision |
| SUP | = | deletion of an existing provision |

These symbols are followed by the number of the existing provision. For new provisions (symbol ADD), the point at which they are to be inserted is shown by the number of the preceding provision, followed by a letter.

**INSTRUMENT AMENDING THE CONSTITUTION OF THE
INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992)
AS AMENDED BY THE PLENIPOTENTIARY CONFERENCE (KYOTO,
1994) (AMENDMENTS ADOPTED BY THE PLENIPOTENTIARY
CONFERENCE (MINNEAPOLIS, 1998))¹**

PART I

Foreword

By virtue of and in implementation of the relevant provisions of the Constitution of the International Telecommunication Union (Geneva, 1992)², as amended by the Plenipotentiary Conference (Kyoto, 1994)³, in particular those in Article 55 thereof, the Plenipotentiary Conference of the International Telecommunication Union (Minneapolis, 1998) has adopted the following amendments to the said Constitution:

CHAPTER I

Basic Provisions

ARTICLE 1 (CS)

Purposes of the Union

- MOD** **3** *a)* to maintain and extend international cooperation among all its Member States for the improvement and rational use of telecommunications of all kinds;
- ADD** **3A** *abis)* to promote and enhance participation of entities and organizations in the activities of the Union and foster fruitful cooperation and partnership between them and Member States for the fulfilment of the overall objectives as embodied in the purposes of the Union;
- MOD** **4** *b)* to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote the mobilization of the material, human and financial resources needed for its implementation, as well as access to information;

¹ In accordance with Resolution 70 (Minneapolis, 1998) on inclusion of gender perspective in the work of ITU, the language used in the texts of the basic instruments of the Union (Constitution and Convention) is to be considered gender neutral.

² Treaty Series No. 024 (1996) Cm 3145

³ Treaty Series No. 065 (1997) Cm 3779

- MOD** **8** *f)* to harmonize the actions of Member States and promote fruitful and constructive cooperation and partnership between Member States and Sector Members in the attainment of those ends;
- MOD** **11** *a)* effect allocation of bands of the radio-frequency spectrum, the allotment of radio frequencies and the registration of radio-frequency assignments and, for space services, of any associated orbital position in the geostationary-satellite orbit or of any associated characteristics of satellites in other orbits, in order to avoid harmful interference between radio stations of different countries;
- MOD** **12** *b)* coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum for radiocommunication services and of the geostationary-satellite and other satellite orbits;
- MOD** **14** *d)* foster international cooperation and solidarity in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;
- MOD** **16** *f)* foster collaboration among Member States and Sector Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunications on a sound basis;
- ADD** **19A** *j)* promote participation of concerned entities in the activities of the Union and cooperation with regional and other organizations for the fulfilment of the purposes of the Union.

ARTICLE 2 (CS)

Composition of the Union

- MOD 20** The International Telecommunication Union is an intergovernmental organization in which Member States and Sector Members, having well-defined rights and obligations, cooperate for the fulfilment of the purposes of the Union. It shall, having regard to the principle of universality and the desirability of universal participation in the Union, be composed of:
- MOD 21** a) any State which is a Member State of the International Telecommunication Union as a Party to any International Telecommunication Convention prior to the entry into force of this Constitution and the Convention;
- MOD 23** c) any other State, not a Member of the United Nations, which applies for membership of the Union and which, after having secured approval of such application by two-thirds of the Member States of the Union, accedes to this Constitution and the Convention in accordance with Article 53 of this Constitution. If such application for membership is made during the interval between two plenipotentiary conferences, the Secretary-General shall consult the Member States of the Union; a Member State shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

ARTICLE 3 (CS)

MOD Rights and Obligations of Member States and Sector Members

- MOD 24** 1 Member States and Sector Members shall have the rights and shall be subject to the obligations provided for in this Constitution and the Convention.
- MOD 25** 2 Rights of Member States in respect of their participation in the conferences, meetings and consultations of the Union are:
- MOD 26** a) all Member States shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or as members of the Radio Regulations Board;

- MOD 27 b)** subject to the provisions of Nos. 169 and 210 of this Constitution, each Member State shall have one vote at all plenipotentiary conferences, all world conferences and all Sector assemblies and study group meetings and, if it is a Member State of the Council, all sessions of that Council. At regional conferences, only the Member States of the region concerned shall have the right to vote;
- MOD 28 c)** subject to the provisions of Nos. 169 and 210 of this Constitution, each Member State shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional conferences, only the Member States of the region concerned shall have the right to vote.
- ADD 28A 3** In respect of their participation in activities of the Union, Sector Members shall be entitled to participate fully in the activities of the Sector of which they are members, subject to relevant provisions of this Constitution and the Convention:
- ADD 28B a)** they may provide chairmen and vice-chairmen of Sector assemblies and meetings and world telecommunication development conferences;
- ADD 28C b)** they shall be entitled, subject to the relevant provisions of the Convention and relevant decisions adopted in this regard by the Plenipotentiary Conference, to take part in the adoption of Questions and Recommendations and in decisions relating to the working methods and procedures of the Sector concerned.

ARTICLE 4 (CS)

Instruments of the Union

- MOD 31 3** The provisions of both this Constitution and the Convention are further complemented by those of the Administrative Regulations, enumerated below, which regulate the use of telecommunications and shall be binding on all Member States:
- International Telecommunication Regulations,
 - Radio Regulations.

ARTICLE 6 (CS)

Execution of the Instruments of the Union

- MOD 37** 1 The Member States are bound to abide by the provisions of this Constitution, the Convention and the Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 48 of this Constitution.
- MOD 38** 2 The Member States are also bound to take the necessary steps to impose the observance of the provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

ARTICLE 7 (CS)

Structure of the Union

- MOD 44** *e)* the Telecommunication Standardization Sector, including world telecommunication standardization assemblies;

ARTICLE 8 (CS)

Plenipotentiary Conference

- MOD 47** 1 The Plenipotentiary Conference shall be composed of delegations representing Member States. It shall be convened every four years.
- MOD 48** 2 On the basis of proposals by Member States and taking account of reports by the Council, the Plenipotentiary Conference shall:
- MOD 50** *b)* consider the reports by the Council on the activities of the Union since the previous plenipotentiary conference and on the policy and strategic planning of the Union;

- MOD 51 c)** establish the basis for the budget of the Union and determine, in the light of its decisions taken on the reports referred to in No. 50 above, related financial limits until the next plenipotentiary conference, after considering all relevant aspects of the work of the Union in that period;
- ADD 51A d)** establish, using the procedures described in Nos. 161D to 161G of this Constitution, the total number of contributory units for the period up to the next plenipotentiary conference on the basis of the classes of contribution announced by Member States;
- MOD 54 f)** elect the Member States which are to serve on the Council;
- MOD 57 i)** consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention, put forward by Member States, in accordance with the provisions of Article 55 of this Constitution and the relevant provisions of the Convention, respectively;
- ADD 58A jbis)** adopt and amend the Rules of Procedure of conferences and other meetings of the Union;
- MOD 59C b)** should two-thirds of the Member States individually so request the Secretary-General;
- MOD 59D c)** at the proposal of the Council with the approval of at least two-thirds of the Member States.

ARTICLE 9 (CS)

Principles Concerning Elections and Related Matters

- MOD 62 b)** the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux and the members of the Radio Regulations Board shall be elected among the candidates proposed by Member States as their nationals and shall all be nationals of different Member States, and at their election due consideration should be given to equitable geographical distribution amongst the regions of the world; as far as the elected officials are concerned, due consideration should also be given to the principles embodied in No. 154 of this Constitution;
- MOD 63 c)** the members of the Radio Regulations Board shall be elected in their individual capacity; each Member State may propose only one candidate.

ARTICLE 10 (CS)

The Council

- MOD 65** 1 1) The Council shall be composed of Member States elected by the Plenipotentiary Conference in accordance with the provisions of No. 61 of this Constitution.
- MOD 69** 4 1) The Council shall take all steps to facilitate the implementation by the Member States of the provisions of this Constitution, of the Convention, of the Administrative Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary Conference.
- MOD 70** 2) It shall consider broad telecommunication policy issues in keeping with the guidelines given by the Plenipotentiary Conference in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment, and shall prepare a report on the policy and strategic planning recommended for the Union, together with their financial implications. It shall use to this effect the material prepared by the Secretary-General under No. 74A below.

ARTICLE 11 (CS)

General Secretariat

- ADD 73A** 2) The functions of the Secretary-General are specified in the Convention. In addition, the Secretary-General shall:
- MOD 74** a) coordinate the Union's activities, with the assistance of the Coordination Committee;
- ADD 74A** b) prepare, with the assistance of the Coordination Committee, material required for the preparation of a report on the policies and strategic plan for the Union, and coordinate the implementation of the plan;

- MOD 75** *c)* take all the actions required to ensure economic use of the Union's resources and be responsible to the Council for all the administrative and financial aspects of the Union's activities;
- MOD 76** *d)* act as the legal representative of the Union.
- ADD 76A** 3) The Secretary-General may act as depositary of special arrangements established in conformity with Article 42 of this Constitution.

CHAPTER II

Radiocommunication Sector

ARTICLE 12 (CS)

Functions and Structure

- MOD 78** 1 1) The functions of the Radiocommunication Sector shall be, bearing in mind the particular concerns of developing countries, to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication:
- by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radiocommunication services, including those using the geostationary-satellite or other satellite orbits, subject to the provisions of Article 44 of this Constitution, and
 - by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.
- MOD 83** *c)* radiocommunication assemblies;
- ADD 84A** *dbis)* the radiocommunication advisory group;
- MOD 87** *a)* of right, the administrations of all Member States;
- MOD 88** *b)* any entity or organization which becomes a Sector Member in accordance with the relevant provisions of the Convention.

ARTICLE 13 (CS)

**Radiocommunication Conferences
and Radiocommunication Assemblies**

- MOD 90 2** World radiocommunication conferences shall normally be convened every two to three years; however, following the application of the relevant provisions of the Convention, such a conference need not be convened or an additional one may be convened.
- MOD 91 3** Radiocommunication assemblies shall also normally be convened every two to three years, and may be associated in place and time with world radiocommunication conferences so as to improve the efficiency and effectiveness of the Radiocommunication Sector. Radiocommunication assemblies shall provide the necessary technical bases for the work of the world radiocommunication conferences and respond to all requests from world radiocommunication conferences. The duties of the radiocommunication assemblies are specified in the Convention.
- MOD 92 4** The decisions of a world radiocommunication conference, of a radiocommunication assembly and of a regional radiocommunication conference shall in all circumstances be in conformity with this Constitution and the Convention. The decisions of a radiocommunication assembly or of a regional radiocommunication conference shall also in all circumstances be in conformity with the Radio Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.

ARTICLE 14 (CS)

Radio Regulations Board

- ADD 93A 2** The Radio Regulations Board is composed of not more than either 12 members, or of a number corresponding to 6% of the total number of Member States, whichever is the greater.

- MOD 95** a) the approval of Rules of Procedure, which include technical criteria, in accordance with the Radio Regulations and with any decision which may be taken by competent radiocommunication conferences. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Member States. These Rules shall be open to comment by administrations and, in case of continuing disagreement, the matter shall be submitted to a forthcoming world radiocommunication conference;
- MOD 97** c) the performance of any additional duties, concerned with the assignment and utilization of frequencies, as indicated in No. 78 of this Constitution, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference or by the Council with the consent of a majority of the Member States, in preparation for, or in pursuance of the decisions of, such a conference.
- MOD 99** 2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a member thereof, or from any public or private organization or person. Members of the Board shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 98 above.
- MOD 100** 3) Member States and Sector Members shall respect the exclusively international character of the duties of the members of the Board and refrain from attempting to influence them in the performance of their Board duties.

ARTICLE 15 (CS)

MOD **Radiocommunication Study Groups
and Advisory Group**

- MOD 102** The respective duties of the radiocommunication study groups and advisory group are specified in the Convention.

CHAPTER III

Telecommunication Standardization Sector

ARTICLE 17 (CS)

Functions and Structure

- MOD 104** 1) 1) The functions of the Telecommunication Standardization Sector shall be, bearing in mind the particular concerns of the developing countries, to fulfil the purposes of the Union relating to telecommunication standardization, as stated in Article 1 of this Constitution, by studying technical, operating and tariff questions and adopting recommendations on them with a view to standardizing telecommunications on a worldwide basis.
- MOD 107** a) world telecommunication standardization assemblies;
- ADD 108A** *bbis*) the telecommunication standardization advisory group;
- MOD 111** a) of right, the administrations of all Member States;
- MOD 112** b) any entity or organization which becomes a Sector Member in accordance with the relevant provisions of the Convention.

ARTICLE 18 (CS)

MOD World Telecommunication Standardization Assemblies

- MOD 113** 1) The duties of world telecommunication standardization assemblies are specified in the Convention.
- MOD 114** 2) World telecommunication standardization assemblies shall be convened every four years; however, an additional assembly may be held in accordance with the relevant provisions of the Convention.

- MOD 115 3** Decisions of world telecommunication standardization assemblies must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the assemblies shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.

ARTICLE 19 (CS)

MOD Telecommunication Standardization Study Groups and Advisory Group

- MOD 116** The respective duties of the telecommunication standardization study groups and advisory group are specified in the Convention.

CHAPTER IV

Telecommunication Development Sector

ARTICLE 21 (CS)

Functions and Structure

- MOD 122 b)** promote, especially by means of partnership, the development, expansion and operation of telecommunication networks and services, particularly in developing countries, taking into account the activities of other relevant bodies, by reinforcing capabilities for human resources development, planning, management, resource mobilization, and research and development;
- ADD 132A bbis)** the telecommunication development advisory group;
- MOD 135 a)** of right, the administrations of all Member States;
- MOD 136 b)** any entity or organization which becomes a Sector Member in accordance with the relevant provisions of the Convention.

ARTICLE 22 (CS)

Telecommunication Development Conferences

- MOD 142 4 Telecommunication development conferences shall not produce Final Acts. Their conclusions shall take the form of resolutions, decisions, recommendations or reports. These conclusions must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.

ARTICLE 23 (CS)

MOD **Telecommunication Development Study Groups and Advisory Group**

- MOD 144 The respective duties of telecommunication development study groups and advisory group are specified in the Convention.

CHAPTER V

Other Provisions Concerning the Functioning of the Union

ARTICLE 25 (CS)

World Conferences on International Telecommunications

- MOD 147 2 Decisions of world conferences on international telecommunications shall in all circumstances be in conformity with this Constitution and the Convention. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.

ARTICLE 27 (CS)

Elected Officials and Staff of the Union

- MOD 151** 2) Member States and Sector Members shall respect the exclusively international character of the duties of these elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.
- MOD 153** 4) In order to ensure the efficient operation of the Union, any Member State a national of which has been elected Secretary-General, Deputy Secretary- General or Director of a Bureau shall refrain, as far as possible, from recalling that national between two plenipotentiary conferences.

ARTICLE 28 (CS)

Finances of the Union

- MOD 159** 2 The expenses of the Union shall be met from:
- ADD 159A** a) the contributions of its Member States and Sector Members;
- ADD 159B** b) other revenues as identified in the Convention or in the Financial Regulations.
- ADD 159C** 2bis Each Member State and Sector Member shall pay a sum equivalent to the number of units in the class of contribution it has chosen in accordance with Nos. 160 to 1611 below.
- ADD 159D** 2ter Expenses incurred by the regional conferences referred to in No. 43 of this Constitution shall be borne, in accordance with their class of contribution, by all the Member States of the region concerned and, where appropriate, on the same basis by any Member States of other regions which have participated in such conferences.
- MOD 160** 3 1) Member States and Sector Members shall be free to choose their class of contribution for defraying Union expenses.

- MOD 161** 2) The choice by Member States shall be made at a plenipotentiary conference in accordance with the scale of classes of contribution and conditions contained in the Convention and with the procedures described below.
- ADD 161A** *2bis*) The choice by Sector Members shall be made in accordance with the scale of classes of contribution and conditions contained in the Convention and with the procedures described below.
- ADD 161B** *3bis 1)* At its session preceding the plenipotentiary conference, the Council shall fix the provisional amount of the contributory unit, on the basis of the draft financial plan for the corresponding period and total number of contributory units.
- ADD 161C** 2) The Secretary-General shall inform the Member States and Sector Members of the provisional amount of the contributory unit as determined under No. 161B above and invite the Member States to notify, no later than one week prior to the date set for the opening of the plenipotentiary conference, the class of contribution they have provisionally chosen.
- ADD 161D** 3) The plenipotentiary conference shall, during its first week, determine the provisional upper limit of the amount of the contributory unit resulting from the steps taken by the Secretary-General in pursuance of Nos. 161B and 161C above, and taking account of any changes in class of contribution notified by Member States to the Secretary-General as well as classes of contribution remaining unchanged.
- ADD 161E** 4) Bearing in mind the draft financial plan as revised, the plenipotentiary conference shall determine the definitive upper limit of the amount of the contributory unit. The Secretary-General shall then invite the Member States to announce, before the end of the penultimate week of the plenipotentiary conference, their definitive choice of class of contribution.
- ADD 161F** 5) Member States which have failed to notify the Secretary-General of their decision by the date set by the plenipotentiary conference shall retain the class of contribution previously chosen.

- ADD** **161G** 6) The plenipotentiary conference shall then approve the definitive financial plan on the basis of the total number of contributory units corresponding to the definitive classes of contribution chosen by the Member States and classes of contribution of the Sector Members at the date on which the financial plan is approved.
- ADD** **161H** *3ter* 1) The Secretary-General shall inform the Sector Members of the definitive upper limit of the amount of the contributory unit and invite them to notify, within three months from the closing date of the plenipotentiary conference, the class of contribution they have chosen.
- ADD** **161I** 2) Sector Members which have failed to notify the Secretary-General of their decision within this three-month period shall retain the class of contribution previously chosen.
- MOD** **162** 3) Amendments to the scale of classes of contribution adopted by a plenipotentiary conference shall apply for the selection of the class of contribution during the following plenipotentiary conference.
- MOD** **163** 4) The class of contribution chosen by a Member State or a Sector Member is applicable as of the first biennial budget after a plenipotentiary conference.
- SUP** **164**
- MOD** **165** 5) When choosing its class of contribution, a Member State shall not reduce it by more than two classes of contribution and the Council shall indicate to it the manner in which the reduction shall be gradually implemented over the period between plenipotentiary conferences. However, under exceptional circumstances such as natural disasters necessitating international aid programmes, the Plenipotentiary Conference may authorize a greater reduction in the number of contributory units when so requested by a Member State which has established that it can no longer maintain its contribution at the class originally chosen.

- ADD** **165bis** *5bis* Under exceptional circumstances such as natural disasters necessitating international aid programmes, the Council may authorize a reduction in the number of contributory units when so requested by a Member State which has established that it can no longer maintain its contribution at the class originally chosen.
- ADD** **165A** *5ter* Member States and Sector Members may at any time choose a class of contribution higher than the one already adopted by them.
- SUP** **166 and 167**
- MOD** **168** 8 Member States and Sector Members shall pay in advance their annual contributory shares, calculated on the basis of the biennial budget approved by the Council as well as of any adjustment adopted by the Council.
- MOD** **169** 9 A Member State which is in arrears in its payments to the Union shall lose its right to vote as defined in Nos. 27 and 28 of this Constitution for so long as the amount of its arrears equals or exceeds the amount of the contribution due for the two preceding years.
- MOD** **170** 10 Specific provisions governing the financial contributions by Sector Members and by other international organizations are contained in the Convention.

ARTICLE 31 (CS)

Legal Capacity of the Union

- MOD** **176** The Union shall enjoy in the territory of each of its Member States such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

ARTICLE 32 (CS)

Rules of Procedure of Conferences and Other Meetings

- MOD** 177 1 For the organization of their work and the conduct of their discussions, conferences and other meetings of the Union shall apply the Rules of Procedure of conferences and other meetings of the Union adopted by the Plenipotentiary Conference.
- MOD** 178 2 Conferences, assemblies and the Council may adopt such rules as they consider to be essential in addition to those in the Rules of Procedure. Such additional rules must, however, be compatible with this Constitution, the Convention and the Rules of Procedure referred to in No. 177 above; those adopted by conferences or assemblies shall be published as documents of the conference or assembly concerned.

CHAPTER VI

General Provisions Relating to Telecommunications

ARTICLE 33 (CS)

The Right of the Public to Use the International Telecommunication Service

- MOD** 179 Member States recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.

ARTICLE 34 (CS)

Stoppage of Telecommunications

- MOD** 180 1 Member States reserve the right to stop, in accordance with their national law, the transmission of any private telegram which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

- MOD** **181** 2 Member States also reserve the right to cut off, in accordance with their national law, any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency.

ARTICLE 35 (CS)

Suspension of Services

- MOD** **182** Each Member State reserves the right to suspend the international telecommunication service, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Member States through the Secretary-General.

ARTICLE 36 (CS)

Responsibility

- MOD** **183** Member States accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

ARTICLE 37 (CS)

Secrecy of Telecommunications

- MOD** **184** 1 Member States agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

ARTICLE 38 (CS)

**Establishment, Operation and Protection of Telecommunication
Channels and Installations**

- MOD 186 1** Member States shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.
- MOD 188 3** Member States shall safeguard these channels and installations within their jurisdiction.
- MOD 189 4** Unless other conditions are laid down by special arrangements, each Member State shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.
- ADD 189A** Member States recognize the necessity of taking practical measures to prevent the operation of electrical apparatus and installations of all kinds from disrupting the operation of telecommunication installations within the jurisdiction of other Member States.

ARTICLE 39 (CS)

Notification of Infringements

- MOD 190** In order to facilitate the application of the provisions of Article 6 of this Constitution, Member States undertake to inform and, as appropriate, assist one another with regard to infringements of the provisions of this Constitution, of the Convention and of the Administrative Regulations.

ARTICLE 42 (CS)

Special Arrangements

- MOD 193** Member States reserve for themselves, for the operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Member States in general. Such arrangements, however, shall not be in conflict with the terms of this Constitution, of the Convention or of the Administrative Regulations, so far as concerns the harmful interference which their operation might cause to the radio services of other Member States, and in general so far as concerns the technical harm which their operation might cause to the operation of other telecommunication services of other Member States.

ARTICLE 43 (CS)

Regional Conferences, Arrangements and Organizations

- MOD 194** Member States reserve the right to convene regional conferences, to make regional arrangements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. Such arrangements shall not be in conflict with either this Constitution or the Convention.

CHAPTER VII

Special Provisions for Radio

ARTICLE 44 (CS)

MOD Use of the Radio-Frequency Spectrum and of the Geostationary-Satellite and Other Satellite Orbits

- MOD 196 2** In using frequency bands for radio services, Member States shall bear in mind that radio frequencies and any associated orbits, including the geostationary satellite orbit, are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to those orbits and frequencies, taking into account the special needs of the developing countries and the geographical situation of particular countries.

ARTICLE 45 (CS)

Harmful Interference

- MOD** **197** 1 All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Member States or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Radio Regulations.
- MOD** **198** 2 Each Member State undertakes to require the operating agencies which it recognizes and the other operating agencies duly authorized for this purpose to observe the provisions of No. 197 above.
- MOD** **199** 3 Further, the Member States recognize the necessity of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in No. 197 above.

ARTICLE 47 (CS)

**False or Deceptive Distress, Urgency, Safety
or Identification Signals**

- MOD** **201** Member States agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, urgency, safety or identification signals, and to collaborate in locating and identifying stations under their jurisdiction transmitting such signals.

ARTICLE 48 (CS)

Installations for National Defence Services

- MOD** **202** 1 Member States retain their entire freedom with regard to military radio installations.

CHAPTER VIII

Relations With the United Nations, Other International Organizations and Non-Member States

ARTICLE 51 (CS)

Relations with Non-Member States

- MOD 207** Each Member State reserves for itself and for the recognized operating agencies the right to fix the conditions on which it admits telecommunications exchanged with a State which is not a Member State of the Union. If a telecommunication originating in the territory of such a State is accepted by a Member State, it must be transmitted and, in so far as it follows the telecommunication channels of a Member State, the obligatory provisions of this Constitution, of the Convention and of the Administrative Regulations and the usual charges shall apply to it.

CHAPTER IX

Final Provisions

ARTICLE 52 (CS)

Ratification, Acceptance or Approval

- MOD 208** 1 This Constitution and the Convention shall be simultaneously ratified, accepted or approved by any signatory Member State, in accordance with its constitutional rules, in one single instrument. This instrument shall be deposited, in as short a time as possible, with the Secretary-General. The Secretary-General shall notify the Member States of each deposit of any such instrument.
- MOD 209** 2 1) During a period of two years from the date of entry into force of this Constitution and the Convention, a signatory Member State, even though it may not have deposited an instrument of ratification, acceptance or approval, in accordance with No. 208 above, shall enjoy the rights conferred on Member States in Nos. 25 to 28 of this Constitution.

- MOD 210** 2) From the end of a period of two years from the date of entry into force of this Constitution and the Convention, a signatory Member State which has not deposited an instrument of ratification, acceptance or approval, in accordance with No. 208 above, shall no longer be entitled to vote at any conference of the Union, at any session of the Council, at any meeting of any of the Sectors of the Union, or during any consultation by correspondence conducted in accordance with the provisions of this Constitution and of the Convention until it has so deposited such an instrument. Its rights, other than voting rights, shall not be affected.

ARTICLE 53 (CS)

Accession

- MOD 212** 1 A Member State which is not a signatory to this Constitution and the Convention, or, subject to the provisions of Article 2 of this Constitution, any other State referred to in that Article, may accede to this Constitution and the Convention at any time. Such accession shall be made simultaneously in the form of one single instrument covering both this Constitution and the Convention.
- MOD 213** 2 The instrument of accession shall be deposited with the Secretary-General, who shall notify the Member States of each deposit of any such instrument when it is received and shall forward to each of them a certified copy thereof.

ARTICLE 54 (CS)

Administrative Regulations

- ADD 216A** The Administrative Regulations referred to in No. 216 above shall remain in force, subject to such revisions as may be adopted in application of Nos. 89 and 146 of this Constitution and brought into force. Any revision of the Administrative Regulations, either partial or complete, shall enter into force on the date or dates specified therein only for the Member States which, prior to such date or dates, have notified the Secretary-General of their consent to be bound by that revision.

SUP 217

- ADD 217A** A Member State shall notify its consent to be bound by a partial or complete revision of the Administrative Regulations by depositing with the Secretary-General an instrument of ratification, acceptance or approval of that revision or of accession thereto or by notifying the Secretary-General of its consent to be bound by that revision.
- ADD 217B** Any Member State may also notify the Secretary-General that its ratification, acceptance or approval of, or accession to, amendments to this Constitution or the Convention in accordance with Article 55 of the Constitution or Article 42 of the Convention shall constitute consent to be bound by any revision of the Administrative Regulations, either partial or complete, adopted by a competent conference prior to the signature of the said amendments to this Constitution or to the Convention.
- ADD 217C** The notification referred to in No. 217B above shall be given at the time of the deposit by the Member State of its instrument of ratification, acceptance or approval of, or accession to, the amendments to this Constitution or to the Convention.
- ADD 217D** Any revision of the Administrative Regulations shall apply provisionally, as from the date of entry into force of the revision, in respect of any Member State that has signed the revision and has not notified the Secretary-General of its consent to be bound in accordance with Nos. 217A and 217B above. Such provisional application only takes effect if the Member State in question did not oppose it at the time of signature of the revision.
- MOD 218 4** Such provisional application shall continue for a Member State until it notifies the Secretary-General of its decision concerning its consent to be bound by any such revision.
- SUP 219 to 221**
- ADD 221A** If a Member State fails to notify the Secretary-General of its decision concerning its consent to be bound under No. 218 above within thirty-six months following the date or dates of entry into force of the revision, that Member State shall be deemed to have consented to be bound by that revision.

- ADD 221B** Any provisional application within the meaning of No. 217D or any consent to be bound within the meaning of No. 221A shall be subject to any reservation as may have been made by the Member State concerned at the time of signature of the revision. Any consent to be bound within the meaning of Nos. 216A, 217A, 217B and 218 above shall be subject to any reservation as may have been made by the Member State concerned at the time of signature of the Administrative Regulations or revision thereto, provided that it maintains the reservation when notifying the Secretary-General of its consent to be bound.
- SUP 222**
- MOD 223 7** The Secretary-General shall inform Member States promptly of any notification received pursuant to this Article.

ARTICLE 55 (CS)

Provisions for Amending this Constitution

- MOD 224 1** Any Member State may propose any amendment to this Constitution. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Member States, reach the Secretary-General not later than eight months prior to the opening date fixed for the Plenipotentiary Conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, forward any such proposal to all the Member States.
- MOD 225 2** Any proposed modification to any amendment submitted in accordance with No. 224 above may, however, be submitted at any time by a Member State or by its delegation at the plenipotentiary conference.
- MOD 228 5** Unless specified otherwise in the preceding paragraphs of this Article, which shall prevail, the general provisions regarding conferences and the Rules of Procedure of conferences and other meetings shall apply.

- MOD 229 6** Any amendments to this Constitution adopted by a plenipotentiary conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the conference between Member States having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Constitution and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.
- MOD 230 7** The Secretary-General shall notify all Member States of the deposit of each instrument of ratification, acceptance, approval or accession.

ARTICLE 56 (CS)

Settlement of Disputes

- MOD 233 I** Member States may settle their disputes on questions relating to the interpretation or application of this Constitution, of the Convention or of the Administrative Regulations by negotiation, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.
- MOD 234 2** If none of these methods of settlement is adopted, any Member State party to a dispute may have recourse to arbitration in accordance with the procedure defined in the Convention.
- MOD 235 3** The Optional Protocol on the Compulsory Settlement of Disputes Relating to this Constitution, to the Convention, and to the Administrative Regulations shall be applicable as between Member States parties to that Protocol.

ARTICLE 57 (CS)

Denunciation of this Constitution and the Convention

- MOD** **236** **1** Each Member State which has ratified, accepted, approved or acceded to this Constitution and the Convention shall have the right to denounce them. In such a case, this Constitution and the Convention shall be denounced simultaneously in one single instrument, by a notification addressed to the Secretary- General. Upon receipt of such notification, the Secretary-General shall advise the other Member States thereof.

ARTICLE 58 (CS)

Entry into Force and Related Matters

- MOD** **241** **4** The original of this Constitution and the Convention drawn up in the Arabic, Chinese, English, French, Russian and Spanish languages shall remain deposited in the archives of the Union. The Secretary-General shall forward, in the languages requested, a certified true copy to each of the signatory Member States.

PART II

Date of Entry into Force

The amendments contained in the present instrument shall, as a whole and in the form of one single instrument, enter into force on 1 January 2000 between Member States being at that time parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present amending instrument.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the original of the present instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994).

Done at Minneapolis, 6 November 1998

ANNEX (CS)

**Definition of Certain Terms Used in this Constitution,
the Convention and the Administrative Regulations
of the International Telecommunication Union**

- ADD** **1001A** *Member State:* A State which is considered to be a Member of the International Telecommunication Union in application of Article 2 of this Constitution.
- ADD** **1001B** *Sector Member:* An entity or organization authorized in accordance with Article 19 of the Convention to participate in the activities of a Sector.
- MOD** **1005** *Delegation:* The totality of the delegates and, should the case arise, any representatives, advisers, attaches, or interpreters sent by the same Member State. Each Member State shall be free to make up its delegation as it wishes. In particular, it may include in its delegation, *inter alia*, in the capacity of delegates, advisers or attaches, persons belonging to any entity or organization authorized in accordance with the relevant provisions of the Convention.
- MOD** **1006** *Delegate:* A person sent by the government of a Member State to a plenipotentiary conference, or a person representing a government or an administration of a Member State at another conference or at a meeting of the Union.
- MOD** **1008** *Recognized Operating Agency:* Any operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 of this Constitution are imposed by the Member State in whose territory the head office of the agency is situated, or by the Member State which has authorized this operating agency to establish and operate a telecommunication service on its territory.

**INSTRUMENT AMENDING THE CONVENTION OF THE
INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992) AS
AMENDED BY THE PLENIPOTENTIARY CONFERENCE (KYOTO, 1994)
(AMENDMENTS ADOPTED BY THE PLENIPOTENTIARY
CONFERENCE (MINNEAPOLIS, 1998))⁴**

PART I

Foreword

By virtue of and in implementation of the relevant provisions of the Convention of the International Telecommunication Union (Geneva, 1992)⁵, as amended by the Plenipotentiary Conference (Kyoto, 1994)⁶, in particular those in Article 42 thereof, the Plenipotentiary Conference of the International Telecommunication Union (Minneapolis, 1998) has adopted the following amendments to the said Convention:

CHAPTER I

Functioning of the Union

SECTION 1

ARTICLE 1 (CV)

Plenipotentiary Conference

- | | | | |
|------------|----------|-----------|---|
| MOD | 2 | 2) | If practicable, the precise place and the exact dates of a plenipotentiary conference shall be set by the preceding plenipotentiary conference; failing this, they shall be fixed by the Council with the concurrence of the majority of the Member States. |
| MOD | 4 | <i>a)</i> | when at least one-quarter of the Member States have individually proposed a change to the Secretary-General; or |
| MOD | 6 | 2) | Any such change shall require the concurrence of a majority of the Member States. |

⁴ In accordance with Resolution 70 (Minneapolis, 1998) on inclusion of gender perspective in the work of ITU, the language used in the texts of the basic instruments of the Union (Constitution and Convention) is to be considered gender neutral.

⁵ Treaty Series No. 024 (1996) Cm 3145

⁶ Treaty Series No. 065 (1997) Cm 3779

ARTICLE 2 (CV)

Elections and Related Matters

The Council

- MOD 7 1** Except in the case of vacancies arising in the circumstances described in Nos. 10 to 12 below, the Member States elected to the Council shall hold office until the date on which a new Council is elected. They shall be eligible for reelection.
- MOD 8 2 1)** If, between two plenipotentiary conferences, a seat becomes vacant on the Council, it shall pass by right to the Member State from the same region as the Member State whose seat is vacated which had obtained at the previous election the largest number of votes among those not elected.
- MOD 9 2)** When for any reason a vacant seat cannot be filled according to the procedure of No. 8 above, the Chairman of the Council shall invite the other Member States of the region to seek election within one month of such an invitation being issued. At the end of this period, the Chairman of the Council shall invite Member States to elect a new Member State of the Council. The election shall be carried out by secret ballot by correspondence. The same majority as indicated above will be required. The new Member State of the Council shall hold office until the election of the new Council by the next competent plenipotentiary conference.
- MOD 12 b)** when a Member State resigns its membership of the Council.

ARTICLE 3 (CV)

MOD Other Conferences and Assemblies

- MOD 23 1** In conformity with the relevant provisions of the Constitution, the following world conferences and assemblies of the Union shall normally be convened within the period between two plenipotentiary conferences:

- MOD 24** a) one or two world radiocommunication conferences;
- MOD 25** b) one world telecommunication standardization assembly;
- MOD 27** d) one or two radiocommunication assemblies.
- SUP 29**
- MOD 30** — an additional world telecommunication standardization assembly may be convened.
- MOD 33** b) on the recommendation of the previous world conference or assembly of the Sector concerned, if approved by the Council; in the case of a radiocommunication assembly, the recommendation of the assembly shall be transmitted to the following world radiocommunication conference for comments for the attention of the Council;
- MOD 34** c) at the request of at least one-quarter of the Member States, which shall individually address their requests to the Secretary-General; or
- MOD 39** c) at the request of at least one-quarter of the Member States belonging to the region concerned, which shall individually address their requests to the Secretary-General; or
- MOD 41** 5 1) The precise place and the exact dates of a world or regional conference or an assembly of a Sector may be fixed by a plenipotentiary conference.
- MOD 42** 2) In the absence of such a decision, the Council shall determine the precise place and the exact dates of a world conference or an assembly of a Sector with the concurrence of a majority of the Member States, and of a regional conference with the concurrence of a majority of the Member States belonging to the region concerned; in both cases the provisions of No. 47 below shall apply.
- MOD 44** a) at the request of at least one-quarter of the Member States in the case of a world conference or an assembly of a Sector, or of at least one-quarter of the Member States belonging to the region concerned in the case of a regional conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

- MOD 46** 2) In the cases specified in Nos. 44 and 45 above, the changes proposed shall not be finally adopted until accepted by a majority of the Member States, in the case of a world conference or an assembly of a Sector, or by a majority of the Member States belonging to the region concerned, in the case of a regional conference, subject to the provisions of No. 47 below.
- MOD 47** 7 In the consultations referred to in Nos. 42, 46, 118, 123, 138, 302, 304, 305, 307 and 312 of this Convention, Member States which have not replied within the time-limits specified by the Council shall be regarded as not participating in the consultations, and in consequence shall not be taken into account in computing the majority. If the number of replies does not exceed one-half of the Member States consulted, a further consultation shall take place, the results of which shall be decisive regardless of the number of votes cast.

SECTION 2

ARTICLE 4 (CV)

The Council

- MOD 50** 1 The number of Member States of the Council shall be determined by the Plenipotentiary Conference which is held every four years.
- MOD 50A** 2 This number shall not exceed 25% of the total number of Member States.
- MOD 53** 3) Between ordinary sessions, it may be convened, as a general rule at the seat of the Union, by the Chairman at the request of a majority of its Member States, or on the initiative of the Chairman under the conditions provided for in No. 18 of this Convention.
- MOD 55** 4 At the beginning of each ordinary session, the Council shall elect its own Chairman and Vice-Chairman from among the representatives of its Member States, taking into account the principle of rotation between the regions. They shall serve until the opening of the next ordinary session and shall not be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.

- MOD 56** 5 The person appointed to serve on the Council by a Member State of the Council shall, so far as possible, be an official serving in, or directly responsible to, or for, their telecommunication administration and qualified in the field of telecommunication services.
- MOD 57** 6 Only the travelling, subsistence and insurance expenses incurred by the representative of each Member State of the Council in that capacity at Council sessions shall be borne by the Union.
- MOD 58** 7 The representative of each Member State of the Council shall have the right to attend, as an observer, all meetings of the Sectors of the Union.
- MOD 60** 9 The Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux may participate as of right in the deliberations of the Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to the representatives of its Member States.
- ADD 60A** A Member State which is not a Member State of the Council may, with prior notice to the Secretary-General, send one observer at its own expense to meetings of the Council, its committees and its working groups. An observer shall not have the right to vote or address the meeting.
- MOD 61** 10 The Council shall consider each year the report prepared by the Secretary-General on implementation of the strategic plan adopted by the Plenipotentiary Conference and shall take appropriate action.
- MOD 69** 3) take decisions to ensure equitable geographical distribution and representation of women in the Professional and higher categories in the staff of the Union and monitor the implementation of such decisions;

- MOD 73** 7) review and approve the biennial budget of the Union, and consider the budget forecast for the two-year period following that budget, taking account of the decisions of the Plenipotentiary Conference in relation to No. 50 of the Constitution and of the financial limits set by the Plenipotentiary Conference in accordance with No. 51 of the Constitution; it shall ensure the strictest possible economy but be mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible. In so doing, the Council shall take into account the views of the Coordination Committee as contained in the report by the Secretary-General mentioned in No. 86 and the financial operating report mentioned in No. 101 of this Convention;
- MOD 75** 9) arrange for the convening of the conferences and assemblies of the Union and provide, with the consent of a majority of the Member States in the case of a world conference or assembly, or of a majority of the Member States belonging to the region concerned in the case of a regional conference, appropriate directives to the General Secretariat and the Sectors of the Union with regard to their technical and other assistance in the preparation for and organization of conferences and assemblies;
- MOD 79** 13) take any necessary steps, with the agreement of a majority of the Member States, provisionally to resolve questions not covered by the Constitution, this Convention, the Administrative Regulations and their annexes and which cannot await the next competent conference for settlement;
- MOD 81** 15) send to Member States, as soon as possible after each of its sessions, summary records on the activities of the Council and other documents deemed useful;

SECTION 3

ARTICLE 5 (CV)

General Secretariat

- MOD** **86** *c)* prepare, with the assistance of the Coordination Committee, and submit to the Council a report indicating changes in the telecommunication environment since the last plenipotentiary conference and containing recommended action relating to the Union's future policies and strategy, together with their financial implications;
- ADD** **86A** *cbis)* coordinate implementation of the strategic plan adopted by the Plenipotentiary Conference and prepare an annual report on this implementation for review by the Council;
- ADD** **87A** *dbis)* prepare an annual operational plan and financial plan of activities to be undertaken by the staff of the General Secretariat in support of the strategic plan, to be reviewed by Council.
- MOD** **100** *q)* after consultation with the Coordination Committee and making all possible economies, prepare and submit to the Council a biennial draft budget covering the expenditures of the Union, taking account of the financial limits laid down by the Plenipotentiary Conference. This draft shall consist of a consolidated budget, including cost-based budgets for the three Sectors, prepared in accordance with the budget guidelines issued by the Secretary-General, and comprising two versions. One version shall be for zero growth of the contributory unit, the other for a growth less than or equal to any limit fixed by the Plenipotentiary Conference, after any drawing on the Reserve Account. The budget resolution, after approval by the Council, shall be sent for information to all Member States;
- MOD** **102** *s)* with the assistance of the Coordination Committee, prepare an annual report on the activities of the Union which, after approval by the Council, shall be sent to all Member States;
- ADD** **102A** *sbis)* manage the special arrangements referred to in No. 76A of the Constitution, the cost of this management being borne by the signatories of the arrangement in a manner agreed between them and the Secretary-General.

SECTION 4

ARTICLE 6 (CV)

Coordination Committee

- MOD 109 2** The Committee shall endeavour to reach conclusions unanimously. In the absence of the support of the majority in the Committee, its Chairman may in exceptional circumstances take decisions, on the Chairman's own responsibility, when judging that the decision of the matters in question is urgent and cannot await the next session of the Council. In such circumstances the Chairman shall report promptly in writing on such matters to the Member States of the Council, setting forth the reasons for such action together with any other written views submitted by other members of the Committee. If in such circumstances the matters are not urgent, but nevertheless important, they shall be submitted for consideration by the next session of the Council.

SECTION 5

Radiocommunication Sector

ARTICLE 7 (CV)

World Radiocommunication Conference

- MOD 117 d)** the identification of topics to be studied by the radiocommunication assembly and the radiocommunication study groups, as well as matters that the assembly shall consider in relation to future radiocommunication conferences.
- MOD 118 2)** The general scope of this agenda should be established four to six years in advance, and the final agenda shall be established by the Council preferably two years before the conference, with the concurrence of a majority of the Member States, subject to the provisions of No. 47 of this Convention. These two versions of the agenda shall be established on the basis of the recommendations of the world radiocommunication conference, in accordance with No. 126 of this Convention.

MOD 121 a) at the request of at least one-quarter of the Member States. Such requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

MOD 123 2) The proposed changes to the agenda of a world radiocommunication conference shall not be finally adopted until accepted by a majority of the Member States, subject to the provisions of No. 47 of this Convention.

ARTICLE 8 (CV)

Radiocommunication Assembly

MOD 131 1) consider the reports of study groups prepared in accordance with No. 157 of this Convention and approve, modify or reject the draft recommendations contained in those reports, and consider the reports of the radiocommunication advisory group prepared in accordance with No. 160H of this Convention;

MOD 136 6) report to the following world radiocommunication conference on the progress in matters that may be included in the agenda of future radiocommunication conferences.

ADD 137A A radiocommunication assembly may refer specific matters within its competence to the radiocommunication advisory group for advice.

ARTICLE 9 (CV)

Regional Radiocommunication Conferences

MOD 138 The agenda of a regional radiocommunication conference may provide only for specific radiocommunication questions of a regional nature, including instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Only items included in its agenda may be discussed by such a conference. The provisions contained in Nos. 118 to 123 of this Convention shall apply to a regional radiocommunication conference, but only with regard to the Member States of the region concerned.

SUP 139

ARTICLE 11 (CV)

Radiocommunication Study Groups

MOD 149 2 1) The radiocommunication study groups shall study questions adopted in accordance with a procedure established by the radiocommunication assembly and prepare draft recommendations to be adopted in accordance with the procedure set forth in Nos. 246A to 247 of this Convention.

ADD 149B 2) The radiocommunication study groups shall also study topics identified in resolutions and recommendations of world radiocommunication conferences. The results of such studies shall be included in recommendations or in the reports prepared in accordance with No. 156 below.

MOD 150 3) The study of the above questions and topics shall, subject to No. 158 below, focus on the following:

MOD 151 a) use of the radio-frequency spectrum in terrestrial and space radiocommunication and of the geostationary-satellite and other satellite orbits;

MOD 155 3) These studies shall not generally address economic questions, but when they involve comparing technical or operational alternatives, economic factors may be taken into consideration.

ADD ARTICLE 11A (CV)

Radiocommunication Advisory Group

ADD 160A 1 The radiocommunication advisory group shall be open to representatives of administrations of Member States and representatives of Sector Members and to chairmen of the study groups, and will act through the Director.

ADD 160B 2 The radiocommunication advisory group shall:

- ADD 160C** 1) review priorities, programmes, operations, financial matters and strategies related to radiocommunication assemblies, study groups and the preparation of radiocommunication conferences, and any specific matters as directed by a conference of the Union, a radiocommunication assembly or the Council;
- ADD 160D** 2) review progress in the implementation of the programme of work established under No. 132 of this Convention;
- ADD 160E** 3) provide guidelines for the work of study groups;
- ADD 160F** 4) recommend measures, *inter alia*, to foster cooperation and coordination with other standards bodies, with the Telecommunication Standardization Sector, the Telecommunication Development Sector and the General Secretariat;
- ADD 160G** 5) adopt its own working procedures compatible with those adopted by the radiocommunication assembly;
- ADD 160H** 6) prepare a report for the Director of the Radiocommunication Bureau indicating action in respect of the above items;

ARTICLE 12 (CV)

Radiocommunication Bureau

- MOD 164 a)** coordinate the preparatory work of the study groups and the Bureau, communicate to the Member States and Sector Members the results of this preparatory work, collect their comments and submit a consolidated report to the conference which may include proposals of a regulatory nature;
- MOD 169 b)** distribute to all Member States the Rules of Procedure of the Board and collect comments thereon received from administrations;
- ADD 175A 3bis)** provide the necessary support for the radiocommunication advisory group, and report each year to Member States and Sector Members and to the Council on the results of the work of the advisory group.

- ADD** **175B** 3ter) take practical measures to facilitate the participation of developing countries in the radiocommunication study groups.
- MOD** **177** a) carry out studies to furnish advice with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur, and with a view to the equitable, effective and economical use of the geostationary-satellite and other satellite orbits, taking into account the needs of Member States requiring assistance, the specific needs of developing countries, as well as the special geographical situation of particular countries;
- MOD** **178** b) exchange with Member States and Sector Members data in machine-readable and other forms, prepare and keep up to date any documents and databases of the Radiocommunication Sector, and arrange, with the Secretary-General, as appropriate, for their publication in the working languages of the Union in accordance with No. 172 of the Constitution;
- MOD** **180** d) submit to the world radiocommunication conference a report on the activities of the Radiocommunication Sector since the last conference; if a world radiocommunication conference is not planned, a report on the activities of the Sector covering the two-year period since the last conference shall be submitted to the Council and, for information, to Member States and Sector Members;
- ADD** **181A** *ebis*) prepare an annual operational plan and financial plan of activities to be undertaken by the Bureau in support of the Sector as a whole, to be reviewed by the radiocommunication advisory group in accordance with Article 11A of this Convention and provided to the Council.

SECTION 6

Telecommunication Standardization Sector

ARTICLE 13 (CV)

- MOD** **World Telecommunication Standardization Assembly**
- MOD** **184** 1 In accordance with No. 104 of the Constitution, a world telecommunication standardization assembly shall be convened to consider specific matters related to telecommunication standardization.
- MOD** **185** 2 The questions to be studied by a world telecommunication standardization assembly, on which recommendations shall be issued, shall be those adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, or the Council.
- MOD** **186** 3 In accordance with No. 104 of the Constitution, the assembly shall:
- MOD** **187** a) consider the reports of study groups prepared in accordance with No. 194 of this Convention and approve, modify or reject draft recommendations contained in those reports, and consider the reports of the telecommunication standardization advisory group in accordance with Nos. 197J and 197K of this Convention;
- (MOD)** **190** d) group, as far as practicable, questions of interest to the developing countries to facilitate their participation in these studies;
- ADD** **191A** 4 A world telecommunication standardization assembly may assign specific matters within its competence to the telecommunication standardization advisory group indicating the action required on those matters.
- ADD** **191B** 5 A world telecommunication standardization assembly shall be presided over by a person designated by the government of the country in which the meeting is held or, in the case of a meeting held at the seat of the Union, by a person elected by the assembly itself. The Chairman shall be assisted by Vice-Chairmen elected by the assembly.

ARTICLE 14 (CV)

Telecommunication Standardization Study Groups

- MOD 192** 1) Telecommunication standardization study groups shall study questions adopted in accordance with a procedure established by the world telecommunication standardization assembly and prepare draft recommendations to be adopted in accordance with the procedure set forth in Nos. 246A to 247 of this Convention.
- MOD 194** 3) Each study group shall prepare for the world telecommunication standardization assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 192 above, and any draft new or revised recommendations for consideration by the assembly.
- MOD 197** 4) For the purpose of facilitating the review of activities in the Telecommunication Standardization Sector, measures should be taken to foster cooperation and coordination with other organizations concerned with telecommunication standardization and with the Radiocommunication Sector and the Telecommunication Development Sector. A world telecommunication standardization assembly shall determine the specific duties, conditions of participation and rules of procedure for these measures.

ADD ARTICLE 14A (CV)

Telecommunication Standardization Advisory Group

- ADD 197C** 1) The telecommunication standardization advisory group shall be open to representatives of administrations of Member States and representatives of Sector Members and to chairmen of the study groups.
- ADD 197D** 2) The telecommunication standardization advisory group shall:
- ADD 197E** 1) review priorities, programmes, operations, financial matters and strategies for activities in the Telecommunication Standardization Sector;

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|------------|-------------|---|
| ADD | 197F | 2) review progress in the implementation of the programme of work established under No. 188 of this Convention; |
| ADD | 197G | 3) provide guidelines for the work of study groups; |
| ADD | 197H | 4) recommend measures, <i>inter alia</i> , to foster cooperation and coordination with other relevant bodies, with the Radiocommunication Sector, the Telecommunication Development Sector and the General Secretariat; |
| ADD | 197I | 5) adopt its own working procedures compatible with those adopted by the world telecommunication standardization assembly; |
| ADD | 197J | 6) prepare a report for the Director of the Telecommunication Standardization Bureau indicating action in respect of the above items. |
| ADD | 197K | 7) prepare a report for the world telecommunication standardization assembly on the matters assigned to it in accordance with No. 191A and transmit it to the Director for submission to the assembly. |

ARTICLE 15 (CV)

Telecommunication Standardization Bureau

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|------------|------------|--|
| MOD | 200 | <i>a)</i> update annually the work programme approved by the world telecommunication standardization assembly, in consultation with the chairmen of the telecommunication standardization study groups; |
| MOD | 201 | <i>b)</i> participate, as of right, but in an advisory capacity, in the deliberations of the world telecommunication standardization assemblies and of the telecommunication standardization study groups. The Director shall make all necessary preparations for assemblies and meetings of the Telecommunication Standardization Sector in consultation with the General Secretariat in accordance with No. 94 of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council concerning these preparations; |

- MOD** **202 c)** process information received from administrations in application of the relevant provisions of the International Telecommunication Regulations or decisions of the world telecommunication standardization assembly and prepare it, where appropriate, in a suitable form for publication;
- MOD** **203 d)** exchange with Member States and Sector Members data in machinereadable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Standardization Sector, and arrange with the Secretary-General, where appropriate, for their publication in the working languages of the Union in accordance with No. 172 of the Constitution;
- MOD** **204 e)** submit to the world telecommunication standardization assembly a report on the activities of the Sector since the last assembly; the Director shall also submit to the Council and to the Member States and Sector Members such a report covering the two-year period since the last assembly, unless a second assembly is convened;
- ADD** **205A *fbis*)** prepare an annual operational plan and financial plan of activities to be undertaken by the Bureau in support of the Sector as a whole, to be reviewed by the telecommunication standardization advisory group and provided to the Council;
- ADD** **205B g)** provide the necessary support for the telecommunication standardization advisory group, and report each year to Member States and Sector Members and to the Council on the results of its work;
- ADD** **205C h)** provide assistance to developing countries in the preparatory work for world standardization assemblies, particularly with regard to matters of a priority nature for those countries.

SECTION 7

Telecommunication Development Sector

ARTICLE 16 (CV)

Telecommunication Development Conferences

- MOD** 213 2 The draft agenda of telecommunication development conferences shall be prepared by the Director of the Telecommunication Development Bureau and be submitted by the Secretary-General to the Council for approval with the concurrence of a majority of the Member States in the case of a world conference, or of a majority of the Member States belonging to the region concerned in the case of a regional conference, subject to the provisions of No. 47 of this Convention.
- ADD** 213A 3 A world telecommunication development conference may refer specific matters within its competence to the telecommunication development advisory group for advice.

ARTICLE 17 (CV)

Telecommunication Development Study Groups

- ADD** 215A 3 Each telecommunication development study group shall prepare for the world telecommunication development conference a report indicating the progress of work and any draft new or revised recommendations for consideration by the conference.
- ADD** 215B 4 Telecommunication development study groups shall study questions and prepare draft recommendations to be adopted in accordance with the procedures set out in Nos. 246A to 247 of this Convention.

- ADD** ARTICLE 17A (CV)

Telecommunication Development Advisory Group

- ADD** 215C 7 The telecommunication development advisory group shall be open to representatives of administrations of Member States and representatives of Sector Members and to chairmen and vice-chairmen of study groups.

- ADD 215D 8** The telecommunication development advisory group shall:
- ADD 215E** 1) review priorities, programmes, operations, financial matters and strategies for activities in the Telecommunication Development Sector;
- ADD 215F** 2) review progress in the implementation of the programme of work established under No. 209 of this Convention;
- ADD 215G** 3) provide guidelines for the work of study groups;
- ADD 215H** 4) recommend measures, *inter alia*, to foster cooperation and coordination with the Radiocommunication Sector, the Telecommunication Standardization Sector and the General Secretariat, as well as with other relevant development and financial institutions.
- ADD 215I** 5) adopt its own working procedures compatible with those adopted by the world telecommunication development conference.
- ADD 215J** 6) prepare a report for the Director of the Telecommunication Development Bureau indicating action in respect of the above items.
- ADD 215K 9** Representatives of bilateral cooperation and development aid agencies and multilateral development institutions may be invited by the Director to participate in the meetings of the advisory group.

ARTICLE 18 (CV)

Telecommunication Development Bureau

- MOD 222 e)** submit to the world telecommunication development conference a report on the activities of the Sector since the last conference; the Director shall also submit to the Council and to the Member States and Sector Members such a report covering the two-year period since the last conference;

- (MOD)** 223 *f)* prepare a cost-based budget estimate for the requirements of the Telecommunication Development Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget;
- ADD** 223A *fbis)* prepare an annual operational plan and financial plan of activities to be undertaken by the Bureau in support of the Sector as a whole, to be reviewed by the telecommunication development advisory group and provided to the Council;
- ADD** 223B *g)* provide the necessary support for the telecommunication development advisory group, and report each year to the Member States and Sector Members and to the Council on the results of its work.
- MOD** 224 3 The Director shall work collegially with the other elected officials in order to ensure that the Union's catalytic role in stimulating telecommunication development is strengthened and shall make the necessary arrangements with the Director of the Bureau concerned for initiating suitable action, including the convening of information meetings on the activities of the Sector concerned.
- MOD** 225 4 At the request of the Member States concerned, the Director, with the assistance of the Directors of the other Bureaux and, where appropriate, the Secretary-General, shall study and offer advice concerning their national telecommunication problems; where a comparison of technical alternatives is involved, economic factors may be taken into consideration.
- SUP** 227

SECTION 8

Provisions Common to the Three Sectors

ARTICLE 19 (CV)

Participation of Entities and Organizations Other than Administrations in the Union's Activities

- MOD** 229 *a)* recognized operating agencies, scientific or industrial organizations and financial or development institutions which are approved by the Member State concerned;

- MOD** **230** *b)* other entities dealing with telecommunication matters which are approved by the Member State concerned;
- MOD** **233** *3* Any request from an entity listed in No. 229 above to participate in the work of a Sector, in accordance with the relevant provisions of the Constitution and this Convention, approved by the Member State concerned shall be forwarded by the latter to the Secretary-General.
- MOD** **234** *4* Any request from an entity referred to in No. 230 above submitted by the Member State concerned shall be handled in conformity with a procedure established by the Council. Such a request shall be reviewed by the Council with respect to its conformity with the above procedure.
- ADD** **234A** *4bis* Alternatively, a request from an entity listed in No. 229 or 230 above to become a Sector Member may be sent direct to the Secretary-General. Those Member States authorizing such entities to send a request directly to the Secretary-General shall inform the latter accordingly. Entities whose Member State has not provided such notice to the Secretary-General shall not have the option of direct application. The Secretary-General shall regularly update and publish a list of those Member States that have authorized entities under their jurisdiction or sovereignty to apply directly.
- ADD** **234B** *4ter* Upon receipt, directly from an entity, of a request under No. 234A above, the Secretary-General shall, on the basis of criteria defined by the Council, ensure that the function and purposes of the candidate are in conformity with the purposes of the Union. The Secretary-General shall then, without delay, inform the applicant's Member State inviting approval of the application. If the Secretary-General receives no objection from the Member State within four months, a reminder telegram shall be sent. If the Secretary-General receives no objection within four months after the date of dispatch of the reminder telegram, the application shall be regarded as approved. If an objection is received from the Member State by the Secretary-General, the applicant shall be invited by the Secretary-General to contact the Member State concerned.
- ADD** **234C** *4quater* When authorizing direct application, a Member State may notify the Secretary-General that it assigns authority to the Secretary-General to approve any application by an entity under its jurisdiction or sovereignty.

- MOD 237 7** The Secretary-General shall compile and maintain lists of all entities and organizations referred to in Nos. 229 to 231 and Nos. 260 to 262 of this Convention that are authorized to participate in the work of each Sector and shall, at appropriate intervals, publish and distribute these lists to all Member States and Sector Members concerned and to the Director of the Bureau concerned. That Director shall advise such entities and organizations of the action taken on their requests, and shall inform the relevant Member States.
- MOD 238 8** The conditions of participation in the Sectors by entities and organizations contained in the lists referred to in No. 237 above are specified in this Article, in Article 33 and in other relevant provisions of this Convention. The provisions of Nos. 25 to 28 of the Constitution do not apply to them.
- MOD 239 9** A Sector Member may act on behalf of the Member State which has approved it, provided that the Member State informs the Director of the Bureau concerned that it is authorized to do so.
- MOD 240 10** Any Sector Member has the right to denounce such participation by notifying the Secretary-General. Such participation may also be denounced, where appropriate, by the Member State concerned or, in case of the Sector Member approved pursuant to No. 234C above, in accordance with criteria and procedures determined by the Council. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.
- ADD 241A** The assembly or conference of a Sector may decide to admit entities or organizations to participate as Associates in the work of a given study group or subgroups thereof following the principles set out below:
- ADD 241B** 1) An entity or organization referred to in Nos. 229 to 231 above may apply to participate in the work of a given study group as an Associate.
- ADD 241C** 2) In cases where a Sector has decided to admit Associates, the Secretary-General shall apply to the applicants the relevant provisions of this Article, taking account of the size of the entity or organization and any other relevant criteria.

- ADD 241D** 3) Associates admitted to participate in a given study group are not entered in the list referred to in No. 237 above.
- ADD 241E** 4) The conditions governing participation in the work of a study group are specified in Nos. 248B and 483A of this Convention.

ARTICLE 20 (CV)

Conduct of Business of Study Groups

- MOD 242 1** The radiocommunication assembly, the world telecommunication standardization assembly and the world telecommunication development conference shall appoint the chairman and one vice-chairman or more for each study group. In appointing chairmen and vice-chairmen, particular consideration shall be given to the requirements of competence and equitable geographical distribution, and to the need to promote more efficient participation by the developing countries.
- MOD 243 2** If the workload of any study group requires, the assembly or conference shall appoint such additional vice-chairmen as it deems necessary.
- ADD 246A 5bis**
- a) Member States and Sector Members shall adopt questions to be studied in accordance with procedures established by the relevant conference or assembly, as appropriate, including the indication whether or not a resulting recommendation shall be the subject of a formal consultation of Member States.
- ADD 246B b)** Recommendations resulting from the study of the above questions are adopted by a study group in accordance with procedures established by the relevant conference or assembly, as appropriate. Those recommendations which do not require formal consultation of Member States for their approval shall be considered as approved.
- ADD 246C c)** A recommendation requiring formal consultation of Member States shall be either treated in accordance with No. 247 below or transmitted to the relevant conference or assembly, as appropriate.

- ADD 246D *cbis***) Nos. 246A and 246B above shall not be used for questions and recommendations having policy or regulatory implications such as:
- ADD 246E** – questions and recommendations approved by the Radiocommunication Sector relevant to the work of radiocommunication conferences, and other categories of questions and recommendations that may be decided by the radiocommunication assembly;
- ADD 246F** – questions and recommendations approved by the Telecommunication Standardization Sector which relate to tariff and accounting issues, and relevant numbering and addressing plans;
- ADD 246G** – questions and recommendations approved by the Telecommunication Development Sector which relate to regulatory, policy and financial issues;
- ADD 246H** – questions and recommendations where there is any doubt about their scope.
- MOD 247 6** Study groups may initiate action for obtaining approval from Member States for recommendations completed between two assemblies or conferences. The procedures to be applied for obtaining such approval shall be those approved by the competent assembly or conference, as appropriate.
- ADD 247A *6bis*** Recommendations approved in application of Nos. 246B or 247 above shall have the same status as ones approved by the conference or assembly itself.
- ADD 248A *7bis*** Following a procedure developed by the Sector concerned, the Director of a Bureau may, in consultation with the chairman of the study group concerned, invite an organization which does not participate in the Sector to send representatives to take part in the study of a specific matter in the study group concerned or its subordinate groups.

ADD **248B** *7ter* An Associate, as referred to in No. 241A of this Convention, will be permitted to participate in the work of the selected study group without taking part in any decision-making or liaison activity of that study group.

CHAPTER II

MOD **General Provisions Regarding Conferences and Assemblies**

ARTICLE 23 (CV)

Invitation and Admission to Plenipotentiary Conferences when There is an Inviting Government

MOD **256** 2 1) One year before the date of opening of the conference, the inviting government shall send an invitation to the government of each Member State.

MOD **262A** *e)* Sector Members referred to in Nos. 229 and 231 of this Convention and organizations of an international character representing them.

MOD **263** 4 1) The replies of the Member States must reach the inviting government at least one month before the date of opening of the conference and should include whenever possible full information on the composition of the delegation.

MOD **265** 3) The replies of the organizations and agencies referred to in Nos. 259 to 262A above must reach the Secretary-General one month before the opening date of the conference.

ARTICLE 24 (CV)

Invitation and Admission to Radiocommunication Conferences when There is an Inviting Government

MOD **271** 2 1) The provisions of Nos. 256 to 265 of this Convention shall apply to radiocommunication conferences.

MOD **272** 2) Member States should inform the Sector Members of the invitation they have received to participate in a radiocommunication conference.

MOD 280 *d)* observers representing Sector Members of the Radiocommunication Sector duly authorized by the Member State concerned;

MOD 282 *f)* observers of Member States participating in a non-voting capacity in a regional radiocommunication conference of a region other than that to which the said Member States belong.

ARTICLE 25 (CV)

**MOD Invitation and Admission to Radiocommunication Assemblies,
World Telecommunication Standardization Assemblies
and Telecommunication Development Conferences
when There is an Inviting Government**

MOD 285 *a)* the administration of each Member State;

MOD 286 *b)* the Sector Members concerned;

MOD 298 *c)* representatives of Sector Members concerned.

ARTICLE 26 (CV)

**MOD Procedure for Convening or Cancelling World Conferences
or Assemblies at the Request of Member States
or on a Proposal of the Council**

MOD 299 1 The procedures to be applied for convening a second world telecommunication standardization assembly in the interval between successive plenipotentiary conferences and fixing its precise place and exact dates or for cancelling the second world radiocommunication conference or the second radiocommunication assembly are set forth in the following provisions.

MOD 300 2 1) Any Member State wishing to have a second world telecommunication standardization assembly convened shall so inform the Secretary-General, indicating the proposed place and dates of the assembly.

- MOD 301** 2) On receipt of similar requests from at least one-quarter of the Member States, the Secretary-General shall inform immediately all Member States thereof by the most appropriate means of telecommunication, asking them to indicate, within six weeks, whether or not they agree to the proposal.
- MOD 302** 3) If a majority of the Member States, determined in accordance with No. 47 of this Convention, agree to the proposal as a whole, that is to say, if they accept the proposed place and dates, the Secretary-General shall so inform immediately all Member States by the most appropriate means of telecommunication.
- MOD 303** 4) If the proposal accepted is for an assembly elsewhere than at the seat of the Union, the Secretary-General, with the assent of the government concerned, shall take the necessary steps to convene the assembly.
- MOD 304** 5) If the proposal as a whole (place and dates) is not accepted by the majority of the Member States determined in accordance with No. 47 of this Convention, the Secretary-General shall inform the Member States of the replies received, requesting them to give a final reply on the point or points under dispute within six weeks of receipt.
- MOD 305** 6) Such points shall be regarded as adopted when they have been approved by a majority of the Member States, determined in accordance with No. 47 of this Convention.
- MOD 306** 3 1) Any Member State wishing to have a second world radiocommunication conference or a second radiocommunication assembly cancelled shall so inform the Secretary-General. On receipt of similar requests from at least one-quarter of the Member States, the Secretary-General shall inform immediately all Member States thereof by the most appropriate means of telecommunication, asking them to indicate, within six weeks, whether or not they agree to the proposal.

- MOD 307** 2) If a majority of the Member States, determined in accordance with No. 47 of this Convention, agrees to the proposal, the Secretary-General shall so inform immediately all Member States by the most appropriate means of telecommunication and the conference or assembly shall be cancelled.
- MOD 309** 5 Any Member State wishing to have a world conference on international telecommunications convened shall propose it to the Plenipotentiary Conference; the agenda, precise place and exact dates of such a conference shall be determined in accordance with the provisions of Article 3 of this Convention.

ARTICLE 27 (CV)

**MOD Procedure for Convening Regional Conferences
at the Request of Member States or
on a Proposal of the Council**

- MOD 310** In the case of a regional conference, the procedure described in Nos. 300 to 305 of this Convention shall be applicable only to the Member States of the region concerned. If the conference is to be convened on the initiative of the Member States of the region, it will suffice for the Secretary-General to receive concordant requests from a quarter of the total number of Member States in that region. The procedure described in Nos. 301 to 305 of this Convention shall also be applicable when the proposal to convene such a conference is initiated by the Council.

ARTICLE 28 (CV)

**MOD Provisions for Conferences and Assemblies Meeting
when There is no Inviting Government**

- MOD 311** When a conference or an assembly is to be held without an inviting government, the provisions of Articles 23, 24 and 25 of this Convention shall apply. The Secretary-General shall take the necessary steps to convene and organize the conference or assembly at the seat of the Union, after agreement with the Government of the Swiss Confederation.

ARTICLE 29 (CV)

MOD **Change in the Place or Dates of a Conference
or an Assembly**

MOD **312** 1 The provisions of Articles 26 and 27 of this Convention for convening a conference or assembly shall apply, by analogy, when a change in the precise place and/or exact dates of a conference or assembly is requested by Member States or is proposed by the Council. However, such changes shall only be made if a majority of the Member States concerned, determined in accordance with No. 47 of this Convention, have pronounced in favour.

MOD **313** 2 It shall be the responsibility of any Member State proposing a change in the precise place or exact dates of a conference or assembly to obtain for its proposal the support of the requisite number of other Member States.

ARTICLE 30 (CV)

**Time-Limits and Conditions for Submission of Proposals
and Reports to Conferences**

MOD **316** 2 Immediately after the invitations have been despatched, the Secretary-General shall ask Member States to submit, at least four months before the start of the conference, their proposals for the work of the conference.

MOD **318** 4 Each proposal received from a Member State shall be annotated by the Secretary-General to indicate its origin by means of the symbol established by the Union for that Member State. Where a proposal is made jointly by more than one Member State the proposal shall, to the extent practicable, be annotated with the symbol of each Member State.

MOD **319** 5 The Secretary-General shall communicate the proposals to all Member States as they are received.

- MOD 320 6** The Secretary-General shall assemble and coordinate the proposals received from Member States and shall communicate them to Member States as they are received, but in any case at least two months before the opening of the conference. Elected officials and staff members of the Union, as well as those observers and representatives that may attend conferences in accordance with the relevant provisions of this Convention, shall not be entitled to submit proposals.
- MOD 321 7** The Secretary-General shall also assemble reports received from Member States, the Council and the Sectors of the Union and recommendations by conferences and shall communicate them to Member States, along with any reports by the Secretary-General, at least four months before the opening of the conference.
- MOD 322 8** Proposals received after the time-limit specified in No. 316 above shall be communicated to all Member States by the Secretary-General as soon as practicable.

ARTICLE 31 (CV)

Credentials for Conferences

- MOD 324 1** The delegation sent by a Member State to a plenipotentiary conference, a radiocommunication conference or a world conference on international telecommunications shall be duly accredited in accordance with Nos. 325 to 331 below.
- MOD 327** 3) Subject to confirmation prior to the signature of the Final Acts, by one of the authorities mentioned in Nos. 325 or 326 above, a delegation may be provisionally accredited by the head of the diplomatic mission of the Member State concerned to the host government. In the case of a conference held in the Swiss Confederation, a delegation may also be provisionally accredited by the head of the permanent delegation of the Member State concerned to the United Nations Office at Geneva.
- MOD 332 4** 1) A delegation whose credentials are found to be in order by the Plenary Meeting shall be entitled to exercise the right to vote of the Member State concerned, subject to the provisions of Nos. 169 and 210 of the Constitution, and to sign the final acts.

- MOD** 334 5 Credentials shall be deposited with the secretariat of the conference as early as possible. The committee referred to in No. 23 of Rules of Procedure of conferences and other meetings be entrusted with the verification thereof and shall report on its conclusions to the Plenary Meeting within the time specified by the latter. Pending the decision of the Plenary Meeting thereon, any delegation shall be entitled to participate in the conference and to exercise the right to vote of the Member State concerned.
- MOD** 335 6 As a general rule, Member States should endeavour to send their own delegations to conferences of the Union. However, if a Member State is unable, for exceptional reasons, to send its own delegation, it may give the delegation of another Member State powers to vote and sign on its behalf. Such powers must be conveyed by means of an instrument signed by one of the authorities mentioned in Nos. 325 or 326 above.
- MOD** 339 10 A Member State or an authorized entity or organization intending to send a delegation or representatives to a telecommunication standardization assembly, a telecommunication development conference or a radiocommunication assembly shall so inform the Director of the Bureau of the Sector concerned, indicating the names and functions of the members of the delegation or of the representatives.

SUP

CHAPTER III

Rules of Procedure

ARTICLE 32 (CV)

Rules of Procedure of Conferences and Other Meetings

- ADD** 339A The Rules of Procedure of conferences and other meetings are adopted by the Plenipotentiary Conference. The provisions governing the procedure for amending those Rules of Procedure and the entry into force of amendments are contained in the Rules themselves.
- (MOD)** 340 The Rules of Procedure shall apply without prejudice to the amendment provisions contained in Article 55 of the Constitution and in Article 42 of this Convention.

ADD

ARTICLE 32A (CV)

Right to Vote

- ADD 340A 1** At all meetings of a conference, assembly or other meeting, the delegation of a Member State duly accredited by that Member State to take part in the work of the conference, assembly or other meeting shall be entitled to one vote in accordance with Article 3 of the Constitution.
- ADD 340B 2** The delegation of a Member State shall exercise the right to vote under the conditions described in Article 31 of this Convention.
- ADD 340C 3** When a Member State is not represented by an administration at a radiocommunication assembly, a world telecommunication standardization assembly or a telecommunication development conference, the representatives of the recognized operating agencies of the Member State concerned shall, as a whole, and regardless of their number, be entitled to a single vote, subject to the provisions of No. 239 of this Convention. The provisions of Nos. 335 to 338 of this Convention concerning the transfer of powers shall apply to the above conferences and assemblies.

ADD

ARTICLE 32B (CV)

Reservations

- ADD 340D 1** As a general rule, any delegation whose views are not shared by the remaining delegations shall endeavour, as far as possible, to conform to the opinion of the majority.
- ADD 340E 2** Any Member State that, during a plenipotentiary conference, reserves its right to make reservations as specified in its declaration when signing the final acts, may make reservations regarding an amendment to the Constitution or to this Convention until such time as its instrument of ratification, acceptance or approval of or accession to the amendment has been deposited with the Secretary-General.

ADD 340F 3 If any decision appears to a delegation to be such as to prevent its government from consenting to be bound by the revision of the Administrative Regulations, this delegation may make reservations, final or provisional, regarding that decision, at the end of the conference adopting that revision; any such reservations may be made by a delegation on behalf of a Member State which is not participating in the competent conference and which has given that delegation proxy powers to sign the final acts in accordance with the provisions of Article 31 of this Convention.

ADD 340G 4 A reservation made following a conference shall only be valid if the Member State which made it formally confirms it when notifying its consent to be bound by the amended or revised instrument adopted by the conference at the close of which it made the reservation in question.

SUP 341 to 467

CHAPTER IV

Other Provisions

ARTICLE 33 (CV)

Finances

MOD 468 1 1) The scale from which each Member State, subject to the provisions of No. 468A below, and Sector Member, subject to the provisions of No. 468B below, shall choose its class of contribution, in conformity with the relevant provisions of Article 28 of the Constitution, shall be as follows:

40 unit class
8 unit class
35 unit class
5 unit class
30 unit class
4 unit class
28 unit class
3 unit class
25 unit class
2 unit class
23 unit class
1 1/2 unit class
20 unit class
1 unit class
18 unit class
1/2 unit class
15 unit class
1/4 unit class
13 unit class
1/8 unit class
10 unit class
1/16 unit class

- ADD 468A** 1*bis*) Only Member States listed by the United Nations as least developed countries and those determined by the Council may select the 1/8 and 1/16 unit classes of contribution.
- ADD 468B** 1*ter*) Sector Members may not select a class of contribution lower than 1/2 unit, with the exception of Sector Members of the Telecommunication Development Sector, which may select the 1/4, 1/8 and 1/16 unit classes. However, the 1/16 unit class is reserved for Sector Members of developing countries as determined by the list established by the United Nations Development Programme (UNDP) to be reviewed by the ITU Council.
- MOD 469** 2) In addition to the classes of contribution listed in No. 468 above, any Member State or Sector Member may choose a number of contributory units over 40.
- MOD 470** 3) The Secretary-General shall communicate promptly to each Member State not represented at the Plenipotentiary Conference the decision of each Member State as to the class of contribution to be paid by it.
- SUP 471**
- MOD 472** 2 1) Every new Member State and Sector Member shall, in respect of the year of its accession or admission, pay a contribution calculated as from the first day of the month of accession or admission, as the case may be.
- MOD 473** 2) Should a Member State denounce the Constitution and this Convention or a Sector Member denounce its participation in a Sector, its contribution shall be paid up to the last day of the month in which such denunciation takes effect in accordance with No. 237 of the Constitution or No. 240 of this Convention, respectively.
- MOD 474** 3) The amounts due shall bear interest from the beginning of the fourth month of each financial year of the Union at 3% (three per cent) per annum during the following three months, and at 6% (six per cent) per annum from the beginning of the seventh month.
- SUP 475**

- MOD 476 4** 1) The organizations referred to in Nos. 259 to 262A of this Convention and other organizations of an international character (unless they have been exempted by the Council, subject to reciprocity) and Sector Members (except when attending a conference or assembly of their respective Sector) which participate in a plenipotentiary conference, in a meeting of a Sector of the Union or in a world conference on international telecommunications shall share in defraying the expenses of the conferences and meetings in which they participate on the basis of the cost of these conferences and meetings and in accordance with the Financial Regulations.
- MOD 477** 2) Any Sector Member appearing in the lists mentioned in No. 237 of this Convention shall share in defraying the expenses of the Sector in accordance with Nos. 480 and 480A below.
- SUP 478 and 479**
- MOD 480** 5) The amount of the contribution per unit payable towards the expenses of each Sector concerned shall be set at 1/5 of the contributory unit of the Member States. These contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of No. 474 above.
- ADD 480A** *5bis*) When a Sector Member contributes to defraying the expenses of the Union under No. 159 of the Constitution, the Sector for which the contribution is made should be identified.
- SUP 481 to 483**
- ADD 483A** Associates as described in No. 241A of this Convention shall share in defraying the expenses of the Sector and the study group and subordinate groups in which they participate, as determined by the Council.
- MOD 484 5** The Council shall determine criteria for the application of cost recovery for some products and services of the Union.

ARTICLE 35 (CV)

Languages

- MOD 490** 1) 1) Languages other than those mentioned in the relevant provisions of Article 29 of the Constitution may be used:
- MOD 491** a) if an application is made to the Secretary-General to provide for the use of an additional language or languages, oral or written, on a permanent or an ad hoc basis, provided that the additional cost so incurred shall be borne by those Member States which have made or supported the application;
- MOD 492** b) if, at conferences and meetings of the Union, after informing the Secretary-General or the Director of the Bureau concerned, any delegation itself makes arrangements at its own expense for oral translation from its own language into any one of the languages referred to in the relevant provision of Article 29 of the Constitution.
- MOD 493** 2) In the case provided for in No. 491 above, the Secretary-General shall comply to the extent practicable with the application, having first obtained from the Member States concerned an undertaking that the cost incurred will be duly repaid by them to the Union.
- MOD 495** 2) Any of the documents referred to in the relevant provisions of Article 29 of the Constitution may be published in languages other than those specified therein, provided that the Member States requesting such publication undertake to defray the whole of the cost of translation and publication involved.

CHAPTER V

Various Provisions Related to the Operation of Telecommunication Services

ARTICLE 37 (CV)

Rendering and Settlement of Accounts

- MOD 497 1** The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the Member States and Sector Members concerned in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 42 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.
- MOD 498 2** Administrations of Member States and Sector Members which operate international telecommunication services shall come to an agreement with regard to the amount of their debits and credits.

ARTICLE 38 (CV)

Monetary Unit

- MOD 500** In the absence of special arrangements concluded between Member States, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:

- either the monetary unit of the International Monetary Fund
- or the gold franc,

both as defined in the Administrative Regulations. The provisions for application are contained in Appendix 1 to the International Telecommunication Regulations.

ARTICLE 40 (CV)

Secret Language

- MOD 505 2** Private telegrams in secret language may be admitted between all Member States with the exception of those which have previously notified, through the Secretary-General, that they do not admit this language for that category of correspondence.
- MOD 506 3** Member States which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 35 of the Constitution.

CHAPTER VI

Arbitration and Amendment

ARTICLE 41 (CV)

Arbitration: Procedure

(see Article 56 of the Constitution)

- MOD 510 4** If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Member States which are not involved in the dispute, but which are parties to the agreement, the application of which caused the dispute.

ARTICLE 42 (CV)

Provisions for Amending this Convention

- MOD 519 1** Any Member State may propose any amendment to this Convention. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Member States, reach the Secretary-General not later than eight months prior to the opening date fixed for the Plenipotentiary Conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, forward any such proposal to all the Member States.

- MOD 520 2** Any proposed modification to any amendment submitted in accordance with No. 519 above may, however, be submitted at any time by a Member State or by its delegation at the Plenipotentiary Conference.
- MOD 523 5** Unless specified otherwise in the preceding paragraphs of the present Article, which shall prevail, the general provisions regarding conferences and assemblies contained in this Convention and the Rules of Procedure of conferences and other meetings shall apply.
- MOD 524 6** Any amendments to this Convention adopted by a plenipotentiary conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the conference between Member States having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Convention and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.
- MOD 526 8** The Secretary-General shall notify all Member States of the deposit of each instrument of ratification, acceptance, approval or accession.

ANNEX (CV)

Definition of Certain Terms Used in this Convention and the Administrative Regulations of the International Telecommunication Union

MOD 1002 *Observer*: A person sent by:

- the United Nations, a specialized agency of the United Nations, the International Atomic Energy Agency, a regional telecommunication organization, or an intergovernmental organization operating satellite systems, to participate, in an advisory capacity, in a plenipotentiary conference, a conference or a meeting of a Sector,
- an international organization to participate, in an advisory capacity, in a conference or a meeting of a Sector,
- the government of a Member State to participate, in a non-voting capacity, in a regional conference, or
- a Sector Member referred to in Nos. 229 or 231 of the Convention or an organization of an international character representing such Sector Members,

in accordance with the relevant provisions of this Convention.

PART II

Date of Entry into Force

The amendments contained in the present instrument shall, as a whole and in the form of one single instrument, enter into force on 1 January 2000 between Member States being at that time parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present amending instrument.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the original of the present instrument amending the Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994).

Done at Minneapolis, 6 November 1998

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