104TH CONGRESS
2d Session

SENATE

TREATY DOC.
104–34

CONSTITUTION AND CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

CONSTITUTION AND CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION (ITU), WITH ANNEXES, SIGNED AT GENEVA ON DECEMBER 22, 1992, AND AMENDMENTS TO THE CONSTITUTION AND CONVENTION, SIGNED AT KYOTO ON OCTOBER 14, 1994, TOGETHER WITH DECLARATIONS AND RESERVATIONS BY THE UNITED STATES AS CONTAINED IN THE FINAL ACTS

SEPTEMBER 13, 1996.—Constitution and Convention was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate.

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *September 13, 1996.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Constitution and Convention of the International Telecommunication Union (ITU), with Annexes, signed at Geneva on December 22, 1992, and amendments to the Constitution and Convention, signed at Kyoto on October 14, 1994, together with declarations and reservations by the United States as contained in the Final Acts. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Constitution and Convention and the amendments thereto.

The 1992 Constitution and Convention replace the ITU Convention signed in Nairobi in 1982. Prior to the 1992 Constitution and Convention, the ITU Convention had been routinely replaced at successive Plenipotentiary Conferences every 5 to 10 years. The 1992 Constitution and Convention represent the first basic instruments of the ITU intended to be permanent. Basic provisions on the organization and structure of the ITU and fundamental substantive rules governing international telecommunications matters are embodied in the Constitution. The ITU Convention is comprised of provisions on the functioning of the ITU and its constituent parts.

The 1992 Constitution and Convention reflect the effort by ITU Member countries to restructure the ITU to make it more effective in responding to the changes taking place in telecommunications. The United States is pleased with the restructuring of the ITU. The changes adopted are expected to enable the ITU to meet challenges brought on by the dynamic telecommunications environment.

The 1994 ITU Plenipotentiary Conference was convened less than 4 months after the entry into force of the Constitution and Convention to amend the 1992 Constitution and Convention. Recognizing that more time should be allowed to evaluate the extensive changes to the structure of the ITU, the Conference adopted only a few minor amendments, which were acceptable to the United States.

In signing the 1992 Constitution and Convention and the 1994 amendments, the United States made certain declarations and reservations. The specific declarations and reservations are discussed in the report of the Department of State.

The 1992 Constitution and Convention entered into force July 1, 1994, for states which, by that date, had notified the Secretary

General of the ITU of their approval thereof and, in the same manner, the amendments to the Constitution and Convention entered into force on January 1, 1996.

Subject to the U.S. declarations and reservations mentioned above, I believe the United States should be a party to the ITU Constitution and Convention, as amended. They will improve the efficiency of management of the ITU and will allow it to be more responsive to the needs of the United States Government and private sector. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, July 15, 1996.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to transmission to the Senate for advice and consent to ratification, the Constitution and Convention of the International Telecommunication Union (ITU), with annexes, signed by the United States at a Plenipotentiary Conference at Geneva on December 22, 1992; Amendments to the Constitution and Convention, signed by the United States at Kyoto on October 14, 1994; and U.S. declarations and reservations, as contained in the Declarations and Reservations made by participating Member countries at the end of the Geneva and Kyoto Conferences.

The texts of the 1992 Constitution and Convention, with annexes and U.S. declarations and reservations, are contained in a bound volume, which also includes texts of the following documents that do not require ratification by the United States: (1) declarations and reservations of other governments; (2) an Optional Protocol to the Convention; (3) Resolutions; and (4) a Recommendation. The certified English language texts of the 1992 Constitution and Convention and other Acts are submitted herewith. Certified copies of the texts in Arabic, Chinese, French, Russian, and Spanish are also available.

The texts of the 1994 Amendments to the Constitution and Convention, with U.S. declarations and reservations, also are contained in a bound volume which includes other documents that do not require ratification by the United States. The certified English language texts of the 1994 Final Acts are submitted herewith. Certified copies of the texts in Arabic, Chinese, French, Russian, and Spanish are also available.

The ITU, with over 180 member States, is the United Nations specialized agency responsible for international telecommunications. The ITU is the principal global forum for telecommunication standardization activities, for management and use of the radio spectrum, and for promoting and offering technical assistance in the field of telecommunications to developing countries. At their 1989 Plenipotentiary Conference, ITU Members, while adopting a Constitution and Convention, decided to create a High-Level Committee (HLC) to examine the structure and functioning of the ITU and to make recommendations on changing the ITU to ensure that it could effectively deal with the rapidly changing telecommunications environment, including the introduction of new technologies

and services. The United States was one of the 21 ITU Members on the HLC. The HLC issued a report entitled "Tomorrow's ITU: The Challenges of Change" that recognized the rapid changes in telecommunication technologies and services and made numerous recommendations aimed at restructuring the ITU so that the ITU would continue to play its leading role in world telecommunications. The United States generally supported the recommendations of the HLC and their implementation.

The 1992 Geneva Conference was convened to consider proposals by ITU Member countries concerning the restructuring of the ITU. Proposals were based on the recommendations of the HLC as well as the views of Member countries. The 1992 Conference decided to recommend that ITU Members not bring the 1989 ITU Constitution and Convention into force, but that they instead adopt full texts of a Constitution and a Convention that could be amended as necessary, by future Plenipotentiary Conferences.

The basic principles regarding the organization and structure of the ITU and fundamental substantive rules governing international telecommunications are embodied in the 1992 Constitution. The 1992 Convention, which is comprised of provisions on the functioning of the ITU, is intended to be more easily modified and thus more flexible.

The 1992 Constitution and Convention restructure the ITU by establishing three sectors—Radiocommunication, Telecommunication Standardization and Telecommunication Development—that replace the previous permanent organs. Each sector is headed by a Director who is elected by the Members at Plenipotentiary Conferences. The division of work among the three sectors is similar to the division under the 1982 Nairobi Convention and interim resolutions. New procedures have been added to permit more rapid consideration and adoption of recommended standards. Some issues that were previously considered radiocommunication issues are now being addressed with similar issues under the purview of the Telecommunication Standardization Sector. The restructuring is intended to enable the ITU to respond more effectively to the changing telecommunications environment and to meet the needs of Member governments and telecommunication entities that participate in the work of the Union.

The meetings and conferences of the ITU are renamed and, in most cases, there are changes in their mandate. The ITU Administrative Council, which was the governing body of the ITU in the interval between plenipotentiary conferences, is now called the ITU Council. (See Constitution, Article 10.) The Council has more responsibility than did the Administrative Council to consider broad telecommunication policy issues, including the strategic plan of the ITU.

Chapter II of the Constitution (Articles 12–16) sets forth the provisions concerning the Radiocommunication Sector. World Administrative Radio Conferences, which were convened as necessary to consider changes to the Radio Regulations concerning specific communication services (mobile, broadcasting, or space services) or the Radio Regulations in general, are replaced by World Radiocommunication Conferences which are held every two years to consider any subject within their competence and on the agenda.

(See Article 13.) World Radiocommunication Conferences amend the Radio Regulations, which contain provisions regulating the use of the radio spectrum and geostationary orbital positions vital for the continuing operation of existing systems and for the early introduction of new and innovative radio technologies. For U.S. companies that are leading the world in the development and introduction of new services, the two-year cycle will allow proposals for the allocation of radio spectrum for these services to be introduced and considered more rapidly.

Plenary Assemblies of the International Radio Consultative Committee, which were held every four years to approve recommendations, *i.e.,* standards for radiocommunication services, are now called Radiocommunication Assemblies. They are to be held every two years in association with World Radiocommunication Conferences. (See Article 13.)

The five-member, full-time elected International Frequency Registration Board, which was responsible for the examination and registration of radio frequency assignments, is replaced by an elected nine-member, part-time Radio Regulations Board within the Radiocommunication Sector. (See Article 14.) The Radio Regulations Board approves the Rules of Procedure used by the director and the bureau in applying the Radio Regulations to register frequency assignments made by Members and considers certain matters that cannot be resolved through application of the Rules of Procedure.

The Telecommunication Standardization Sector is addressed in Chapter III (Articles 17–20) of the Constitution. The Plenary Assemblies of the International Telegraph and Telephone Consultative Committee, which met every four years to approve recommendations for technical, operational and tariff questions related to telecommunication services, are replaced by World Telecommunication Standardization Conferences (Article 18), which also will meet every four years. The change in title of these conferences reflects the fact that the sector now deals with a broad range of rapidly evolving telecommunications services over both the public switched network and private lines, as well as such issues as numbering plans and international settlement of accounts. Provision was also made for convening World Conferences on International Telecommunications (Article 25) at infrequent intervals to consider basic issues pertaining to the provision of telecommunications services, including those covered by the binding International Telecommunication Regulations.

Chapter VI of the Constitution (Articles 21–24) covers the Telecommunications Development Sector. This sector replaces the Telecommunication Development Bureau, which was established by resolution at the 1989 Nice Plenipotentiary Conference to facilitate and enhance telecommunications development. World and regional Telecommunication Development Conferences, established by resolution in Nice, will continue to be convened. The world conferences are held approximately every four years; the frequency of regional conferences is to depend on availability of resources and need.

The entities and organizations authorized to participate in the work of the sectors of the ITU were expanded by Article 19 of the Convention to include, *inter alia,* scientific and technical organiza-

tions, financial or development institutions and other entities dealing with telecommunication matters that are approved by member states. Certain rights and related obligations (including financial obligations) of these entities and organizations are also established in the Constitution and Convention. Pursuant to Article 19 of the Convention, the ITU Council is to develop criteria and procedures for entities dealing with telecommunication matters to participate in ITU activities.

Additionally, to enhance the participation of those entities and organizations described in Article 19(1) of the Convention in the activities of the Union and to provide them a role in determining the priorities of the study groups in the Radiocommunication and Telecommunication Standardization Sectors (Convention, Articles 11 and 14), the 1992 Plenipotentiary Conference established advisory groups for those two sectors. This will help to ensure that the ITU is responsive to the needs of Member countries and to private sector participants in the ITU. In addition, the Director of the Telecommunication Development Sector is to receive advice from an advisory board (Convention, Article 18). The purpose of each Advisory Group is to review the priorities and strategies of its sector and to make recommendations to the directors.

The 1992 Constitution and Convention also make significant changes to the management of the ITU designed to increase its effectiveness and responsiveness.

—Articles 4 and 5 of the Convention establish a two-year budget cycle instead of the past one-year cycle and mandate the establishment of a strategic plan for the ITU. The ITU Secretariat is also instructed to prepare an annual strategic policy and planning report for the ITU Council and the ITU Council is to consider the report each year.

—Article 55 of the Constitution and Article 42 of the Convention allow amendments to enter into force for countries that have ratified or approved the amendments at a date fixed by the adopting plenipotentiary conference rather than after two-thirds of the Members have deposited instruments of ratification, acceptance or approval, or accession as had been adopted at the Nice Plenipotentiary Conference.

The 1994 Kyoto Plenipotentiary Conference was convened less than four months after the entry into force of the 1992 Constitution and Convention. There were a number of proposals to amend the new Constitution and Convention—to correct oversights; to refine the 1992 changes; to further restructure the ITU; and, in some instances, to revert to provisions in the earlier Convention (Nairobi, 1982). After much deliberation, the Conference rejected the vast majority of the proposals to amend the Constitution and Convention in part because there was a consensus that more time should be allowed to evaluate the extensive changes to the structure of the ITU which had only recently taken effect and in part because many of the proposals were substantively flawed. There were only minor changes made to the Constitution and Convention concerning the function of the Plenipotentiary Conference, elections, and finances. An amendment to the Convention—strongly supported by the U.S. private sector—provides for the ITU's Secretary-General to invite private sector entities and organizations described in Article 19(1)

to send observers to Plenipotentiary Conferences. The changes are acceptable to the United States.

Article 4 of the 1992 Constitution provides that the Constitution and Convention are "complemented by" the Administrative Regulations—the International Telecommunication Regulations and the Radio Regulations—"which regulate the use of telecommunications and are binding on all Members." Article 54 of the 1992 Constitution establishes mechanisms for the entry into force of Administrative Regulations adopted by competent World Conferences subsequent to the date of signature of the 1992 Constitution and Convention.

ITU practice provides for declarations and reservations to be submitted by governments prior to signature of instruments adopted by a conference, for inclusion in the Final Acts of the conference. In 1992, the United States submitted three declarations and reservations, which are included in the 1992 Final Acts. The first (Number 68) incorporates by reference reservations and declarations from previous administrative conferences and reserves the right to make additional specific reservations at the time of deposit of its instrument of ratification to the Constitution and Convention. The full text reads as follows:

> The United States of America reiterates and incorporates by reference all reservations and declarations made at world administrative conferences.
>
> The United States of America does not by signature by any subsequent ratification of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) consent to be bound by the Administrative Regulations adopted prior to the date of signature of these Final Acts. Nor shall the United States of America be deemed to have consented to be bound by revisions of the Administrative Regulations, whether partial or complete revisions, adopted subsequent to the date of signature of these Final Acts, without specific notification to the International Telecommunication Union by the United States of America of its consent to be bound.
>
> Finally, the United States of America refers to Article 32, paragraph 16 of the Convention and notes that in considering the Constitution and Convention, the United States may find it necessary to make additional reservations. Accordingly, the United States of America reserves the right to make additional specific reservations at the time of deposit of its instrument of ratification to the Constitution and the Convention.

The second (Number 73), in which the United States joined with 26 other countries, was in response to statements by Colombia and Kenya and reaffirms the Declarations made

> * * * when signing the Final Acts of the World Administrative Radio Conference (Geneva, 1979), and the World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of Space Services Utilizing It (first and second sessions, Geneva, 1985 and 1988), the Plenipotentiary Conference of the Inter-

> national Telecommunication Union (Nice, 1989) and in the Final Protocol of the International Telecommunication Convention (Nairobi, 1982) as if these Declarations were here repeated in full.
>
> The above-mentioned Delegations also wish to state that reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

The third (Number 82) reads:

> The United States of America refers to Declarations made by various Members reserving their rights to take any such actions as they may consider necessary to safeguard their interests in response to reservations by other countries which jeopardize their interests, application of provisions of the Constitution and Convention (Geneva, 1992) which adversely affect their interests, and other Members not sharing in defraying the expenses of the Union. The United States of America reserves the right to take whatever measures it may consider necessary to safeguard United States interests in response to such actions.

In 1994, the United States made four declarations and reservations that are included in the Final Acts of the Kyoto Conference. The first two (Numbers 84 and 92) substantively restate and reaffirm U.S. declarations and reservations made in Numbers 68 and 73 at the 1992 Plenipotentiary Conference.

The third (Number 97) in 1994 addresses a misleading statement submitted by a number of countries regarding the status of amendments to the Administrative Regulations. The United States submitted a declaration in response as follows:

> The United States of America refers to Declaration 80 made by many delegations. The United States of America notes that the United States of America does not agree with various points in that Declaration and that Declaration No. 80, which is prospective in nature, was not made at the time of signature of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and does not affect the application to the United States of America of Article 54 of the Constitution (Geneva, 1992).

The fourth (Number 98) in 1994 was in response to a statement by Cuba reserving its right to take any steps that it may deem necessary against U.S. radio and television broadcasting to Cuba and denouncing U.S. use of radio frequencies at Guantanamo, Cuba. It reads as follows:

> The United States of America, noting the Statement (No. 40) entered by the delegation of Cuba, recalls its rights to broadcast to Cuba on appropriate frequencies free of jamming or other wrongful interference and reserves its rights with respect to existing interference and any future interference by Cuba with United States broadcasting. Furthermore, the United States of America notes that its presence

> in Guantanamo is by virtue of an international agreement presently in force; the United States of American reserves the right to meet its radiocommunication requirements there as heretofore.

The Department of State and the other agencies involved recommend that these declarations and reservations be confirmed in the U.S. instruments of ratification of the Constitution and Convention and of the amendments. In the view of the Department of State and other interested agencies, no additional reservations are necessary to protect U.S. interests.

Ratifying the Constitution and Convention of the International Telecommunication Union, signed by the United States at Geneva, on December 22, 1992, along with the amendments thereto, signed by the United States at Kyoto on October 14, 1994, will enable the United States to continue to play a full and active role in the affairs of the ITU. (As of July 1, 1996, only those countries that have ratified the Constitution and Convention may vote in the ITU.)

The 1992 ITU Constitution and Convention and the 1994 Amendments will not require any implementing legislation on the part of the United States.

The Federal Communications Commission; the National Telecommunications and Information Administration, Department of Commerce; the Department of Defense; and the United States Information Agency concur in my recommendation that the Constitution and Convention (Geneva, 1992), the amendments to the Constitution and Convention (Kyoto, 1994), with the U.S. declarations and reservations to those instruments, be submitted herewith be transmitted to the Senate for its consideration and advice and consent to ratification.

Respectfully submitted,

WARREN CHRISTOPHER.

FINAL ACTS

OF THE

ADDITIONAL PLENIPOTENTIARY

CONFERENCE

(Geneva, 1992)

COPIE
certifiée conforme à l'original

Genève, le 15 DEC. 1994

Le Secrétaire général
de l'Union internationale des
télécommunications

Constitution and Convention of the
International Telecommunication Union

Optional Protocol

Resolutions

Recommendation

Geneva, 1993

[NOTE BY THE DEPARTMENT OF STATE: THE FINAL ACTS ARE COMPOSED OF THE CONSTITUTION AND CONVENTION, WITH ANNEXES; DECLARATIONS AND RESERVATIONS; AN OPTIONAL PROTOCOL; RESOLUTIONS AND A RECOMMENDATION. ONLY THE CONSTITUTION AND CONVENTION, WITH ANNEXES, AND THE U.S. DECLARATIONS AND RESERVATIONS REQUIRE RATIFICATION BY THE UNITED STATES.]

TABLE OF CONTENTS

Constitution of the International Telecommunication Union

Page

Preamble 1

CHAPTER I

Basic Provisions

Art. 1. Purposes of the Union 2
2. Composition of the Union 4
3. Rights and Obligations of Members 5
4. Instruments of the Union 6
5. Definitions 7
6. Execution of the Instruments of the Union 7
7. Structure of the Union 8
8. Plenipotentiary Conference 8
9. Principles Concerning Elections and Related Matters 10
10. The Council 10
11. General Secretariat 11

CHAPTER II

Radiocommunication Sector

Page

Art. 12. Functions and Structure 13

13. Radiocommunication Conferences and Radiocommunication Assemblies 14

14. Radio Regulations Board 15

15. Radiocommunication Study Groups 17

16. Radiocommunication Bureau 17

CHAPTER III

Telecommunication Standardization Sector

Art. 17. Functions and Structure 18

18. World Telecommunication Standardization Conferences 19

19. Telecommunication Standardization Study Groups 20

20. Telecommunication Standardization Bureau 20

CHAPTER IV

Telecommunication Development Sector

Art. 21. Functions and Structure 21

22. Telecommunication Development Conferences 23

23. Telecommunication Development Study Groups 24

24. Telecommunication Development Bureau 24

CHAPTER V

Other Provisions Concerning the Functioning of the Union

Page

Art. 25. World Conferences on International Telecommunications 25

26. Coordination Committee 25

27. Elected Officials and Staff of the Union 26

28. Finances of the Union 27

29. Languages 29

30. Seat of the Union 30

31. Legal Capacity of the Union 30

32. Rules of Procedure of Conferences and Other Meetings 30

CHAPTER VI

General Provisions Relating to Telecommunications

Art. 33. The Right of the Public to Use the International Telecommunication Service 31

34. Stoppage of Telecommunications 31

35. Suspension of Services 32

36. Responsibility 32

37. Secrecy of Telecommunications 32

38. Establishment, Operation and Protection of Telecommunication Channels and Installations 33

39. Notification of Infringements 33

Page

Art. 40. Priority of Telecommunications Concerning Safety of Life.... 34

41. Priority of Government Telecommunications..... 34

42. Special Arrangements 34

43. Regional Conferences, Arrangements and Organizations 35

CHAPTER VII

Special Provisions for Radio

Art. 44. Use of the Radio-Frequency Spectrum and of the Geostationary-Satellite Orbit 36

45. Harmful Interference..... 36

46. Distress Calls and Messages..... 37

47. False or Deceptive Distress, Urgency, Safety or Identification Signals 37

48. Installations for National Defence Services 38

CHAPTER VIII

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

Art. 49. Relations With the United Nations..... 39

50. Relations With Other International Organizations 39

51. Relations With Non-Member States 40

CHAPTER IX

Final Provisions

Page

Art. 52. Ratification, Acceptance or Approval 41
53. Accession 42
54. Administrative Regulations 42
55. Provisions for Amending this Constitution 44
56. Settlement of Disputes 45
57. Denunciation of this Constitution and the Convention 46
58. Entry into Force and Related Matters 46

Final formula 47

ANNEX – Definition of Certain Terms Used in this Constitution, the Convention and the Administrative Regulations of the International Telecommunication Union 65

Convention of the International Telecommunication Union

CHAPTER I

Functioning of the Union

Page

SECTION 1
Art. 1. Plenipotentiary Conference 71
2. Elections and Related Matters 72
3. Other Conferences 75

SECTION 2
4. The Council 77

SECTION 3
5. General Secretariat 82

SECTION 4
6. Coordination Committee 85

SECTION 5 – Radiocommunication Sector
7. World Radiocommunication Conference 86
8. Radiocommunication Assembly 88
9. Regional Radiocommunication Conferences 89
10. Radio Regulations Board 90
11. Radiocommunication Study Groups 91
12. Radiocommunication Bureau 93

Page

SECTION 6 – Telecommunication Standardization Sector

Art. 13. World Telecommunication Standardization Conference..... 96

14. Telecommunication Standardization Study Groups 97

15. Telecommunication Standardization Bureau 99

SECTION 7 – Telecommunication Development Sector

16. Telecommunication Development Conferences..... 101

17. Telecommunication Development Study Groups..... 102

18. Telecommunication Development Bureau and Advisory Board 103

SECTION 8 – Provisions Common to the Three Sectors

19. Participation of Entities and Organizations Other than Administrations in the Union's Activities 105

20. Conduct of Business of Study Groups 107

21. Recommendations from One Conference to Another..... 109

22. Relations Between Sectors and With International Organizations 109

CHAPTER II

General Provisions Regarding Conferences

Art. 23. Invitation and Admission to Plenipotentiary Conferences when There is an Inviting Government..... 110

24. Invitation and Admission to Radiocommunication Conferences when There is an Inviting Government..... 111

Page

Art. 25. Invitation and Admission to Radiocommunication Assemblies and to Telecommunication Standardization and Telecommunication Development Conferences when There is an Inviting Government 113

26. Procedure for Convening or Cancelling World Conferences or Radiocommunication Assemblies at the Request of Members of the Union or on a Proposal of the Council 114

27. Procedure for Convening Regional Conferences at the Request of Members of the Union or on a Proposal of the Council 116

28. Provisions for Conferences Meeting when There is no Inviting Government 117

29. Change in the Place or Dates of a Conference 117

30. Time-Limits and Conditions for Submission of Proposals and Reports to Conferences 118

31. Credentials for Conferences 119

CHAPTER III

Rules of Procedure

Art. 32. Rules of Procedure of Conferences and Other Meetings 122

1. Order of Seating 122

2. Inauguration of the Conference 122

3. Powers of the Chairman of the Conference 123

4. Setting up of Committees 124

4.1 Steering Committee 124

4.2 Credentials Committee 124

4.3 Editorial Committee 124

4.4 Budget Control Committee 125

Page

5. Composition of Committees 126
   5.1 Plenipotentiary Conferences 126
   5.2 Radiocommunication Conferences and World Conferences on International Telecommunications 126
   5.3 Radiocommunication Assemblies, Telecommunication Standardization Conferences and Telecommunication Development Conferences 126
6. Chairmen and Vice-Chairmen of Sub-Committees 126
7. Summons to Meetings 127
8. Proposals Presented Before the Opening of the Conference 127
9. Proposals or Amendments Presented During the Conference 127
10. Conditions Required for Discussion of or Decision or Vote on any Proposal or Amendment 128
11. Proposals or Amendments Passed Over or Postponed 128
12. Rules for Debates in Plenary Meetings 128
   12.1 Quorum 128
   12.2 Order of debates 129
   12.3 Motions of order and points of order 129
   12.4 Priority of motions of order and points of order 129
   12.5 Motion for suspension or adjournment of a meeting 130
   12.6 Motion for postponement of debate 130
   12.7 Motion for closure of debate 130
   12.8 Limitation of speeches 130
   12.9 Closing the list of speakers 131
   12.10 Questions of competence 131
   12.11 Withdrawal and resubmission of a motion 131
13. Right to Vote 131

Page

14. Voting 132

14.1 Definition of a majority 132

14.2 Non-participation in voting 132

14.3 Special majority 132

14.4 Abstentions of more than fifty per cent 133

14.5 Voting procedures 133

14.6 Prohibition of interruptions once the vote has begun 134

14.7 Reasons for votes 134

14.8 Voting on parts of a proposal 134

14.9 Order of voting on concurrent proposals 134

14.10 Amendments 135

14.11 Voting on amendments 135

14.12 Repetition of a vote 135

15. Rules for Debates and Voting Procedures in Committees and Sub-Committees 136

16. Reservations 136

17. Minutes of Plenary Meetings 137

18. Summary Records and Reports of Committees and Sub-Committees 137

19. Approval of Minutes, Summary Records and Reports 138

20. Numbering 138

21. Final Approval 139

22. Signature 139

23. Relations with the Press and the Public 139

24. Franking Privileges 140

CHAPTER IV

Other Provisions

Page

Art. 33. Finances 141

34. Financial Responsibilities of Conferences 144

35. Languages 145

CHAPTER V

Various Provisions Related to the Operation of Telecommunication Services

Art. 36. Charges and Free Services 146

37. Rendering and Settlement of Accounts 146

38. Monetary Unit 147

39. Intercommunication 147

40. Secret Language 148

CHAPTER VI

Arbitration and Amendment

Art. 41. Arbitration: Procedure 149

42. Provisions for Amending this Convention 151

ANNEX – Definition of Certain Terms Used in this Convention and the Administrative Regulations of the International Telecommunication Union 153

Page

DECLARATIONS AND RESERVATIONS 157

Afghanistan (Islamic State of) (6, 63)

Algeria (People's Democratic Republic of) (63)

Argentine Republic (49)

Australia (66, 73)

Austria (16, 17, 73)

Bahrain (State of) (63, 64)

Belarus (Republic of) (37)

Belgium (16, 17, 73)

Benin (Republic of) (59)

Brunei Darussalam (23)

Bulgaria (Republic of) (43, 73)

Burkina Faso (10)

Burundi (Republic of) (19)

Cameroon (Republic of) (41)

Canada (73))

Chile (22)

China (People's Republic of) (77)

Colombia (Republic of) (48)

Côte d'Ivoire (Republic of) (18)

Cuba (60)

Cyprus (Republic of) (31)

Democratic People's Republic of Korea (3)

Denmark (46, 73)

Estonia (Republic of) (46)

Ethiopia (58)

Fiji (Republic of) (11)

Finland (46, 73)

France (56, 57, 73)

Gabonese Republic (2)

Ghana (65)

Germany (Federal Republic of) (42, 73)

Greece (50, 73)

Guinea (Republic of) (12)

Hungary (Republic of) (34)

India (Republic of) (62)

Indonesia (Republic of) (47)

Iran (Islamic Republic of) (15, 63)

Iceland (46)

Ireland (71, 73)

Israel (State of) (75)

Italy (73, 81)

Japan (73, 79)

Jordan (Hashemite Kingdom of) (63)

Kenya (Republic of) (53)

Korea (Republic of) (4)

Kuwait (State of) (63, 64)

Latvia (Republic of) (46)

Lebanon (63)

Lesotho (Kingdom of) (13)
Liechtenstein (Principality of) (21, 73)
Lithuania (Republic of) (46)
Luxembourg (16, 17, 73)
Malawi (7)
Malaysia (30)
Malta (69, 73, 76)
Mauritania (Islamic Republic of) (63, 72)
Mexico (55, 74)
Monaco (73)
Mongolia (51)
Morocco (Kingdom of) (63)
Myanmar (Union of) (52)
Netherlands (Kingdom of the) (67, 73)
New Zealand (29, 73)
Niger (Republic of the) (40)
Nigeria (Federal Republic of) (25)
Norway (46, 73)
Oman (Sultanate of) (63, 64)
Pakistan (Islamic Republic of) (63)
Panama (Republic of) (61)
Papua New Guinea (39)
Philippines (Republic of the) (44)
Portugal (70, 73)
Qatar (State of) (63, 64)
Romania (73, 78)
Russian Federation (37)
Saudi Arabia (Kingdom of) (63, 64)
Senegal (Republic of) (8)
Singapore (Republic of) (28)
Slovenia (Republic of) (1)
Spain (32, 33)
Sri Lanka (Democratic Socialist Republic of) (35)
Sudan (Republic of the) (45, 63)
Suriname (Republic of) (14)
Swaziland (Kingdom of) (9)
Sweden (46, 73)
Switzerland (Confederation of) (21, 73)
Thailand (24)
Tunisia (63)
Turkey (54, 73)
Ukraine (37)
Uruguay (Eastern Republic of) (20)
United Arab Emirates (63, 64)
United Kingdom of Great Britain and Northern Ireland (26, 73, 80)
United States of America (68, 73, 82)
Venezuela (Republic of) (38)
Viet Nam (Socialist Republic of) (27)
Yemen (Republic of) (36, 63)
Zambia (Republic of) (5)

Page

OPTIONAL PROTOCOL 195

RESOLUTIONS

1. Provisional Application of Certain Parts of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) 201

2. Allocation of Work to the Radiocommunication Sector and the Telecommunication Standardization Sector 204

3. Establisment of Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors 208

4. Participation of Entities and Organizations Other than Administrations in the Activities of the Union 211

5. Management of the Union 213

6. Priority Tasks of the Telecommunication Development Bureau (BDT) 215

7. Immediate Action by the Telecommunication Development Bureau (BDT) 217

8. Voluntary Group of Experts to Study the Allocation and Improved Use of the Radio-Frequency Spectrum and the Simplification of the Radio Regulations 219

9. World Radiocommunication Conference 1993 221

10. Approval of recommendations 224

11. Duration of Plenipotentiary Conferences of the Union 226

12. Rules of Procedure of Conferences and Meetings of the International Telecommunication Union 227

Page

13. Improved Use of the Technical and Data Storage/Dissemination Facilities of the Radiocommunication Bureau 229

14. Electronic Access to Documents and Publications of the Union..... 230

15. Consideration of the Need to Establish a Forum to Discuss Strategies and Policies in the Changing Telecommunications Environment..... 232

16. Strengthening of Relationships with Regional Telecommunication Organizations 234

RECOMMENDATION

1. Deposit of Instruments and Entry into Force of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992)..... 237

Analytical Table 239

CONSTITUTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

Preamble

1 While fully recognizing the sovereign right of each State to regulate its telecommunication and having regard to the growing importance of telecommunication for the preservation of peace and the economic and social development of all States, the States Parties to this Constitution, as the basic instrument of the International Telecommunication Union, and to the Convention of the International Telecommunication Union (hereinafter referred to as "the Convention") which complements it, with the object of facilitating peaceful relations, international cooperation among peoples and economic and social development by means of efficient telecommunication services, have agreed as follows:

CHAPTER I

Basic Provisions

ARTICLE 1

Purposes of the Union

2 1. The purposes of the Union are:

3 *a)* to maintain and extend international cooperation between all Members of the Union for the improvement and rational use of telecommunications of all kinds;

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 and financial resources needed for implementation;

5 *c)* to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public;

6 *d)* to promote the extension of the benefits of the new telecommunication technologies to all the world's inhabitants;

7 *e)* to promote the use of telecommunication services with the objective of facilitating peaceful relations;

8 *f)* to harmonize the actions of Members in the attainment of those ends;

9 *g)* to promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global infor-

mation economy and society, by cooperating with other world and regional intergovernmental organizations and those non-governmental organizations concerned with telecommunications.

10 2. To this end, the Union shall in particular:

11 *a)* effect allocation of bands of the radio-frequency spectrum, the allotment of radio frequencies and registration of radio-frequency assignments and any associated orbital positions in the geostationary-satellite orbit in order to avoid harmful interference between radio stations of different countries;

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 and of the geostationary-satellite orbit for radiocommunication services;

13 *c)* facilitate the worldwide standardization of telecommunications, with a satisfactory quality of service;

14 *d)* foster international cooperation 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;

15 *e)* coordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;

16 *f)* foster collaboration among its 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 telecommunication on a sound basis;

17 *g)* promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;

18 *h)* undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters;

19 *i)* promote, with international financial and development organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed, inter alia, at extending telecommunication services to the most isolated areas in countries.

ARTICLE 2

Composition of the Union

20 The International Telecommunication Union shall, having regard to the principle of universality and the desirability of universal participation in the Union, be composed of:

21 *a)* any State which is a Member of the Union as a Party to any International Telecommunication Convention prior to the entry into force of this Constitution and the Convention;

22 *b)* any other State, a Member of the United Nations, which accedes to this Constitution and the Convention in accordance with Article 53 of this Constitution;

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 Members 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 Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

ARTICLE 3

Rights and Obligations of Members

24 1. Members of the Union shall have the rights and shall be subject to the obligations provided for in this Constitution and the Convention.

25 2. Rights of Members in respect of their participation in the conferences, meetings and consultations of the Union are:

26 *a)* all Members 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;

27 *b)* subject to the provisions of Nos. 169 and 210 of this Constitution, each Member shall have one vote at all Plenipotentiary Conferences, all world conferences and all radiocommunication assemblies and study group meetings and, if it is a Member of the Council, all sessions of that Council. At regional conferences, only the Members of the region concerned shall have the right to vote;

28 *c)* subject to the provisions of Nos. 169 and 210 of this Constitution, each Member shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional conferences, only the Members of the region concerned shall have the right to vote.

ARTICLE 4

Instruments of the Union

29 1. The instruments of the Union are:

- this Constitution of the International Telecommunication Union,
- the Convention of the International Telecommunication Union, and
- the Administrative Regulations.

30 2. This Constitution, the provisions of which are complemented by those of the Convention, is the basic instrument of the Union.

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 Members:

- International Telecommunication Regulations,
- Radio Regulations.

32 4. In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail. In the case of inconsistency between a provision of the Convention and a provision of the Administrative Regulations, the Convention shall prevail.

ARTICLE 5

Definitions

33 Unless the context otherwise requires:

34 *a)* the terms used in this Constitution and defined in its Annex, which forms an integral part of this Constitution, shall have the meanings assigned to them in that Annex;

35 *b)* the terms – other than those defined in the Annex to this Constitution – used in the Convention and defined in the Annex thereto, which forms an integral part of the Convention, shall have the meanings assigned to them in that Annex;

36 *c)* other terms defined in the Administrative Regulations shall have the meanings therein assigned to them.

ARTICLE 6

Execution of the Instruments of the Union

37 1. The Members 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.

38 2. The Members 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

Structure of the Union

39 The Union shall comprise:

40 *a)* the Plenipotentiary Conference, which is the supreme organ of the Union;

41 *b)* the Council, which acts on behalf of the Plenipotentiary Conference;

42 *c)* world conferences on international telecommunications;

43 *d)* the Radiocommunication Sector, including world and regional radiocommunication conferences, radiocommunication assemblies and the Radio Regulations Board;

44 *e)* the Telecommunication Standardization Sector, including world telecommunication standardization conferences;

45 *f)* the Telecommunication Development Sector, including world and regional telecommunication development conferences;

46 *g)* the General Secretariat.

ARTICLE 8

Plenipotentiary Conference

47 1. The Plenipotentiary Conference shall be composed of delegations representing Members. It shall be convened every four years.

48 2. The Plenipotentiary Conference shall:

49 *a)* determine the general policies for fulfilling the purposes of the Union prescribed in Article 1 of this Constitution;

50 *b)* after considering the reports by the Council on the activities of the Union since the previous Plenipotentiary Conference and on the recommended strategic policy and planning for the Union, adopt all decisions it considers appropriate;

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, a ceiling for the expenditure of the Union until the next Plenipotentiary Conference after considering all relevant aspects of the work of the Union in that period;

52 *d)* provide any general directives dealing with the staffing of the Union and, if necessary, fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union;

53 *e)* examine the accounts of the Union and finally approve them, if appropriate;

54 *f)* elect the Members of the Union which are to serve on the Council;

55 *g)* elect the Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux of the Sectors as elected officials of the Union;

56 *h)* elect the members of the Radio Regulations Board;

57 *i)* consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention in accordance with the provisions of Article 55 of this Constitution and the relevant provisions of the Convention respectively;

58 *j)* conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded by the Council on behalf of the Union, and take such measures in connection therewith as it deems appropriate;

59 *k)* deal with such other telecommunication questions as may be necessary.

ARTICLE 9

Principles Concerning Elections and Related Matters

60 1. The Plenipotentiary Conference, at any elections referred to in Nos. 54 to 56 of this Constitution, shall ensure that:

61 *a)* the Members of the Council are elected with due regard to the need for equitable distribution of the seats on the Council among all regions of the world;

62 *b)* the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux and the members of the Radio Regulations Board shall all be nationals of different Members, 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;

63 *c)* the members of the Radio Regulations Board shall be elected, in their individual capacity, from the candidates proposed by the Members of the Union; each Member may propose only one candidate who shall be one of its nationals.

64 2. The procedures for these elections shall be established by the Plenipotentiary Conference. Provisions relating to taking up duties, vacancy and re-eligibility are contained in the Convention.

ARTICLE 10

The Council

65 1. (1) The Council shall be composed of Members of the Union elected by the Plenipotentiary Conference in accordance with the provisions of No. 61 of this Constitution.

66 (2) Each Member of the Council shall appoint a person to serve on the Council who may be assisted by one or more advisers.

67 2. The Council shall adopt its own Rules of Procedure.

68 3. In the interval between Plenipotentiary Conferences, the Council shall act, as governing body of the Union, on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.

69 4. (1) The Council shall take all steps to facilitate the implementation by the Members 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.

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.

71 (3) It shall ensure the efficient coordination of the work of the Union and exercise effective financial control over the General Secretariat and the three Sectors.

72 (4) It shall contribute, in accordance with the purposes of the Union, to the development of telecommunications in the developing countries by every means at its disposal, including through the participation of the Union in the appropriate programmes of the United Nations.

ARTICLE 11

General Secretariat

73 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

74 (2) The Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities.

75 (3) The Secretary-General shall take all the actions required to ensure economic use of the Union's resources and shall be responsible to the Council for all the administrative and financial aspects of the Union's activities.

76 (4) The Secretary-General shall act as the legal representative of the Union.

77 2. The Deputy Secretary-General shall be responsible to the Secretary-General; he shall assist the Secretary-General in the performance of his duties and undertake such specific tasks as may be entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the absence of the latter.

CHAPTER II

Radiocommunication Sector

ARTICLE 12

Functions and Structure

78 1. (1) The functions of the Radiocommunication Sector shall be 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 orbit, 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.

79 (2) The precise responsibilities of the Radiocommunication Sector and the Telecommunication Standardization Sector shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.

80 2. The Radiocommunication Sector shall work through:

81 *a)* world and regional radiocommunication conferences;

82 *b)* the Radio Regulations Board;

83 *c)* radiocommunication assemblies, which shall be associated with world radiocommunication conferences;

84 *d)* radiocommunication study groups;

85 *e)* the Radiocommunication Bureau, headed by the elected Director.

86 3. The Radiocommunication Sector shall have as members:

87 *a)* of right, the administrations of all Members of the Union;

88 *b)* any entity or organization authorized in accordance with the relevant provisions of the Convention.

ARTICLE 13

Radiocommunication Conferences and Radiocommunication Assemblies

89 1. A world radiocommunication conference may partially or, in exceptional cases, completely, revise the Radio Regulations and may deal with any question of a worldwide character within its competence and related to its agenda; its other duties are specified in the Convention.

90 2. World radiocommunication conferences shall normally be convened every two 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.

91 3. Radiocommunication assemblies shall also normally be convened every two years, and 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.

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 upper limits on credits laid down by the Plenipotentiary Conference.

ARTICLE 14

Radio Regulations Board

93 1. The Radio Regulations Board shall consist of elected members thoroughly qualified in the field of radiocommunications and possessing practical experience in the assignment and utilization of frequencies. Each member shall be familiar with the geographic, economic and demographic conditions within a particular area of the world. They shall perform their duties for the Union independently and on a part-time basis.

94 2. The duties of the Radio Regulations Board shall consist of:

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 Members. 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;

96 *b)* the consideration of any other matter that cannot be resolved through the application of the above Rules of Procedure;

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 Members of the Union, in preparation for, or in pursuance of the decisions of, such a conference.

98 3. (1) In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust. In particular, each member of the Board shall refrain from intervening in decisions directly concerning the member's own administration.

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 shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 98 above.

100 (3) Each Member 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.

101 4. The working methods of the Radio Regulations Board are defined in the Convention.

ARTICLE 15

Radiocommunication Study Groups

102 The duties of the radiocommunication study groups are specified in the Convention.

ARTICLE 16

Radiocommunication Bureau

103 The functions of the Director of the Radiocommunication Bureau are specified in the Convention.

CHAPTER III

Telecommunication Standardization Sector

ARTICLE 17

Functions and Structure

104 1. (1) The functions of the Telecommunication Standardization Sector shall be 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.

105 (2) The precise responsibilities of the Telecommunication Standardization and Radiocommunication Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.

106 2. The Telecommunication Standardization Sector shall work through:

107 *a)* world telecommunication standardization conferences;

108 *b)* telecommunication standardization study groups;

109 *c)* the Telecommunication Standardization Bureau headed by the elected Director.

110 3. The Telecommunication Standardization Sector shall have as members:

111 *a)* of right, the administrations of all Members of the Union;

112 *b)* any entity or organization authorized in accordance with the relevant provisions of the Convention.

ARTICLE 18

World Telecommunication Standardization Conferences

113 1. The duties of world telecommunication standardization conferences are specified in the Convention.

114 2. World telecommunication standardization conferences shall be convened every four years; however, an additional conference may be held in accordance with the relevant provisions of the Convention.

115 3. Decisions of world telecommunication standardization conferences 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 upper limits on credits laid down by the Plenipotentiary Conference.

ARTICLE 19

Telecommunication Standardization Study Groups

116 The duties of the telecommunication standardization study groups are specified in the Convention.

ARTICLE 20

Telecommunication Standardization Bureau

117 The functions of the Director of the Telecommunication Standardization Bureau are specified in the Convention.

CHAPTER IV

Telecommunication Development Sector

ARTICLE 21

Functions and Structure

118 1. (1) The functions of the Telecommunication Development Sector shall be to fulfil the purposes of the Union as stated in Article 1 of this Constitution and to discharge, within its specific sphere of competence, the Union's dual responsibility as a United Nations specialized agency and executing agency for implementing projects under the United Nations development system or other funding arrangements so as to facilitate and enhance telecommunications development by offering, organizing and coordinating technical cooperation and assistance activities.

119 (2) The activities of the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors shall be the subject of close cooperation with regard to matters relating to development, in accordance with the relevant provisions of this Constitution.

120 2. Within the foregoing framework, the specific functions of the Telecommunication Development Sector shall be to:

121 *a)* raise the level of awareness of decision-makers concerning the important role of telecommunications in the national economic and social development programme, and provide information and advice on possible policy and structural options;

122 *b)* promote 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;

123 *c)* enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions, monitoring the status of projects included in its development programme to ensure that they are properly executed;

124 *d)* activate the mobilization of resources to provide assistance in the field of telecommunications to developing countries by promoting the establishment of preferential and favourable lines of credit, and cooperating with international and regional financial and development institutions;

125 *e)* promote and coordinate programmes to accelerate the transfer of appropriate technologies to the developing countries in the light of changes and developments in the networks of the developed countries;

126 *f)* encourage participation by industry in telecommunication development in developing countries, and offer advice on the choice and transfer of appropriate technology;

127 *g)* offer advice, carry out or sponsor studies, as necessary, on technical, economic, financial, managerial, regulatory and policy issues, including studies of specific projects in the field of telecommunications;

128 *h)* collaborate with the other Sectors, the General Secretariat and other concerned bodies in developing a general plan for international and regional telecommunication networks so as to facilitate the coordination of their development with a view to the provision of telecommunication services;

129 *i)* in carrying out the above functions, give special attention to the requirements of the least developed countries.

130 3. The Telecommunication Development Sector shall work through:

131 *a)* world and regional telecommunication development conferences;

132 *b)* telecommunication development study groups;

133 *c)* the Telecommunication Development Bureau headed by the elected Director.

134 4. The Telecommunication Development Sector shall have as members:

135 *a)* of right, the administrations of all Members of the Union;

136 *b)* any entity or organization authorized in accordance with the relevant provisions of the Convention.

ARTICLE 22

Telecommunication Development Conferences

137 1. Telecommunication development conferences shall be a forum for the discussion and consideration of topics, projects and programmes relevant to telecommunication development and for the provision of direction and guidance to the Telecommunication Development Bureau.

138 2. Telecommunication development conferences shall comprise:

139 *a)* world telecommunication development conferences;

140 *b)* regional telecommunication development conferences.

141 3. There shall be, between two Plenipotentiary Conferences, one world telecommunication development conference and, subject to resources and priorities, regional telecommunication development conferences.

142 4. The 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 upper limits on credits laid down by the Plenipotentiary Conference.

143 5. The duties of telecommunication development conferences are specified in the Convention.

ARTICLE 23

Telecommunication Development Study Groups

144 The duties of telecommunication development study groups are specified in the Convention.

ARTICLE 24

Telecommunication Development Bureau

145 The functions of the Director of the Telecommunication Development Bureau are specified in the Convention.

CHAPTER V

Other Provisions Concerning the Functioning of the Union

ARTICLE 25

World Conferences on International Telecommunications

146 1. A world conference on international telecommunications may partially, or in exceptional cases, completely revise the International Telecommunication Regulations and may deal with any question of a worldwide character within its competence and related to its agenda.

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 upper limits on credits laid down by the Plenipotentiary Conference.

ARTICLE 26

Coordination Committee

148 1. The Coordination Committee shall consist of the Secretary-General, the Deputy Secretary-General and the Directors of the three Bureaux. It shall be presided over by the Secretary-General, and in his absence by the Deputy Secretary-General.

149 2. The Coordination Committee shall act as an internal management team which advises and gives the Secretary-General practical assistance on all administrative, financial, information system and technical cooperation matters which do not fall under the exclusive competence of a particular Sector or of the General Secretariat and on external relations and public information. In its considerations, the Committee shall keep fully in view the provisions of this Constitution, the Convention, the decisions of the Council and the interests of the Union as a whole.

ARTICLE 27

Elected Officials and Staff of the Union

150 1. (1) In the performance of their duties, neither the elected officials nor the staff of the Union shall seek or accept instructions from any government or from any other authority outside the Union. They shall refrain from acting in any way which is incompatible with their status as international officials.

151 (2) Each Member 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.

152 (3) No elected official or any member of the staff of the Union shall participate in any manner or have any financial interest whatsoever in any enterprise concerned with telecommunications, except as part of their duties. However, the term «financial interest» is not to be construed as applying to the continuation of retirement benefits accruing in respect of previous employment or service.

153 (4) In order to ensure the efficient operation of the Union, any Member, 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.

154 2. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

ARTICLE 28

Finances of the Union

155 1. The expenses of the Union shall comprise the costs of:

156 *a)* the Council;

157 *b)* the General Secretariat and the Sectors of the Union;

158 *c)* Plenipotentiary Conferences and world conferences on international telecommunications.

159 2. The expenses of the Union shall be met from the contributions of its Members and of entities and organizations authorized to participate in the Union's activities in accordance with the relevant provisions of the Convention. Each Member and any such authorized entity or organization shall pay a sum proportional to the number of units in the class of contribution it has chosen in accordance with the relevant provisions of the Convention.

160 3. (1) Members shall be free to choose their class of contribution for defraying Union expenses.

161 (2) This choice shall be made within six months following the end of a Plenipotentiary Conference in accordance with the scale of classes of contribution contained in the Convention.

162 (3) If a Plenipotentiary Conference adopts an amendment to the scale of classes of contribution in the Convention, the Secretary-General shall inform each Member of the date of the entry into force of the amendment. Each Member shall notify the Secretary-General, within six months of the date of this communication, of the class of contribution it has chosen in accordance with the amended scale in force.

163 (4) The class of contribution chosen by each Member, in accordance with No. 161 or No. 162 above, is applicable only as from 1 January following one year after the expiry of the six-month period referred to in Nos. 161 or 162 above.

164 4. Members who have failed to make known their decision in the time specified respectively in Nos. 161 and 162 above shall retain the class of contribution previously chosen.

165 5. The class of contribution chosen by a Member can only be reduced in accordance with Nos. 161, 162 and 163 above. However, 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 which has established that it can no longer maintain its contribution at the class originally chosen.

166 6. Likewise, Members may, subject to the approval of the Council, choose a class of contribution lower than the one selected under No. 161 above, if their relative contributory positions are, from the date fixed in No. 163 above for a new period of contribution, substantially worse than their previous positions.

167 7. Expenses incurred by the regional conferences referred to in No. 43 of this Constitution shall be borne in accordance with their unit classification by all the Members of the region concerned and, where appropriate, on the same basis by any Members of other regions which have participated in such conferences.

168 8. Members, entities and organizations referred to in No. 159 above 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.

169 9. A Member which is in arrear 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 from it for the preceding two years.

170 10. Specific provisions, which apply to the financial contributions by entities and organizations referred to in No. 159 above and by other international organizations, are contained in the Convention.

ARTICLE 29

Languages

171 1. (1) The official and working languages of the Union shall be Arabic, Chinese, English, French, Russian and Spanish.

172 (2) In accordance with the relevant decisions of the Plenipotentiary Conference, these languages shall be used for drawing up and publishing documents and texts of the Union, in versions equivalent in form and content, as well as for reciprocal interpretation during conferences and meetings of the Union.

173 (3) In case of discrepancy or dispute, the French text shall prevail.

174 2. When all participants in a conference or in a meeting so agree, discussions may be conducted in fewer languages than those mentioned above.

ARTICLE 30

Seat of the Union

175 The seat of the Union shall be at Geneva.

ARTICLE 31

Legal Capacity of the Union

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

ARTICLE 32

Rules of Procedure of Conferences and Other Meetings

177 1. For the organization of their work and the conduct of their discussions, conferences and meetings of the Union shall apply the Rules of Procedure in the Convention.

178 2. Conferences 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 and the Convention; those adopted by conferences shall be published as conference documents.

CHAPTER VI

General Provisions Relating to Telecommunications

ARTICLE 33

The Right of the Public to Use the International Telecommunication Service

179 Members 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

Stoppage of Telecommunications

180 1. Members reserve the right to stop 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.

181 2. Members also reserve the right to cut off 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

Suspension of Services

182 Each Member 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 Members through the medium of the Secretary-General.

ARTICLE 36

Responsibility

183 Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

ARTICLE 37

Secrecy of Telecommunications

184 1. Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

185 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their national laws or the execution of international conventions to which they are parties.

ARTICLE 38

Establishment, Operation and Protection of Telecommunication Channels and Installations

186 1. Members 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.

187 2. So far as possible, these channels and installations must be operated by the methods and procedures which practical operating experience has shown to be the best. They must be maintained in proper operating condition and kept abreast of scientific and technical progress.

188 3. Members shall safeguard these channels and installations within their jurisdiction.

189 4. Unless other conditions are laid down by special arrangements, each Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.

ARTICLE 39

Notification of Infringements

190 In order to facilitate the application of the provisions of Article 6 of this Constitution, Members undertake to inform one another of infringements of the provisions of this Constitution, the Convention and of the Administrative Regulations.

ARTICLE 40

Priority of Telecommunications Concerning Safety of Life

191 International telecommunication services must give absolute priority to all telecommunications concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological telecommunications of exceptional urgency of the World Health Organization.

ARTICLE 41

Priority of Government Telecommunications

192 Subject to the provisions of Articles 40 and 46 of this Constitution, government telecommunications (see Annex to this Constitution, No. 1014) shall enjoy priority over other telecommunications to the extent practicable upon specific request by the originator.

ARTICLE 42

Special Arrangements

193 Members 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 Members 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 Members, and in general so far as concerns the technical harm which their operation might cause to the operation of other telecommunication services of other Members.

ARTICLE 43

Regional Conferences, Arrangements and Organizations

194 Members 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

Use of the Radio-Frequency Spectrum and of the Geostationary-Satellite Orbit

195 1. Members shall endeavour to limit the number of frequencies and the spectrum used to the minimum essential to provide in a satisfactory manner the necessary services. To that end, they shall endeavour to apply the latest technical advances as soon as possible.

196 2. In using frequency bands for radio services, Members shall bear in mind that radio frequencies and 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 both, taking into account the special needs of the developing countries and the geographical situation of particular countries.

ARTICLE 45

Harmful Interference

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 Members 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.

198 2. Each Member 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.

199 3. Further, the Members 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 46

Distress Calls and Messages

200 Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

ARTICLE 47

False or Deceptive Distress, Urgency, Safety or Identification Signals

201 Members 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

Installations for National Defence Services

202 1. Members retain their entire freedom with regard to military radio installations.

203 2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Administrative Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

204 3. Moreover, when these installations take part in the service of public correspondence or other services governed by the Administrative Regulations, they must, in general, comply with the regulatory provisions for the conduct of such services.

CHAPTER VIII

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

ARTICLE 49

Relations With the United Nations

205 The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement concluded between these two organizations.

ARTICLE 50

Relations With Other International Organizations

206 In furtherance of complete international coordination on matters affecting telecommunication, the Union shall cooperate with international organizations having related interests and activities.

ARTICLE 51

Relations With Non-Member States

207 Each Member reserves to itself and to the recognized operating agencies the right to fix the conditions on which it admits telecommunications exchanged with a State which is not a Member of the Union. If a telecommunication originating in the territory of such a State is accepted by a Member, it must be transmitted and, in so far as it follows the telecommunication channels of a Member, 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

Ratification, Acceptance or Approval

208 1. This Constitution and the Convention shall be simultaneously ratified, accepted or approved by any signatory Member, 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 Members of each deposit of any such instrument.

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, 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 Members of the Union in Nos. 25 to 28 of this Constitution.

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 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 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.

211 3. After the entry into force of this Constitution and the Convention in accordance with Article 58 of this Constitution, an instrument of ratification, acceptance or approval, shall become effective on the date of its deposit with the Secretary-General.

ARTICLE 53

Accession

212 1. A Member 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.

213 2. The instrument of accession shall be deposited with the Secretary-General, who shall notify the Members of each deposit of any such instrument when it is received and shall forward to each of them a certified copy thereof.

214 3. After the entry into force of this Constitution and the Convention in accordance with Article 58 of this Constitution, an instrument of accession shall become effective on the date of its deposit with the Secretary-General, unless otherwise specified therein.

ARTICLE 54

Administrative Regulations

215 1. The Administrative Regulations, as specified in Article 4 of this Constitution, are binding international instruments and shall be subject to the provisions of this Constitution and the Convention.

216 2. Ratification, acceptance or approval of this Constitution and the Convention, or accession to these instruments, in accordance with Articles 52 and 53 of this Constitution, shall also constitute consent to be bound by the Administrative Regulations adopted by competent world conferences prior to the date of signature of this Constitution and the Convention. Such consent is

subject to any reservation made at the time of signature of the Administrative Regulations or revisions thereof to the extent that the reservation is maintained at the time of deposit of the instrument of ratification, acceptance, approval or accession.

217 3. Revisions of the Administrative Regulations, either partial or complete, adopted after the aforementioned date shall, to the extent permitted by their national law, apply provisionally in respect of all Members which have signed such revisions. Such provisional application shall be effective from the date or dates specified therein, and shall be subject to such reservations as may have been made at the time of signature of such revisions.

218 4. Such provisional application shall continue until:

219 *a)* the Member notifies the Secretary-General of its consent to be bound by any such revision and indicates, if appropriate, the extent to which it maintains any reservation made in respect of that revision at the time of signature of that revision; or

220 *b)* sixty days after receipt by the Secretary-General of the Member's notification informing him that it does not consent to be bound by any such revision.

221 5. If no notification under Nos. 219 or 220 above has been received by the Secretary-General from any Member which has signed any such revision, prior to the expiry of a period of thirty-six months from the date or dates specified therein for the commencement of provisional application, that Member shall be deemed to have consented to be bound by that revision, subject to any reservation it may have made in respect of that revision at the time of signature of that revision.

222 6. Any Member of the Union which has not signed any such revision of the Administrative Regulations, either partial or complete, adopted after the date stipulated in No. 216 above, shall endeavour to notify the Secretary-General promptly of its consent to be bound by it. If no such notification has been received by the Secretary-General from such a Member before the expiry of the period stipulated in No. 221 above, that Member shall be deemed to have consented to be bound by that revision.

223 7. The Secretary-General shall inform Members promptly of any notification received pursuant to this Article.

ARTICLE 55

Provisions for Amending this Constitution

224 1. Any Member of the Union may propose any amendment to this Constitution. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Members of the Union, 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 Members of the Union.

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 of the Union or by its delegation at the Plenipotentiary Conference.

226 3. The quorum required at any Plenary Meeting of the Plenipotentiary Conference for consideration of any proposal for amending this Constitution or modification thereto shall consist of more than one half of the delegations accredited to the Plenipotentiary Conference.

227 4. To be adopted, any proposed modification to a proposed amendment as well as the proposal as a whole, whether or not modified, shall be approved, at a Plenary Meeting, by at least two-thirds of the delegations accredited to the Plenipotentiary Conference which have the right to vote.

228 5. Unless specified otherwise in the preceding paragraphs of the present Article, which shall prevail, the general provisions regarding conferences and the Rules of Procedures of conferences and other meetings as contained in the Convention shall apply.

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 Members 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.

230 7. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession.

231 8. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 52 and 53 of this Constitution shall apply to the Constitution as amended.

232 9. After entry into force of any such amending instrument, the Secretary-General shall register it with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter of the United Nations. No. 241 of this Constitution shall also apply to any such amending instrument.

ARTICLE 56

Settlement of Disputes

233 1. Members may settle their disputes on questions relating to the interpretation or application of this Constitution, 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.

234 2. If none of these methods of settlement is adopted, any Member party to a dispute may have recourse to arbitration in accordance with the procedure defined in the Convention.

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 Members parties to that Protocol.

ARTICLE 57

Denunciation of this Constitution and the Convention

236 1. Each Member 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 Members thereof.

237 2. Such denunciation shall take effect at the expiration of a period of one year from the date of receipt of its notification by the Secretary-General.

ARTICLE 58

Entry into Force and Related Matters

238 1. This Constitution and the Convention shall enter into force on 1 July 1994 between Members having deposited before that date their instrument of ratification, acceptance, approval or accession.

239 2. Upon the date of entry into force specified in No. 238 above, this Constitution and the Convention shall, as between Parties thereto, abrogate and replace the International Telecommunication Convention (Nairobi, 1982).

240 3. In accordance with the provisions of Article 102 of the Charter of the United Nations, the Secretary-General of the Union shall register this Constitution and the Convention with the Secretariat of the United Nations.

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 Members.

242 5. In the event of any discrepancy among the various language versions of this Constitution and the Convention, the French text shall prevail.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed the original of this Constitution of the International Telecommunication Union and the original of the Convention of the International Telecommunication Union.

Done at Geneva, on 22 December 1992

For the Islamic State of Afghanistan:

MOHAMMAD AKRAM
MIR AZMUDDIN
ABDUL BAQI AZIZI
KHOWAJA AQA SHARAR
MIR AZIZULLAH BURHANI
MAULAWI SHIREEN MOHAMMAD

For the Republic of Albania:

BEKTESHI HASAN
QESTERI EMIL

For the People's Democratic Republic of Algeria:

OUHADJ MAHIDDINE
FARAOUN BOUALEM

In the name of the Federal Republic of Germany:

ULRICH MOHR
EBERHARD GEORGE

For the Kingdom of Saudi Arabia:

SAMI S. AL-BASHEER

For the Argentine Republic:

ALBERTO JESUS GABRIELLI
MAXIMILIANO MARTIN VON KESSELSTATT
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GOUNDE DESIRE ADADJA
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SAIFULBAHRI BIN DATO PADUKA HAJI JAYA
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For the Republic of Bulgaria:

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For Burkina Faso:

SANOU BRAHIMA
BONKOUNGOU ZOULI

For the Republic of Burundi:

NDAYIZEYE APOLLINAIRE

For the Republic of Cameroon:

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JEAN-MARIE SAKILA
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KIM RYE HYON

For Romania:

IONESCU CANTEMIR

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MICHAEL GODDARD
DAVID ANTHONY HENDON

For the Russian Federation:

VLADIMIR BOULGAK

For the Republic of San Marino:

IVO GRANDONI
MICHELE GIRI

For the Republic of Senegal:

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CHEIKH TIDIANE NDIONGUE
ALIOUNE SENE
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For the Republic of Singapore:

LIM CHOON SAI
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For the Republic of Slovenia:

JOZE VUGRINEC

For the Republic of the Sudan:

MUSTAFA IBRAHIM MOHAMED
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For the Republic of Venezuela:

ADELA VIVAS ARIZALETA

For the Socialist Republic of Viet Nam:

MAI LIEM TRUC

For the Republic of Yemen:

ABDULMALAK SAAD YESER AHMED

For the Republic of Zambia:

ANGEL ALFRED MWENDA
CHARLES SAKAVUMBI NDANDULA
ROBERT CHILANDO CHISHIMBA
JULIUS MTOMBO KATAPA

For the Republic of Zimbabwe:

MAZWI FANI DANDATO
DZIMBANHETE FREDSON MATAVIRE
FRANK KANEUNYENYE

ANNEX

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

1001 For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:

1002 *Administration:* Any governmental department or service responsible for discharging the obligations undertaken in the Constitution of the International Telecommunication Union, in the Convention of the International Telecommunication Union and in the Administrative Regulations.

1003 *Harmful Interference:* Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.

1004 *Public Correspondence:* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

1005 *Delegation:* The totality of the delegates and, should the case arise, any representatives, advisers, attachés, or interpreters sent by the same Member.

Each Member 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 attachés, persons belonging to any entity or organization authorized in accordance with the relevant provisions of the Convention.

1006 *Delegate:* A person sent by the government of a Member of the Union to a Plenipotentiary Conference, or a person representing a government or an administration of a Member of the Union at a conference or at a meeting of the Union.

1007 *Operating Agency:* Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

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 in whose territory the head office of the agency is situated, or by the Member which has authorized this operating agency to establish and operate a telecommunication service on its territory.

1009 *Radiocommunication:* Telecommunication by means of radio waves.

1010 *Broadcasting Service:* A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

1011 *International Telecommunication Service:* The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.

1012 *Telecommunication:* Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

1013 *Telegram:* Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

1014 *Government Telecommunications:* Telecommunications originating with any:

- Head of State;
- Head of government or members of a government;
- Commanders-in-Chief of military forces, land, sea or air;

- diplomatic or consular agents;
- the Secretary-General of the United Nations; Heads of the principal organs of the United Nations;
- the International Court of Justice,

or replies to government telecommunications mentioned above.

1015 *Private Telegrams:* Telegrams other than government or service telegrams.

1016 *Telegraphy:* A form of telecommunication in which the transmitted information is intended to be recorded on arrival as a graphic document; the transmitted information may sometimes be presented in an alternative form or may be stored for subsequent use.

Note: A graphic document records information in a permanent form and is capable of being filed and consulted; it may take the form of written or printed matter or of a fixed image.

1017 *Telephony:* A form of telecommunication primarily intended for the exchange of information in the form of speech.

CONVENTION
OF THE
INTERNATIONAL
TELECOMMUNICATION UNION

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CHAPTER I

Functioning of the Union

SECTION 1

ARTICLE 1

Plenipotentiary Conference

1 1. (1) The Plenipotentiary Conference shall be convened in accordance with the relevant provisions of Article 8 of the Constitution of the International Telecommunication Union (hereinafter referred to as "the Constitution").

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 Members of the Union.

3 2. (1) The precise place and the exact dates of the next Plenipotentiary Conference, or either one of these, may be changed:

4 *a)* when at least one-quarter of the Members of the Union have individually proposed a change to the Secretary-General; or

5 *b)* on a proposal of the Council.

6 (2) Any such change shall require the concurrence of a majority of the Members of the Union.

ARTICLE 2

Elections and Related Matters

The Council

7 1. Except in the case of vacancies arising in the circumstances described in Nos. 10 to 12 below, the Members of the Union elected to the Council shall hold office until the date on which a new Council is elected. They shall be eligible for re-election.

8 2. (1) If, between two Plenipotentiary Conferences, a seat becomes vacant on the Council, it shall pass by right to the Member of the Union from the same region as the Member whose seat is vacated, which had obtained at the previous election the largest number of votes among those not elected.

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 Members 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 Members of the Union to elect a new Member. The election shall be carried out by secret ballot by correspondence. The same majority as indicated above will be required. The new Member shall hold office until the election of the new Council by the next competent Plenipotentiary Conference.

10 3. A seat on the Council shall be considered vacant:

11 *a)* when a Council Member does not have a representative in attendance at two consecutive ordinary sessions of the Council;

12 *b)* when a Member of the Union resigns its membership of the Council.

Elected officials

13 1. The Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux shall take up their duties on the dates determined by the Plenipotentiary Conference at the time of their election. They shall normally remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election once only.

14 2. If the post of Secretary-General falls vacant, the Deputy Secretary-General shall succeed to it and shall remain in office until a date determined by the following Plenipotentiary Conference. When under these conditions the Deputy Secretary-General succeeds to the office of the Secretary-General, the post of Deputy Secretary-General shall be considered to fall vacant on that same date and the provisions of No. 15 below shall be applied.

15 3. If the post of Deputy Secretary-General falls vacant more than 180 days prior to the date set for the convening of the next Plenipotentiary Conference, the Council shall appoint a successor for the balance of the term.

16 4. If the posts of the Secretary-General and the Deputy Secretary-General fall vacant simultaneously, the Director who has been longest in office shall discharge the duties of Secretary-General for a period not exceeding 90 days. The Council shall appoint a Secretary-General and, if the vacancies occur more than 180 days prior to the date set for the convening of the next Plenipotentiary Conference, a Deputy Secretary-General. An official thus appointed by the Council shall serve for the balance of the term for which his predecessor was elected.

17 5. If the post of a Director becomes unexpectedly vacant, the Secretary-General shall take the necessary steps to ensure that the duties of that Director are carried out until the Council shall appoint a new Director at its next ordinary session following the occurrence of such a vacancy. A Director so appointed shall serve until the date fixed by the next Plenipotentiary Conference.

18 6. Subject to the relevant provisions of Article 27 of the Constitution, the Council shall provide for the filling of any vacancy in the post of Secretary-General or Deputy Secretary-General in the situation described in the relevant provisions of the present Article at an ordinary session, if held within 90 days after a vacancy occurs, or at a session convened by the Chairman within the periods specified in those provisions.

19 7. Any period of service in the post of an elected official pursuant to an appointment under Nos. 14 to 18 above shall not affect eligibility for election or re-election to such a post.

Members of the Radio Regulations Board

20 1. The members of the Radio Regulations Board shall take up their duties on the dates determined by the Plenipotentiary Conference at the time of their election. They shall remain in office until dates determined by the following Plenipotentiary Conference, and shall be eligible for re-election once only.

21 2. If, in the interval between two Plenipotentiary Conferences, a member of the Board resigns or is no longer in a position to perform his duties, the Secretary-General, in consultation with the Director of the Radiocommunication Bureau, shall invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next session of the Council. However, if the vacancy occurs more than 90 days before a session of the Council or after the session of the Council preceding the next Plenipotentiary Conference, the Member of the Union concerned shall designate, as soon as possible and within 90 days, another national as a replacement who will remain in office until the new member elected by the Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate. The replacement shall be eligible for election by the Council or by the Plenipotentiary Conference, as appropriate.

22 3. A member of the Radio Regulations Board is considered no longer in a position to perform his duties after repeated consecutive absences from the Board meetings. The Secretary-General shall, after consultation with the Board's Chairman as well as the member of the Board and the Member of the Union concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 21 above.

ARTICLE 3

Other Conferences

23 1. In conformity with the relevant provisions of the Constitution, the following world conferences of the Union shall normally be convened within the period between two Plenipotentiary Conferences:

24 *a)* two world radiocommunication conferences;

25 *b)* one world telecommunication standardization conference;

26 *c)* one world telecommunication development conference;

27 *d)* two radiocommunication assemblies, associated in place and time with world radiocommunication conferences.

28 2. Exceptionally, within the period between Plenipotentiary Conferences:

29 – the second world radiocommunication conference may be cancelled together with its associated radiocommunication assembly; alternatively, either one may be cancelled even if the other is held;

30 – an additional telecommunication standardization conference may be convened.

31 3. These actions shall be taken:

32 *a)* by a decision of a Plenipotentiary Conference;

33 *b)* on the recommendation of the previous world conference of the Sector concerned, if approved by the Council;

34 *c)* at the request of at least one-quarter of the Members of the Union, which shall individually address their requests to the Secretary-General; or

35 *d)* on a proposal of the Council.

36 4. A regional radiocommunication conference shall be convened:

37 *a)* by a decision of a Plenipotentiary Conference;

38 *b)* on the recommendation of a previous world or regional radiocommunication conference if approved by the Council;

39 *c)* at the request of at least one-quarter of the Members belonging to the region concerned, which shall individually address their requests to the Secretary-General; or

40 *d)* on a proposal of the Council.

41 5. (1) The precise place and the exact dates of a world or regional conference or radiocommunication assembly may be fixed by a Plenipotentiary Conference.

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 radiocommunication assembly with the concurrence of a majority of the Members of the Union, and of a regional conference with the concurrence of a majority of the Members of the Union belonging to the region concerned; in both cases the provisions of No. 47 below shall apply.

43 6. (1) The precise place and the exact dates of a conference or assembly may be changed:

44 *a)* at the request of at least one-quarter of the Members of the Union in the case of a world conference or assembly, or of at least one-quarter of the Members of the Union 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

45 *b)* on a proposal of the Council.

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 Members of the Union, in the case of a world conference or assembly, or by a majority of the Members of the Union belonging to the region concerned, in the case of a regional conference, subject to the provisions of No. 47 below.

47 7. In the consultations referred to in Nos. 42, 46, 118, 123, 138, 302, 304, 305, 307 and 312 of this Convention, Members of the Union who 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 Members consulted, a further consultation shall take place, the results of which shall be decisive regardless of the number of votes cast.

48 8. (1) World conferences on international telecommunications shall be held upon decision by the Plenipotentiary Conference.

49 (2) The provisions for the convening of, the adoption of the agenda of, and the participation in a world radiocommunication conference shall, as appropriate, equally apply to world conferences on international telecommunications.

SECTION 2

ARTICLE 4

The Council

50 1. The Council is composed of forty-three Members of the Union elected by the Plenipotentiary Conference.

51 2. (1) The Council shall hold an ordinary session annually at the seat of the Union.

52 (2) During this session it may decide to hold, exceptionally, an additional session.

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 Members, or on the initiative of the Chairman under the conditions provided for in No. 18 of this Convention.

54 3. The Council shall take decisions only in session. Exceptionally, the Council in session may agree that any specific issue shall be decided by correspondence.

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 Members, 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.

56 5. The person appointed to serve on the Council by a Member 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.

57 6. Only the travelling, subsistence and insurance expenses incurred by the representative of each Member of the Council in his capacity at Council sessions shall be borne by the Union.

58 7. The representative of each Member of the Council shall have the right to attend, as an observer, all meetings of the Sectors of the Union.

59 8. The Secretary-General shall act as Secretary of the Council.

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 own Members.

61 10. The Council shall consider each year the report prepared by the Secretary-General on the recommended strategic policy and planning for the Union in keeping with the guidelines given by the Plenipotentiary Conference and shall take appropriate action.

62 11. The Council shall, in the interval between two Plenipotentiary Conferences, supervise the overall management and administration of the Union; it shall in particular:

63 (1) approve and revise the Staff Regulations and the Financial Regulations of the Union and any other regulations as it may consider necessary, taking account of current practice of the United Nations and of the specialized agencies applying the common system of pay, allowances and pensions;

64 (2) adjust as necessary:

65 *a)* the basic salary scales for staff in the professional and higher categories, excluding the salaries for posts filled by election, to accord with any changes in the basic salary scales adopted by the United Nations for the corresponding common system categories;

66 *b)* the basic salary scales for staff in the general services categories to accord with changes in the rates applied by the United Nations and the specialized agencies at the seat of the Union;

67 *c)* the post adjustment for professional and higher categories, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union;

68 *d)* the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations common system;

69 (3) take decisions to ensure equitable geographical distribution of the staff of the Union and monitor the implementation of such decisions;

70 (4) decide on proposals for major organizational changes within the General Secretariat and the Bureaux of the Sectors of the Union consistent with the Constitution and this Convention, submitted to it by the Secretary-General following their consideration by the Coordination Committee;

71 (5) examine and decide on plans concerning Union posts and staff and human resources development programmes covering several years, and give guidelines for the staffing of the Union, including on staffing levels and structures, taking into account the guidelines given by the Plenipotentiary Conference and the relevant provisions of Article 27 of the Constitution;

72 (6) adjust, as necessary, the contributions payable by the Union and its staff to the United Nations Joint Staff Pension Fund, in accordance with the Fund's rules and regulations, as well as the cost of living allowances to be granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of the practice followed by the Fund;

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 limits for expenditures set by that 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;

74 (8) arrange for the annual audit of the accounts of the Union prepared by the Secretary-General and approve them, if appropriate, for submission to the next Plenipotentiary Conference;

75 (9) arrange for the convening of the conferences of the Union and provide, with the consent of a majority of the Members of the Union in the case of a world conference, or of a majority of the Members of the Union 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;

76 (10) take decisions in relation to No. 28 of this Convention;

77 (11) decide upon the implementation of any decisions which have been taken by conferences and which have financial implications;

78 (12) to the extent permitted by the Constitution, this Convention and the Administrative Regulations, take any other action deemed necessary for the proper functioning of the Union;

79 (13) take any necessary steps, with the agreement of a majority of the Members of the Union, 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;

80 (14) be responsible for effecting the coordination with all international organizations referred to in Articles 49 and 50 of the Constitution and to this end, conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 50 of the Constitution, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the next Plenipotentiary Conference in accordance with the relevant provision of Article 8 of the Constitution;

81 (15) send to Members of the Union, as soon as possible after each of its sessions, summary records on the activities of the Council and other documents deemed useful;

82 (16) submit to the Plenipotentiary Conference a report on the activities of the Union since the previous Plenipotentiary Conference and any appropriate recommendations.

SECTION 3

ARTICLE 5

General Secretariat

83 1. The Secretary-General shall:

84 *a)* be responsible for the overall management of the Union's resources; he may delegate the management of part of these resources to the Deputy Secretary-General and the Directors of the Bureaux, in consultation as necessary with the Coordination Committee;

85 *b)* coordinate the activities of the General Secretariat and the Sectors of the Union, taking into account the views of the Coordination Committee, with a view to assuring the most effective and economical use of the resources of the Union;

86 *c)* after consultation with the Coordination Committee and taking into account its views, prepare and submit to the Council an annual report indicating changes in the telecommunication environment and containing recommended action relating to the Union's future policies and strategy, as stipulated in No. 61 of this Convention, together with their financial implications;

87 *d)* organize the work of the General Secretariat and appoint the staff of that Secretariat in accordance with the directives of the Plenipotentiary Conference and the rules established by the Council;

88 *e)* undertake administrative arrangements for the Bureaux of the Sectors of the Union and appoint their staff on the basis of the choice and proposals of the Director of the Bureau concerned, although the final decision for appointment or dismissal shall rest with the Secretary-General;

89 *f)* report to the Council any decisions taken by the United Nations and the specialized agencies which affect common system conditions of service, allowances and pensions;

90 *g)* ensure the application of any regulations adopted by the Council;

91 *h)* provide legal advice to the Union;

92 *i)* supervise, for administrative management purposes, the staff of the Union with a view to assuring the most effective use of personnel and the application of the common system conditions of employment for the staff of the Union. The staff appointed to assist directly the Directors of the Bureaux shall be under the administrative control of the Secretary-General and shall work under the direct orders of the Directors concerned but in accordance with administrative guidelines given by the Council;

93 *j)* in the interest of the Union as a whole and in consultation with the Directors of the Bureaux concerned, temporarily reassign staff members from their appointed position as necessary to meet fluctuating work requirements at headquarters;

94 *k)* make, in agreement with the Director of the Bureau concerned, the necessary administrative and financial arrangements for the conferences and meetings of each Sector;

95 *l)* taking into account the responsibilities of the Sectors, undertake appropriate secretariat work preparatory to and following conferences of the Union;

96 *m)* prepare recommendations for the first meeting of the Heads of delegations referred to in No. 342 of this Convention, taking into account the results of any regional consultation;

97 *n)* provide, where appropriate in cooperation with the inviting government, the secretariat of conferences of the Union, and provide the facilities and services for meetings of the Union, in collaboration, as appropriate, with the Director concerned, drawing from the Union's staff as he deems necessary in accordance with No. 93 above. The Secretary-General may also, when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;

98 *o)* take necessary action for the timely publication and distribution of service documents, information bulletins, and other documents and records prepared by the General Secretariat and the Sectors, communicated to the Union or whose publication is requested by conferences or the Council; the list of documents to be published shall be maintained by the Council, following consultation with the conference concerned, with respect to service documents and other documents whose publication is requested by conferences;

99 *p)* publish periodically, with the help of information put at his disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;

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 within the 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 Members of the Union;

101 *r)* with the assistance of the Coordination Committee, prepare an annual financial operating report in accordance with the Financial Regulations and submit it to the Council. A recapitulative financial operating report and accounts shall be prepared and submitted to the next Plenipotentiary Conference for examination and final approval;

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 Members;

103 *t)* perform all other secretarial functions of the Union;

104 *u)* perform any other functions entrusted to him by the Council.

105 2. The Secretary-General or the Deputy Secretary-General may participate, in a consultative capacity, in conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union.

SECTION 4

ARTICLE 6

Coordination Committee

106 1. (1) The Coordination Committee shall assist and advise the Secretary-General on all matters mentioned under the relevant provisions of Article 26 of the Constitution and the relevant Articles of this Convention.

107 (2) The Committee shall be responsible for ensuring coordination with all the international organizations mentioned in Articles 49 and 50 of the Constitution as regards representation of the Union at conferences of such organizations.

108 (3) The Committee shall examine the progress of the work of the Union and assist the Secretary-General in the preparation of the report referred to in No. 86 of this Convention for submission to the Council.

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 his own responsibility, provided he judges that the decision of the matters in question is urgent and cannot await the next session of the Council. In such circumstances he shall

report promptly in writing on such matters to the Members of the Council, setting forth his 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.

110 3. The Chairman shall convene the Committee at least once a month; the Committee may also be convened when necessary at the request of two of its members.

111 4. A report shall be made of the proceedings of the Coordination Committee and will be made available on request to Members of the Council.

SECTION 5

Radiocommunication Sector

ARTICLE 7

World Radiocommunication Conference

112 1. In accordance with No. 90 of the Constitution, a world radiocommunication conference shall be convened to consider specific radiocommunication matters. A world radiocommunication conference shall deal with those items which are included in its agenda adopted in accordance with the relevant provisions of this Article.

113 2. (1) The agenda of a world radiocommunication conference may include:

114 *a)* the partial or, exceptionally, complete revision of the Radio Regulations referred to in Article 4 of the Constitution;

115 *b)* any other question of a worldwide character within the competence of the conference;

116 *c)* an item concerning instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities, and a review of those activities;

117 *d)* the adoption of questions to be studied by the radiocommunication assembly, as well as matters that the assembly shall consider in relation to future radiocommunication conferences.

118 (2) The general scope of this agenda should be established four 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 Members of the Union, subject to the provisions of No. 47 of this Convention.

119 (3) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.

120 3. (1) This agenda may be changed:

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

122 *b)* on a proposal of the Council.

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 Members of the Union, subject to the provisions of No. 47 of this Convention.

124 4. The conference shall also:

125 (1) consider and approve the report of the Director of the Bureau on the activities of the Sector since the last conference;

126 (2) recommend to the Council items for inclusion in the agenda of a future conference and give its views on such agendas for at least a four-year cycle of radiocommunication conferences, together with an estimate of the financial implications;

127 (3) include, in its decisions, instructions or requests, as appropriate, to the Secretary-General and the Sectors of the Union.

128 5. The Chairman and Vice-Chairmen of the radiocommunication assembly, or of relevant study groups, may participate in the associated world radiocommunication conference.

ARTICLE 8

Radiocommunication Assembly

129 1. A radiocommunication assembly shall deal with and issue, as appropriate, recommendations on questions adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, the Council or the Radio Regulations Board.

130 2. With regard to No. 129 above, the radiocommunication assembly shall:

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;

132 (2) bearing in mind the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

133 (3) decide, in the light of the approved programme of work derived from No. 132 above, on the need to maintain, terminate or establish study groups, and allocate to each of them the questions to be studied;

134 (4) group questions of interest to the developing countries as far as possible, in order to facilitate their participation in the study of those questions;

135 (5) give advice on matters within its competence in response to requests from a world radiocommunication conference;

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

137 3. A radiocommunication 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 9

Regional Radiocommunication Conferences

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 Members of the region concerned.

ARTICLE 10

Radio Regulations Board

139 1. The Board is composed of nine members elected by the Plenipotentiary Conference.

140 2. In addition to the duties specified in Article 14 of the Constitution, the Board shall also consider reports from the Director of the Radiocommunication Bureau on investigations of harmful interference carried out at the request of one or more of the interested administrations, and formulate recommendations with respect thereto.

141 3. The members of the Board have a duty to participate, in an advisory capacity, in radiocommunication conferences and radiocommunication assemblies. The Chairman and Vice-Chairman of the Board, or their nominated representatives, have a duty to participate, in an advisory capacity, in Plenipotentiary Conferences. In all of these cases, the members having these duties shall not participate in these conferences as members of their national delegations.

142 4. Only the travelling, subsistence and insurance expenses incurred by the members of the Board in the exercise of their duties for the Union shall be borne by the Union.

143 5. The working methods of the Board shall be as follows:

144 (1) The members of the Board shall elect from their own members a Chairman and a Vice-Chairman for a period of one year. Thereafter the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected. In the absence of the Chairman and Vice-Chairman, the Board shall elect a temporary Chairman for the occasion from among its members.

145 (2) The Board shall normally hold up to four meetings a year, generally at the seat of the Union, at which at least two-thirds of its members shall be present, and may carry out its duties using modern means of communication.

146 (3) The Board shall endeavour to reach its decisions unanimously. If it fails in that endeavour, a decision shall be valid only if at least two-thirds of the members of the Board vote in favour thereof. Each member of the Board shall have one vote; voting by proxy is not allowed.

147 (4) The Board may make such internal arrangements as it considers necessary in conformity with the provisions of the Constitution, this Convention and the Radio Regulations. Such arrangements shall be published as part of the Board's Rules of Procedure.

ARTICLE 11

Radiocommunication Study Groups

148 1. Radiocommunication study groups are set up by a radiocommunication assembly.

149 2. (1) The radiocommunication study groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions in Article 7 of this Convention. Those draft recommendations shall be submitted for approval to a radiocommunication assembly or, between two such assemblies, by correspondence to administrations in accordance with procedures adopted by the assembly. Recommendations approved in either manner shall have equal status.

150 (2) The study of the above questions shall, subject to No. 158 below, focus on the following:

151 *a)* use of the radio-frequency spectrum in terrestrial and space radiocommunication (and of the geostationary-satellite orbit);

152 *b)* characteristics and performance of radio systems;

153 *c)* operation of radio stations;

154 *d)* radiocommunication aspects of distress and safety matters.

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

156 3. The radiocommunication study groups shall also carry out preparatory studies of the technical, operational and procedural matters to be considered by world and regional radiocommunication conferences and elaborate reports thereon in accordance with a programme of work adopted in this respect by a radiocommunication assembly or following instructions by the Council.

157 4. Each study group shall prepare for the radiocommunication assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 149 above and any draft new or revised recommendations for consideration by the assembly.

158 5. Taking into account No. 79 of the Constitution, the tasks enumerated in Nos. 151 to 154 above and in No. 193 of this Convention in relation to the Telecommunication Standardization Sector shall be kept under continuing review by the Radiocommunication Sector and the Telecommunication Standardization Sector with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such a review and reach agreements in a timely and effective manner. If agreement is not reached, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

159 6. In the performance of their studies, the radiocommunication study groups shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunications in developing countries at both the regional and international levels. They shall conduct their work giving due

consideration to the work of national, regional and other international organizations concerned with radiocommunication and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of telecommunications.

160 7. For the purpose of facilitating the review of activities in the Radiocommunication Sector, measures should be taken to foster cooperation and coordination with other organizations concerned with radiocommunication and with the Telecommunication Standardization Sector and the Telecommunication Development Sector. A radiocommunication assembly shall determine the specific duties, conditions of participation and rules of procedure for these measures.

ARTICLE 12

Radiocommunication Bureau

161 1. The Director of the Radiocommunication Bureau shall organize and coordinate the work of the Radiocommunication Sector. The duties of the Bureau are supplemented by those specified in provisions of the Radio Regulations.

162 2. The Director shall, in particular,

163 (1) in relation to radiocommunication conferences:

164 *a)* coordinate the preparatory work of the study groups and the Bureau, communicate to 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;

165 *b)* participate as of right, but in an advisory capacity, in the deliberations of the radiocommunication assembly and of the radiocommunication study groups. The Director shall make all necessary preparations for radiocommunication conferences and meetings of the Radiocommunication 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 in carrying out these preparations;

166 *c)* provide assistance to the developing countries in their preparations for radiocommunication conferences.

167 (2) in relation to the Radio Regulations Board:

168 *a)* prepare and submit draft Rules of Procedure for approval by the Radio Regulations Board; they shall include, inter alia, calculation methods and data required for the application of the provisions of the Radio Regulations;

169 *b)* distribute to all Members of the Union the Rules of Procedure of the Board and collect comments thereon received from administrations;

170 *c)* process information received from administrations in application of the relevant provisions of the Radio Regulations and regional agreements and prepare it, as appropriate, in a form suitable for publication;

171 *d)* apply the Rules of Procedure approved by the Board, prepare and publish findings based on those Rules, and submit to the Board any review of a finding which is requested by an administration and which cannot be resolved by the use of those Rules of Procedure;

172 *e)* in accordance with the relevant provisions of the Radio Regulations, effect an orderly recording and registration of frequency assignments and, where appropriate, the associated orbital characteristics, and keep up to date the Master International Frequency Register; review entries in that Register with a view to amending or eliminating, as appropriate, those which do not reflect actual frequency usage, in agreement with the administration concerned;

173 *f)* assist in the resolution of cases of harmful interference, at the request of one or more of the interested administrations, and where necessary, make investigations and prepare, for consideration by the Board, a report including draft recommendations to the administrations concerned;

174 *g)* act as executive secretary to the Board;

175 (3) coordinate the work of the radiocommunication study groups and be responsible for the organization of that work;

176 (4) also undertake the following:

177 *a)* carry out studies to furnish advice to Members 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 orbit, taking into account the needs of Members requiring assistance, the specific needs of developing countries, as well as the special geographical situation of particular countries;

178 *b)* exchange with 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;

179 *c)* maintain such essential records as may be required;

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, such a report covering the two-year period since the last conference shall be submitted to the Council and to the Members of the Union;

181 *e)* prepare a cost-based budget estimate for the requirements of the Radiocommunication Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

182 3. The Director shall choose the technical and administrative personnel of the Bureau within the framework of the budget as approved by the Council. The appointment of the technical and administrative personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.

183 4. The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

SECTION 6

Telecommunication Standardization Sector

ARTICLE 13

World Telecommunication Standardization Conference

184 1. In accordance with No. 104 of the Constitution, a world standardization conference shall be convened to consider specific matters related to telecommunication standardization.

185 2. The questions to be studied by a world telecommunication standardization conference, 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.

186 3. In accordance with No. 104 of the Constitution, the conference shall:

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;

188 *b)* bearing in mind the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

189 *c)* decide, in the light of the approved programme of work derived from No. 188 above, on the need to maintain, terminate or establish study groups and allocate to each of them the questions to be studied;

190 *d)* group, as far as practicable, questions of interest to the developing countries to facilitate their participation in these studies;

191 *e)* consider and approve the report of the Director on the activities of the Sector since the last conference.

ARTICLE 14

Telecommunication Standardization Study Groups

192 1. (1) Telecommunication standardization study groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions of Article 13 of this Convention. Those drafts shall be submitted for approval to a world telecommunication standardization conference or, between two such conferences, by correspondence to administrations in accordance with procedures adopted by the conference. Recommendations approved in either manner shall have equal status.

193 (2) The study groups shall, subject to No. 195 below, study technical, operating and tariff questions and prepare recommendations on them with a view to standardizing telecommunications on a worldwide basis, including recommendations on interconnection of radio systems in public telecommunication networks and on the performance required for these interconnections. Technical or operating questions specifically related to radiocommunication as enumerated in Nos. 151 to 154 of this Convention shall be within the purview of the Radiocommunication Sector.

194 (3) Each study group shall prepare for the telecommunication standardization conference 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 conference.

195 2. Taking into account No. 105 of the Constitution, the tasks enumerated in No. 193 above and those enumerated in Nos. 151 to 154 of this Convention in relation to the Radiocommunication Sector shall be kept under continuing review by the Telecommunication Standardization Sector and the Radiocommunication Sector with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such a review and reach agreements in a timely and effective manner. If agreement is not reached, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

196 3. In the performance of their studies, the telecommunication standardization study groups shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunications in developing countries at both the regional and international levels. They shall conduct their work giving due consideration to the work of national, regional and other international standardization organizations, and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of worldwide standardization for telecommunications.

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 conference shall determine the specific duties, conditions of participation and rules of procedure for these measures.

ARTICLE 15

Telecommunication Standardization Bureau

198 1. The Director of the Telecommunication Standardization Bureau shall organize and coordinate the work of the Telecommunication Standardization Sector.

199 2. The Director shall, in particular:

200 *a)* update annually the work programme approved by the world telecommunication standardization conference, in consultation with the Chairmen of the telecommunication standardization study groups;

201 *b)* participate, as of right, but in an advisory capacity, in the deliberations of the world telecommunication standardization conferences and of the telecommunication standardization study groups. The Director shall make all necessary preparations for conferences 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;

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 conference and prepare it, where appropriate, in a suitable form for publication;

203 *d)* exchange with members data in machine-readable 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;

204 *e)* submit to the world telecommunication standardization conference a report on the activities of the Sector since the last conference; he shall also submit to the Council and to the Members of the Union such a report covering the two-year period since the last conference, unless a second conference is convened;

205 *f)* prepare a cost-based budget estimate for the requirements of the Telecommunication Standardization Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

206 3. The Director shall choose the technical and administrative personnel of the Telecommunication Standardization Bureau within the framework of the budget as approved by the Council. The appointment of the technical and administrative personnel is made by the Secretary-General in agreement with the Director. The final decision on appointment or dismissal rests with the Secretary-General.

207 4. The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

SECTION 7

Telecommunication Development Sector

ARTICLE 16

Telecommunication Development Conferences

208 1. In accordance with No. 118 of the Constitution, the duties of the telecommunication development conferences shall be as follows:

209 *a)* world telecommunication development conferences shall establish work programmes and guidelines for defining telecommunication development questions and priorities and shall provide direction and guidance for the work programme of the Telecommunication Development Sector. They may set up study groups, as necessary;

210 *b)* regional telecommunication development conferences may give advice to the Telecommunication Development Bureau concerning the specific telecommunication requirements and characteristics of the region concerned, and may also submit recommendations to world telecommunication development conferences;

211 *c)* the telecommunication development conferences should fix the objectives and strategies for the balanced worldwide and regional development of telecommunications, giving particular consideration to the expansion and modernization of the networks and services of the developing countries as well as the mobilization of the resources required for this purpose. They shall serve as a forum for the study of policy, organizational, operational, regulatory, technical and financial questions and related aspects, including the identification and implementation of new sources of funding;

212 *d)* world and regional telecommunication development conferences, within their respective sphere of competence, shall consider reports submitted to them and evaluate the activities of the Sector; they may also consider telecommunication development aspects related to the activities of the other Sectors of the Union.

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 Members of the Union in the case of a world conference, or of a majority of the Members of the Union belonging to the region concerned in the case of a regional conference, subject to the provisions of No. 47 of this Convention.

ARTICLE 17

Telecommunication Development Study Groups

214 1. Telecommunication development study groups shall deal with specific telecommunication questions of general interest to developing countries, including the matters enumerated in No. 211 above. Such study groups shall be limited in number and created for a limited period of time, subject to the availability of resources, shall have specific terms of reference on questions and matters of priority to developing countries and shall be task-oriented.

215 2. Taking into account No. 119 of the Constitution, the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors shall keep the matters under study under continuing review with a view to reaching agreement on the distribution of work, avoiding duplication of effort and improving coordination. The Sectors shall adopt procedures to conduct such reviews and reach such agreement in a timely and effective manner.

ARTICLE 18

Telecommunication Development Bureau and Advisory Board

216 1. The Director of the Telecommunication Development Bureau shall organize and coordinate the work of the Telecommunication Development Sector.

217 2. The Director shall, in particular:

218 *a)* participate as of right, but in an advisory capacity, in the deliberations of the telecommunication development conferences and of the telecommunication development study groups. The Director shall make all necessary preparations for conferences and meetings of the Telecommunication Development 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 in carrying out these preparations;

219 *b)* process information received from administrations in application of the relevant resolutions and decisions of the Plenipotentiary Conference and telecommunication development conferences and prepare it, where appropriate, in a suitable form for publication;

220 *c)* exchange with members data in machine-readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Development 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;

221 *d)* assemble and prepare for publication, in cooperation with the General Secretariat and the other Sectors of the Union, both technical and administrative information that might be especially useful to developing countries in order to help them to improve their

telecommunication networks. Their attention shall also be drawn to the possibilities offered by the international programmes under the auspices of the United Nations;

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 Members of the Union such a report covering the two-year period since the last conference;

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.

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 the convening of information meetings on the activities of the Sector concerned.

225 4. At the request of the Members 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.

226 5. The Director shall choose the technical and administrative personnel of the Telecommunication Development Bureau within the framework of the budget as approved by the Council. The appointment of the personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.

227 6. A Telecommunication Development Advisory Board shall be established and the members of the Board shall be appointed by the Director in consultation with the Secretary-General. The Board shall be composed of persons with a wide and equitable cross-section of interests and expertise in

telecommunication development and shall elect its chairman from among its members. The Board shall advise the Director, who shall participate in its meetings, on priorities and strategies in the Union's telecommunication development activities; it shall, inter alia, recommend steps to foster cooperation and coordination with other organizations interested in telecommunication development.

SECTION 8

Provisions Common to the Three Sectors

ARTICLE 19

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

228 1. The Secretary-General and the Directors of the Bureaux shall encourage the enhanced participation in the activities of the Union of the following entities and organizations:

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

230 *b)* other entities dealing with telecommunication matters which are approved by the Member concerned;

231 *c)* regional and other international telecommunication, standardization, financial or development organizations.

232 2. The Directors of the Bureaux shall maintain close working relations with those entities and organizations which are authorized to participate in the activities of one or more of the Sectors of the Union.

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 concerned shall be forwarded by the latter to the Secretary-General.

234 4. Any request from an entity referred to in No. 230 above submitted by the Member 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.

235 5. Any request from any entity or organization listed in No. 231 above (other than those referred to in Nos. 260 and 261 of this Convention) to participate in the work of a Sector shall be sent to the Secretary-General and acted upon in accordance with procedures established by the Council.

236 6. Any request from an organization referred to in Nos. 260 to 262 of this Convention to participate in the work of a Sector shall be sent to the Secretary-General, and the organization concerned shall be included in the lists referred to in No. 237 below.

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 Members and to the Director of the Bureau concerned. That Director shall advise such entities and organizations of the action taken on their requests.

238 8. Entities and organizations contained in the lists referred to in No. 237 above are also referred to as "members" of the Sectors of the Union; the conditions of their participation in the Sectors are specified in this Article, in Article 33 and in other relevant provisions of this Convention. The provisions of Article 3 of the Constitution do not apply to them.

239 9. A recognized operating agency may act on behalf of the Member which has recognized it, provided that Member informs the Director of the Bureau concerned that it is authorized to do so.

240 10. Any entity or organization authorized to take part in the work of a Sector has the right to denounce such participation by notifying the Secretary-General. Such participation may also be denounced, where appropriate, by the Member concerned. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

241 11. The Secretary-General shall delete from the list of entities and organizations any entity or organization that is no longer authorized to participate in the work of a Sector, in accordance with criteria and procedures determined by the Council.

ARTICLE 20

Conduct of Business of Study Groups

242 1. The radiocommunication assembly, the world telecommunication standardization conference and the world telecommunication development conference shall appoint a Chairman and normally one Vice-Chairman of 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.

243 2. If the workload of any study group requires, the assembly or conference shall appoint such additional Vice-Chairmen as it deems necessary, normally not more than two in total.

244 3. If, in the interval between two assemblies or conferences of the Sector concerned, a study group Chairman is unable to carry out his duties and only one Vice-Chairman has been appointed, then that Vice-Chairman shall take the Chairman's place. In the case of a study group for which more than one Vice-Chairman has been appointed, the study group at its next meeting shall elect a new Chairman from among those Vice-Chairmen and, if necessary, a new Vice-Chairman from among the members of the study group. It shall likewise elect a new Vice-Chairman if one of the Vice-Chairmen is unable to carry out his duties during that period.

245 4. Study groups shall conduct their work as far as possible by correspondence, using modern means of communication.

246 5. The Director of the Bureau of each Sector, on the basis of the decisions of the competent conference or assembly, after consultation with the Secretary-General and coordination as required by the Constitution and Convention, shall draw up the general plan of study group meetings.

247 6. Study groups may initiate action for obtaining approval from Members 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. Recommendations so approved shall have the same status as ones approved by the conference itself.

248 7. Where necessary, joint working parties may be established for the study of questions requiring the participation of experts from several study groups.

249 8. The Director of the relevant Bureau shall send the final reports of the study groups to the administrations, organizations and entities participating in the Sector. Such reports shall include a list of the recommendations approved in conformity with No. 247 above. These reports shall be sent as soon as possible and, in any event, in time for them to be received at least one month before the date of the next session of the conference concerned.

ARTICLE 21

Recommendations from One Conference to Another

250 1. Any conference may submit to another conference of the Union recommendations within its field of competence.

251 2. Such recommendations shall be sent to the Secretary-General in good time for assembly, coordination and communication, as laid down in No. 320 of this Convention.

ARTICLE 22

Relations Between Sectors and With International Organizations

252 1. The Directors of the Bureaux may agree, after appropriate consultation and coordination as required by the Constitution, the Convention and the decisions of the competent conferences or assemblies, to organize joint meetings of study groups of two or three Sectors, in order to study and prepare draft recommendations on questions of common interest. Such draft recommendations shall be submitted to the competent conferences or assemblies of the Sectors concerned.

253 2. Conferences or meetings of a Sector may be attended in an advisory capacity by the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux of the other Sectors, or their representatives, and members of the Radio Regulations Board. If necessary, they may invite, in an advisory capacity, representatives of the General Secretariat or of any other Sector which has not considered it necessary to be represented.

254 3. When a Sector is invited to participate in a meeting of an international organization, its Director is authorized to make arrangements for its representation in an advisory capacity, taking into account the provisions of No. 107 of this Convention.

CHAPTER II

General Provisions Regarding Conferences

ARTICLE 23

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

255 1. The precise place and the exact dates of the Conference shall be fixed in accordance with the provisions of Article 1 of this Convention, following consultations with the inviting government.

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 of the Union.

257 (2) These invitations may be sent directly or through the Secretary-General or through another government.

258 3. The Secretary-General shall invite the following organizations to send observers:

259 *a)* the United Nations;

260 *b)* regional telecommunication organizations mentioned in Article 43 of the Constitution;

261 *c)* intergovernmental organizations operating satellite systems;

262 *d)* the specialized agencies of the United Nations and the International Atomic Energy Agency.

263 4. (1) The replies of the Members 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.

264 (2) These replies may be sent directly to the inviting government or through the Secretary-General or through another government.

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

266 5. The General Secretariat and the three Bureaux of the Union shall be represented at the Conference in an advisory capacity.

267 6. The following shall be admitted to Plenipotentiary Conferences:

268 *a)* delegations;

269 *b)* observers of organizations and agencies invited in accordance with Nos. 259 to 262 above.

ARTICLE 24

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

270 1. The precise place and exact dates of the conference shall be fixed in accordance with the provisions of Article 3 of this Convention, following consultations with the inviting government.

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

272 (2) Members of the Union should inform the recognized operating agencies of the invitation they have received to participate in a radiocommunication conference.

273 3. (1) The inviting government, in agreement with or on a proposal by the Council, may notify the international organizations other than those referred to in Nos. 259 to 262 of this Convention which may be interested in sending observers to participate in the conference in an advisory capacity.

274 (2) The interested international organizations referred to in No. 273 above shall send an application for admission to the inviting government within a period of two months from the date of notification.

275 (3) The inviting government shall assemble the requests and the conference itself shall decide whether the organizations concerned are to be admitted.

276 4. The following shall be admitted to radiocommunication conferences:

277 *a)* delegations;

278 *b)* observers of organizations and agencies referred to in Nos. 259 to 262 of this Convention;

279 *c)* observers of international organizations admitted in accordance with Nos. 273 to 275 above;

280 *d)* observers representing recognized operating agencies authorized in accordance with Article 19 of this Convention to participate in the radiocommunication study groups and duly authorized by the Member concerned;

281 *e)* in an advisory capacity, the elected officials, when the conference is discussing matters coming within their competence, and the members of the Radio Regulations Board;

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

ARTICLE 25

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

283 1. The precise place and exact dates of each assembly or conference shall be fixed in accordance with the provisions of Article 3 of this Convention, following consultations with the inviting government.

284 2. One year before the date of the opening of the assembly or conference, the Secretary-General, after consultation with the Director of the Bureau concerned, shall send an invitation to:

285 *a)* the administration of each Member of the Union;

286 *b)* the entities or organizations authorized in accordance with Article 19 of this Convention to participate in the activities of the Sector concerned;

287 *c)* regional telecommunication organizations mentioned in Article 43 of the Constitution;

288 *d)* intergovernmental organizations operating satellite systems;

289 *e)* any other regional organization or other international organization dealing with matters of interest to the assembly or conference.

290 3. The Secretary-General shall also invite the following organizations or agencies to send observers:

291 *a)* the United Nations;

292 *b)* the specialized agencies of the United Nations and the International Atomic Energy Agency.

293 4. The replies must reach the Secretary-General at least one month before the date of opening of the assembly or conference and should, whenever possible, include full information on the composition of the delegation or representation.

294 5. The General Secretariat and the elected officials of the Union shall be represented at the assembly or conference in an advisory capacity.

295 6. The following shall be admitted to the assembly or conference:

296 *a)* delegations;

297 *b)* observers of organizations and agencies invited in accordance with Nos. 287 to 289 and 291 and 292 above;

298 *c)* representatives of entities or organizations referred to in No. 286 above.

ARTICLE 26

Procedure for Convening or Cancelling World Conferences or Radiocommunication Assemblies at the Request of Members of the Union or on a Proposal of the Council

299 1. The procedures to be applied for convening a second world telecommunication standardization conference 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.

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

301 (2) On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately all Members thereof by the most appropriate means of telecommunication, asking them to indicate, within six weeks, whether or not they agree to the proposal.

302 (3) If a majority of the Members, 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 Members by the most appropriate means of telecommunication.

303 (4) If the proposal accepted is for a conference 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 conference.

304 (5) If the proposal as a whole (place and dates) is not accepted by the majority of the Members determined in accordance with No. 47 of this Convention, the Secretary-General shall inform the Members of the Union of the replies received, requesting them to give a final reply on the point or points under dispute within six weeks of receipt.

305 (6) Such points shall be regarded as adopted when they have been approved by a majority of the Members, determined in accordance with No. 47 of this Convention.

306 3. (1) Any Member of the Union 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 Members, the Secretary-General shall inform immediately all Members thereof by the most appropriate means of telecommunication, asking them to indicate, within six weeks, whether or not they agree to the proposal.

307 (2) If a majority of the Members, determined in accordance with No. 47 of this Convention, agrees to the proposal, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication and the conference or assembly shall be cancelled.

308 4. The procedures indicated in Nos. 301 to 307 above, with the exception of No. 306, shall also be applicable when the proposal to convene a second world telecommunication standardization conference or to cancel a second world radiocommunication conference or a second radiocommunication assembly is initiated by the Council.

309 5. Any Member of the Union 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

Procedure for Convening Regional Conferences at the Request of Members of the Union or on a Proposal of the Council

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 Members of the region concerned. If the conference is to be convened on the initiative of the Members of the region, it will suffice for the Secretary-General to receive concordant requests from a quarter of the total number of Members 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

Provisions for Conferences Meeting when There is no Inviting Government

311 When a conference 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 it at the seat of the Union, after agreement with the Government of the Swiss Confederation.

ARTICLE 29

Change in the Place or Dates of a Conference

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

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

314 3. Where the issue arises, the Secretary-General shall indicate, in the communication referred to in No. 301 of this Convention, the probable financial consequences of a change in the place or dates, as, for example, when there has been an outlay of expenditure in preparing for the conference at the place initially chosen.

ARTICLE 30

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

315 1. The provisions of this Article shall apply to the Plenipotentiary Conference, world and regional radiocommunication conferences and world conferences on international telecommunications.

316 2. Immediately after the invitations have been despatched, the Secretary-General shall ask Members to send him, at least four months before the start of the conference, their proposals for the work of the conference.

317 3. All proposals the adoption of which will involve amendment of the text of the Constitution or this Convention or revision of the Administrative Regulations must carry references identifying by their marginal numbers those parts of the text which will require such amendment or revision. The reasons for the proposal must be given, as briefly as possible, in each case.

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

319 5. The Secretary-General shall communicate the proposals to all Members as they are received.

320 6. The Secretary-General shall assemble and coordinate the proposals received from Members and shall communicate them to Members 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.

321 7. The Secretary-General shall also assemble reports received from Members, the Council and the Sectors of the Union and recommendations by conferences and shall communicate them to Members, along with any reports by the Secretary-General, at least four months before the opening of the conference.

322 8. Proposals received after the time-limit specified in No. 316 above shall be communicated to all Members by the Secretary-General as soon as practicable.

323 9. The provisions of the present Article shall apply without prejudice to the amendment provisions contained in Article 55 of the Constitution and in Article 42 of this Convention.

ARTICLE 31

Credentials for Conferences

324 1. The delegation sent by a Member of the Union 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.

325 2. (1) Accreditation of delegations to Plenipotentiary Conferences shall be by means of instruments signed by the Head of State, by the Head of Government or by the Minister for Foreign Affairs.

326 (2) Accreditation of delegations to the other conferences referred to in No. 324 above shall be by means of instruments signed by the Head of State, by the Head of Government, by the Minister for Foreign Affairs or by the Minister responsible for questions dealt with during the conference.

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 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 concerned to the United Nations Office at Geneva.

328 3. Credentials shall be accepted if they are signed by one of the competent authorities mentioned in Nos. 325 to 327 above, and fulfil one of the following criteria:

329 – they confer full powers on the delegation;

330 – they authorize the delegation to represent its government, without restrictions;

331 – they give the delegation, or certain members thereof, the right to sign the Final Acts.

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 concerned, subject to the provisions of Nos. 169 and 210 of the Constitution, and to sign the Final Acts.

333 (2) A delegation whose credentials are found not to be in order by the Plenary Meeting shall not be entitled to exercise the right to vote or to sign the Final Acts until the situation has been rectified.

334 5. Credentials shall be deposited with the secretariat of the conference as early as possible. The Committee referred to in No. 361 of this Convention shall 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 concerned.

335 6. As a general rule, Members of the Union should endeavour to send their own delegations to conferences of the Union. However, if a Member is unable, for exceptional reasons, to send its own delegation, it may give the delegation of another Member 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.

336 7. A delegation with the right to vote may give to another delegation with the right to vote a mandate to exercise its vote at one or more meetings at which it is unable to be present. In such a case it shall, in good time, notify the Chairman of the conference in writing.

337 8. A delegation may not exercise more than one proxy vote.

338 9. Credentials and transfers of powers sent by telegram shall not be accepted. Nevertheless, replies sent by telegram to requests by the Chairman or the secretariat of the conference for clarification of credentials shall be accepted.

339 10. A Member or an authorized entity or organization intending to send a delegation or representatives to a telecommunication standardization conference, 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.

CHAPTER III

Rules of Procedure

ARTICLE 32

Rules of Procedure of Conferences and Other Meetings

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.

1. Order of Seating

341 At meetings of the conference, delegations shall be seated in the alphabetical order of the French names of the Members represented.

2. Inauguration of the Conference

342 1. (1) The inaugural meeting of the conference shall be preceded by a meeting of the Heads of delegation in the course of which it shall prepare the agenda for the first Plenary Meeting and make proposals for the organization, chairmanships and vice-chairmanships of the conference and its committees, taking into account the principles of rotation, geographical distribution, the necessary competence and the provisions of No. 346 below.

343 (2) The Chairman of the meeting of Heads of delegation shall be appointed in accordance with the provisions of Nos. 344 and 345 below.

344 2. (1) The conference shall be opened by a person appointed by the inviting government.

345 (2) When there is no inviting government, it shall be opened by the oldest Head of delegation.

346 3. (1) The Chairman of the conference shall be elected at the first Plenary Meeting; generally he shall be a person nominated by the inviting government.

347 (2) If there is no inviting government, the Chairman shall be chosen, taking into account the proposals made by the Heads of delegation at the meeting described in No. 342 above.

348 4. The first Plenary Meeting shall also:

349 *a)* elect the Vice-Chairmen of the conference;

350 *b)* set up the conference committees and elect their respective Chairmen and Vice-Chairmen;

351 *c)* designate the conference secretariat, in accordance with No. 97 of this Convention; the secretariat may be reinforced, in case of need, by staff provided by the administration of the inviting government.

3. Powers of the Chairman of the Conference

352 1. The Chairman, in addition to the other prerogatives conferred upon him under these Rules of Procedure, shall open and close the meetings of the Plenary Meeting, direct the deliberations, ensure that the Rules of Procedure are applied, give the floor to speakers, put questions to the vote, and announce the decisions adopted.

353 2. He shall have the general direction of all the work of the conference, and shall ensure that order is maintained at Plenary Meetings. He shall give his ruling on motions of order and points of order and, in particular, he shall be empowered to propose that discussion on a question be postponed or closed, or that a meeting be suspended or adjourned. He may also decide to postpone the convening of a Plenary Meeting should he consider it necessary.

354 3. It shall be the duty of the Chairman to protect the right of each delegation to express its opinion freely and fully on the point at issue.

355 4. He shall ensure that discussion is limited to the point at issue, and he may interrupt any speaker who departs therefrom and request him to confine his remarks to the subject under discussion.

4. Setting up of Committees

356 1. The Plenary Meeting may set up committees to consider matters referred to the conference. These committees may in turn set up sub-committees. Committees and sub-committees may set up working groups.

357 2. Sub-committees and working groups shall be set up when necessary.

358 3. Subject to the provisions of Nos. 356 and 357 above, the following committees shall be set up:

4.1 Steering Committee

359 *a)* This Committee shall normally be composed of the Chairman of the conference or meeting, who shall be its Chairman, the Vice-Chairmen of the conference and the Chairmen and Vice-Chairmen of committees;

360 *b)* The Steering Committee shall coordinate all matters connected with the smooth execution of work and shall plan the order and number of meetings, avoiding overlapping wherever possible in view of the limited number of members of some delegations.

4.2 Credentials Committee

361 A Plenipotentiary Conference, a radiocommunication conference or a world conference on international telecommunications shall appoint a Credentials Committee, the mandate of which shall be to verify the credentials of delegations to these conferences. This Committee shall report on its conclusions to the Plenary Meeting within the time specified by the latter.

4.3 Editorial Committee

362 *a)* The texts prepared in the various committees, which shall be worded as far as possible in their definitive form by these committees, taking account of the views expressed, shall be submitted to an Editorial

Committee charged with perfecting their form without altering the sense and, where appropriate, with combining them with those parts of former texts which have not been altered.

363 *b)* The texts shall be submitted by the Editorial Committee to the Plenary Meeting, which shall approve them, or refer them back to the appropriate committee for further examination.

4.4 Budget Control Committee

364 *a)* At the opening of each conference, the Plenary Meeting shall appoint a Budget Control Committee to determine the organization and the facilities available to the delegates, and to examine and approve the accounts for expenditure incurred throughout the duration of the conference. In addition to the members of delegations who wish to participate, this Committee shall include a representative of the Secretary-General, of the Director of the Bureau concerned, and, where there is an inviting government, a representative of that government.

365 *b)* Before the budget approved by the Council for the conference is exhausted, the Budget Control Committee, in collaboration with the secretariat of the conference, shall present an interim statement of the expenditure to the Plenary Meeting. The Plenary Meeting shall take this statement into account in considering whether the progress made is sufficient to justify a prolongation of the conference after the date when the approved budget will be exhausted.

366 *c)* At the end of each conference, the Budget Control Committee shall present a report to the Plenary Meeting showing, as accurately as possible, the estimated total expenditure of the conference, as well as an estimate of the costs that may be entailed by the execution of the decisions taken by such conference.

367 *d)* After consideration and approval by the Plenary Meeting, this report, together with the observations of the Plenary Meeting, shall be transmitted to the Secretary-General for submission to the Council at its next ordinary session.

5. Composition of Committees

5.1 Plenipotentiary Conferences

368 Committees shall be composed of the delegates of Members and the observers referred to in No. 269 of this Convention who have so requested or who have been designated by the Plenary Meeting.

5.2 Radiocommunication Conferences and World Conferences on International Telecommunications

369 Committees shall be composed of the delegates of Members and the observers and representatives referred to in Nos. 278, 279 and 280 of this Convention who have so requested or who have been designated by the Plenary Meeting.

5.3 Radiocommunication Assemblies, Telecommunication Standardization Conferences and Telecommunication Development Conferences

370 In addition to delegates of Members and observers referred to in Nos. 259 to 262 of this Convention, the radiocommunication assemblies and the committees of the telecommunication standardization and telecommunication development conferences may be attended by representatives of any entity or organization included in the relevant list referred to in No. 237 of this Convention.

6. Chairmen and Vice-Chairmen of Sub-Committees

371 The Chairman of each committee shall propose to his committee the choice of the Chairmen and Vice-Chairmen of the sub-committees which may be set up.

7. Summons to Meetings

372 Plenary Meetings and meetings of committees, sub-committees and working groups shall be announced in good time in the meeting place of the conference.

8. Proposals Presented Before the Opening of the Conference

373 Proposals presented before the opening of the conference shall be allocated by the Plenary Meeting to the appropriate committees set up in accordance with Section 4 of these Rules of Procedure. Nevertheless, the Plenary Meeting itself shall be entitled to deal with any proposal.

9. Proposals or Amendments Presented During the Conference

374 1. Proposals or amendments presented after the opening of the conference shall be delivered to the Chairman of the conference, to the Chairman of the appropriate committee or to the secretariat of the conference for publication and distribution as conference documents.

375 2. No written proposal or amendment may be presented unless signed by the Head of the delegation concerned or by his deputy.

376 3. The Chairman of the conference or of a committee, a sub-committee or a working group may at any time submit proposals likely to accelerate the debates.

377 4. Every proposal or amendment shall give, in precise and exact terms, the text to be considered.

378 5. (1) The Chairman of the conference or the Chairman of the appropriate committee, sub-committee or working group shall decide in each case whether a proposal or amendment submitted during a meeting shall be made orally or presented in writing for publication and distribution in accordance with No. 374 above.

379 (2) In general, the texts of all major proposals to be put to the vote shall be distributed in good time in the working languages of the conference, in order that they may be studied before discussion.

380 (3) In addition, the Chairman of the conference, on receiving proposals or amendments referred to in No. 374 above, shall refer them to the appropriate committee or to the Plenary Meeting as the case may be.

381 6. Any authorized person may read, or may ask to have read, at a Plenary Meeting any proposal or amendment submitted by him during the conference, and he shall be allowed to explain his reasons therefor.

10. Conditions Required for Discussion of or Decision or Vote on any Proposal or Amendment

382 1. No proposal or amendment may be discussed unless it is supported by at least one other delegation when it comes to be considered.

383 2. Each proposal or amendment duly supported shall be submitted for discussion and thereafter for decision, if necessary by a vote.

11. Proposals or Amendments Passed Over or Postponed

384 When a proposal or an amendment has been passed over or when its examination has been postponed, the delegation sponsoring it shall be responsible for seeing that it is considered later.

12. Rules for Debates in Plenary Meetings

12.1 Quorum

385 For a valid vote to be taken at a Plenary Meeting, more than half of the delegations accredited to the conference and having the right to vote must be present or represented at the meeting.

12.2 Order of debates

386 (1) Persons desiring to speak must first obtain the consent of the Chairman. As a general rule, they shall begin by announcing in what capacity they speak.

387 (2) Any person speaking must express himself slowly and distinctly, separating his words and pausing as necessary in order that everybody may understand his meaning.

12.3 Motions of order and points of order

388 (1) During debates, any delegation may, when it thinks fit, submit a motion of order or raise a point of order, which shall at once be settled by the Chairman in accordance with these Rules of Procedure. Any delegation may appeal against the Chairman's ruling, which shall however stand unless a majority of the delegations present and voting are against it.

389 (2) A delegation submitting a motion of order shall not, during its speech, discuss the substance of the matter in question.

12.4 Priority of motions of order and points of order

390 The motions and points of order mentioned in No. 388 of this Convention shall be dealt with in the following order:

391 *a)* any point of order regarding the application of these Rules of Procedure, including voting procedures;

392 *b)* suspension of a meeting;

393 *c)* adjournment of a meeting;

394 *d)* postponement of debate on the matter under discussion;

395 *e)* closure of debate on the matter under discussion;

396 *f)* any other motions of order or points of order that may be submitted, in which case it shall be for the Chairman to decide the relative order in which they shall be considered.

12.5 Motion for suspension or adjournment of a meeting

397 During the discussion of a question, a delegation may move that the meeting be suspended or adjourned, giving reasons for its proposal. If the proposal is seconded, the floor shall be given to two speakers to oppose the suspension or adjournment and solely for that purpose, after which the motion shall be put to the vote.

12.6 Motion for postponement of debate

398 During discussion of any question, a delegation may move that the debate be postponed for a stated period. Once such a proposal has been made, any discussion thereon shall be limited to no more than three speakers not counting the person submitting the proposal, one for the motion and two against, after which the motion shall be put to the vote.

12.7 Motion for closure of debate

399 A delegation may at any time move that discussions on the point at issue be closed. In such cases the floor shall be given to not more than two speakers opposing the motion, after which the motion shall be put to the vote. If the motion succeeds, the Chairman will immediately call for a vote on the point at issue.

12.8 Limitation of speeches

400 (1) The Plenary Meeting may, if necessary, decide how many speeches any one delegation may make on any particular point, and how long they may last.

401 (2) However, as regards questions of procedure, the Chairman shall limit the time allowed for a speech to a maximum of five minutes.

402 (3) When a speaker has exceeded the time allowed, the Chairman shall notify the Meeting and request the speaker to conclude his remarks briefly.

12.9 Closing the list of speakers

403 (1) During the debate, the Chairman may rule that the list of speakers wishing to take the floor be read. He shall add the names of other delegations which indicate that they wish to speak and he may then, with the assent of the Meeting, rule that the list be closed. Nevertheless, as an exceptional measure, the Chairman may rule, if he thinks fit, that a reply may be made to any previous statement, even after the list of speakers has been closed.

404 (2) The list of speakers having been exhausted, the Chairman shall declare discussion on the matter closed.

12.10 Questions of competence

405 Any question of competence that may arise shall be settled before a vote is taken on the substance of the matter under discussion.

12.11 Withdrawal and resubmission of a motion

406 The author of a motion may withdraw it before it is put to a vote. Any motion, whether amended or not, which has been withdrawn from debate may be resubmitted or taken up by the author of the amendment or by another delegation.

13. Right to Vote

407 1. At all meetings of the conference, the delegation of a Member of the Union duly accredited by that Member to take part in the work of the conference shall be entitled to one vote in accordance with Article 3 of the Constitution.

408 2. The delegation of a Member of the Union shall exercise the right to vote under the conditions described in Article 31 of this Convention.

409 3. When a Member is not represented by an administration at a radiocommunication assembly, a world telecommunication standardization conference or a telecommunication development conference, the representatives of

the recognized operating agencies of the Member 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.

14. Voting

14.1 Definition of a majority

410 (1) A majority shall consist of more than half the delegations present and voting.

411 (2) In computing a majority, delegations abstaining shall not be taken into account.

412 (3) In case of a tie, a proposal or amendment shall be considered rejected.

413 (4) For the purpose of these Rules of Procedure, a "delegation present and voting" shall be a delegation voting for or against a proposal.

14.2 Non-participation in voting

414 Delegations which are present but do not take part in a particular vote or expressly state they do not wish to take part shall not be considered as absent, for the purpose of determining a quorum as defined in No. 385 of this Convention, nor as abstaining for the purpose of applying the provisions of No. 416 below.

14.3 Special majority

415 In cases concerning the admission of new Members of the Union, the majority described in Article 2 of the Constitution shall apply.

14.4 Abstentions of more than fifty per cent

416 When the number of abstentions exceeds half the number of votes cast (for, against, abstentions), consideration of the matter under discussion shall be postponed to a later meeting, at which time abstentions shall not be taken into account.

14.5 Voting procedures

417 (1) The voting procedures are as follows:

418 *a)* by a show of hands as a general rule unless a roll call under b) or secret ballot under c) has been requested;

419 *b)* by a roll call in the alphabetical order of the French names of the Members present and entitled to vote:

420 1. if at least two delegations, present and entitled to vote, so request before the beginning of the vote and if a secret ballot under c) has not been requested, or

421 2. if the procedure under a) shows no clear majority;

422 *c)* by a secret ballot, if at least five of the delegations present and entitled to vote so request before the beginning of the vote.

423 (2) The Chairman shall, before commencing a vote, observe any request as to the manner in which the voting shall be conducted, and then shall formally announce the voting procedure to be applied and the issue to be submitted to the vote. He shall then declare the beginning of the vote. When the vote has been taken, he shall announce the results.

424 (3) In the case of a secret ballot, the secretariat shall at once take steps to ensure the secrecy of the vote.

425 (4) Voting may be conducted by an electronic system if a suitable system is available and if the conference so decides.

14.6 Prohibition of interruptions once the vote has begun

426 No delegation may interrupt once a vote has begun, unless to raise a point of order in connection with the way in which the vote is being taken. The point of order cannot include any proposal entailing a change in the vote that is being taken or a change in the substance of the question put to the vote. Voting shall begin with the Chairman's announcement that the voting has begun and shall end with the Chairman's announcement of its results.

14.7 Reasons for votes

427 The Chairman shall authorize any delegations which so request to give the reasons for their vote, after the vote has been taken.

14.8 Voting on parts of a proposal

428 (1) When the author of a proposal so requests, or when the meeting thinks fit, or when the Chairman, with the approval of the author, so proposes, that proposal shall be sub-divided and its various sections put to the vote separately. The parts of the proposal which have been adopted shall then be put to the vote as a whole.

429 (2) If all the sections of a proposal are rejected the proposal shall be regarded as rejected as a whole.

14.9 Order of voting on concurrent proposals

430 (1) When there are two or more proposals on any one matter, they shall be put to the vote in the order in which they were presented, unless the meeting decides to the contrary.

431 (2) After each vote, the meeting shall decide whether or not the following proposal shall be voted on.

14.10 Amendments

432 (1) Any proposal for modification consisting only of a deletion from, an addition to, or a change in, a part of the original proposal shall be considered an amendment.

433 (2) Any amendment to a proposal accepted by the delegation submitting the proposal shall at once be embodied in the original proposal.

434 (3) No proposal for modification shall be regarded as an amendment if the meeting considers it to be incompatible with the original proposal.

14.11 Voting on amendments

435 (1) When an amendment to a proposal is submitted, a vote shall first be taken on the amendment.

436 (2) When two or more amendments to a proposal are submitted, the amendment furthest from the original text shall be put to the vote first; if this amendment does not obtain the support of the majority, of the remaining amendments, that furthest from the proposal shall then be put to the vote and the same procedure shall be followed until a subsequent amendment gains the support of the majority; if all the amendments submitted have been considered and none has gained a majority, the unamended proposal shall be put to the vote.

437 (3) If one or more amendments are adopted, the proposal thus amended shall then be put to the vote.

14.12 Repetition of a vote

438 (1) In the committees, sub-committees or working groups of a conference or a meeting, a proposal, a part of a proposal or an amendment which has already been decided by a vote within one of the committees, sub-committees or working groups may not be put to the vote again within the same committee, sub-committee or working group. This shall apply irrespective of the voting procedure chosen.

439 (2) In the Plenary Meetings a proposal, a part of a proposal or an amendment shall not be put to the vote again unless:

440 *a)* the majority of the Members entitled to vote so request, and

441 *b)* the request for a repetition of the vote is made at least one full day after the vote has been taken.

15. Rules for Debates and Voting Procedures in Committees and Sub-Committees

442 1. The Chairmen of all committees and sub-committees shall have powers similar to those conferred by Section 3 of the present Rules of Procedure on the Chairman of the conference.

443 2. The provisions of Section 12 of the present Rules of Procedure for the conduct of debates in the Plenary Meeting shall also apply to the discussions in committees and sub-committees, except in the matter of the quorum.

444 3. The provisions of Section 14 of the present Rules of Procedure shall also apply to votes taken in committees and sub-committees.

16. Reservations

445 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.

446 2. However, if any decision appears to a delegation to be such as to prevent its government from consenting to be bound by amendments to the Constitution or this Convention or by the revision of the Administrative Regulations, this delegation may make reservations, final or provisional, regarding that decision; any such reservations may be made by a delegation on behalf of a Member which is not participating in the 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.

17. Minutes of Plenary Meetings

447 1. The minutes of Plenary Meetings shall be drawn up by the secretariat of the conference, which shall ensure that they are distributed to delegations as early as possible, and in any event not later than five working days after each meeting.

448 2. After the minutes have been distributed, delegations may submit in writing to the secretariat of the conference any corrections they consider to be justified; this shall be done in the shortest possible time. This shall not prevent them from presenting amendments orally during the meeting at which the minutes are approved.

449 3. (1) As a general rule, the minutes shall contain only proposals and conclusions, together with the principal arguments on which they are based, presented in terms as concise as possible.

450 (2) However, any delegation shall have the right to require the insertion in the minutes, either summarized or in full, of any statement it has made during the debates. In this case, the delegation should, as a general rule, announce this at the beginning of its statement in order to facilitate the work of the reporters and must itself hand in the text to the secretariat of the conference within two hours after the end of the meeting.

451 4. The right accorded in No. 450 above regarding the insertion of statements in the minutes shall in all cases be used with discretion.

18. Summary Records and Reports of Committees and Sub-Committees

452 1. (1) Summary records of the debates of meetings of committees or sub-committees shall be drawn up, meeting by meeting, by the secretariat of the conference, which shall ensure that they are distributed to delegations not later than five working days after each meeting. The records shall bring out the essential points of the discussion, and the various opinions of which note ought to be taken, together with any proposals or conclusions resulting from the debates as a whole.

453 (2) Nevertheless, any delegation shall be entitled to invoke No. 450 above.

454 (3) The right accorded in No. 453 above shall in all circumstances be used with discretion.

455 2. Committees and sub-committees may prepare any interim reports they deem necessary and, if circumstances warrant, they may submit, at the end of their work, a final report recapitulating in concise terms the proposals and conclusions resulting from the studies entrusted to them.

19. Approval of Minutes, Summary Records and Reports

456 1. (1) As a general rule, at the beginning of each Plenary Meeting, or meeting of a committee, or sub-committee, the Chairman shall inquire whether there are any comments on the minutes of the previous meeting, or, in the case of committees or sub-committees, on the summary record of the previous meeting. These documents shall be considered approved if no amendments have been handed in to the secretariat and no objection is made orally. Otherwise, the appropriate amendments shall be made in the minutes or summary record as the case may be.

457 (2) Any interim or final report must be approved by the committee or sub-committee concerned.

458 2. (1) The minutes of the last Plenary Meetings shall be examined and approved by the Chairman.

459 (2) The summary records of the last meetings of each committee or sub-committee shall be examined and approved by the Chairman of the committee or sub-committee.

20. Numbering

460 1. The numbers of the chapters, articles and paragraphs of the texts subjected to revision shall be preserved until the first reading in Plenary Meeting. The passages added shall bear provisionally the number of the last preceding paragraph in the original text, with the addition of "A", "B", etc.

461 2. The final numbering of the chapters, articles and paragraphs shall normally be entrusted to the Editorial Committee after their adoption at the first reading but may, by a decision of the Plenary Meeting, be entrusted to the Secretary-General.

21. Final Approval

462 The texts of the Final Acts of a Plenipotentiary Conference, a radiocommunication conference or a world conference on international telecommunications shall be considered final when they have been approved at the second reading in Plenary Meeting.

22. Signature

463 The texts of the Final Acts approved by the conferences referred to in No. 462 above shall be submitted for signature, in the alphabetical order of the Members' names in French, to the delegates provided with the powers defined in Article 31 of this Convention.

23. Relations with the Press and the Public

464 1. Official releases to the press about the work of the conference shall be issued only as authorized by the Chairman of the conference.

465 2. The press and the public may, to the extent practicable, be present at the conference in accordance with the guidelines approved by the meeting of Heads of delegations referred to in No. 342 above and with the practical arrangements made by the Secretary-General. The presence of the press and the public shall in no way disturb the normal conduct of the work of the meeting.

466 3. Other meetings of the Union shall not be open to the press and the public, unless the meeting in question decides otherwise.

24. Franking Privileges

467 During the conference, members of delegations, representatives of Members of the Council, members of the Radio Regulations Board, senior officials of the General Secretariat and of the Sectors of the Union attending the conference and the staff of the Secretariat of the Union seconded to the conference shall be entitled to postal, telegram, telephone and telex franking privileges to the extent arranged by the host government in agreement with the other governments and recognized operating agencies concerned.

CHAPTER IV

Other Provisions

ARTICLE 33

Finances

468 1. (1) The scale from which each Member 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	4 unit class
35 unit class	3 unit class
30 unit class	2 unit class
28 unit class	1 1/2 unit class
25 unit class	1 unit class
23 unit class	1/2 unit class
20 unit class	1/4 unit class
18 unit class	1/8 unit class*
15 unit class	1/16 unit class*
13 unit class	(*For the least developed countries as listed by the United Nations and other Members as determined by the Council.)
10 unit class	
8 unit class	
5 unit class	

469 (2) In addition to the classes of contribution listed in No. 468 above, any Member may choose a number of contributory units over 40.

470 (3) The Secretary-General shall communicate the decision of each Member as to the class of contribution chosen by it to all the Members of the Union.

471 (4) Members may at any time choose a class of contribution higher than the one already adopted by them.

472 2. (1) Every new Member shall, in respect of the year of its accession, pay a contribution calculated as from the first day of the month of accession.

473 (2) Should the Constitution and this Convention be denounced by a Member, its contribution shall be paid up to the last day of the month in which such denunciation takes effect.

474 3. The amounts due shall bear interest from the beginning of each financial year of the Union at 3% (three per cent) per annum during the first six months, and at 6% (six per cent) per annum from the beginning of the seventh month.

475 4. The following provisions shall apply to contributions by the organizations referred to in Nos. 259 to 262 and to entities authorized to participate in the Union's activities in accordance with the provisions of Article 19 of this Convention.

476 5. The organizations referred to in Nos. 259 to 262 of this Convention and other organizations of an international character which participate in a Plenipotentiary Conference, in a Sector of the Union or in a world conference on international telecommunications shall share in defraying the expenses of the conference or the Sector in accordance with Nos. 479 to 481 below, as appropriate, unless they have been exempted by Council, subject to reciprocity.

477 6. Any entity or organization appearing in the lists mentioned in No. 237 of this Convention shall share in defraying the expenses of the Sector in accordance with Nos. 479 and 480 below.

478 7. Any entity or organization appearing in the lists mentioned in No. 237 of this Convention which participates in a radiocommunication conference, a world conference on international telecommunications or a conference or assembly of a Sector of which it is not a member, shall share in defraying the expenses of the conference or assembly in accordance with Nos. 479 and 481 below.

479 8. The contributions mentioned in Nos. 476, 477 and 478 shall be based on the free choice of a class of contribution from the scale given in No. 468 above, with the exception of the 1/4, 1/8 and 1/16 unit classes reserved for Members of the Union (the latter exception does not apply to the Telecommunication Development Sector); the Secretary-General shall be informed of the class chosen; any entity or organization concerned may at any time choose a class of contribution higher than the one already adopted by it.

480 9. 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 Members of the Union. These contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of No. 474 above.

481 10. The amount of the contribution per unit payable towards the expenses of a conference or assembly shall be set by dividing the total amount of the budget of the conference or assembly in question by the total number of units contributed by Members as their share of Union expenses. The contributions shall be considered as Union income. They shall bear interest from the sixtieth day following the day on which accounts are sent out, at the rates fixed in No. 474 above.

482 11. Reduction in the number of contributory units shall be possible only in accordance with the principles stipulated in the relevant provisions of Article 28 of the Constitution.

483 12. In the case of denunciation of participation in the work of a Sector or of termination of such participation (see No. 240 of this Convention), the contribution shall be paid up to the last day of the month in which such denunciation or termination takes effect.

484 13. The sale price of publications shall be determined by the Secretary-General, bearing in mind that the cost of reproduction and distribution should, in general, be covered by the sale of the publications.

485 14. The Union shall maintain a reserve account in order to provide working capital to meet essential expenditures and to maintain sufficient cash reserves to avoid resorting to loans as far as possible. The amount of the

reserve account shall be fixed annually by the Council on the basis of expected requirements. At the end of each biennial budgetary period all budget credits which have not been expended or encumbered will be placed in the reserve account. Other details of this account are described in the Financial Regulations.

486 15. (1) The Secretary-General may, in agreement with the Coordination Committee, accept voluntary contributions in cash or kind, provided that the conditions attached to such voluntary contributions are consistent, as appropriate, with the purposes and programmes of the Union and with the programmes adopted by a conference and in conformity with the Financial Regulations, which shall contain special provisions for the acceptance and use of such voluntary contributions.

487 (2) Such voluntary contributions shall be reported by the Secretary-General to the Council in the financial operating report as well as in a summary indicating for each case the origin, proposed use and action taken with respect to each voluntary contribution.

ARTICLE 34

Financial Responsibilities of Conferences

488 1. Before adopting proposals or taking decisions with financial implications, the conferences of the Union shall take account of all the Union's budgetary provisions with a view to ensuring that they will not result in expenses beyond the credits which the Council is empowered to authorize.

489 2. No decision of a conference shall be put into effect if it will result in a direct or indirect increase in expenses beyond the credits that the Council is empowered to authorize.

ARTICLE 35

Languages

490 1. (1) At conferences and meetings of the Union, languages other than those mentioned in the relevant provisions of Article 29 of the Constitution may be used:

491 *a)* if an application is made to the Secretary-General or to the Director of the Bureau concerned to provide for the use of an additional language or languages, oral or written, provided that the additional cost so incurred shall be borne by those Members which have made or supported the application;

492 *b)* if 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.

493 (2) In the case provided for in No. 491 above, the Secretary-General or the Director of the Bureau concerned shall comply to the extent practicable with the application, having first obtained from the Members concerned an undertaking that the cost incurred will be duly repaid by them to the Union.

494 (3) In the case provided for in No. 492 above, the delegation concerned may, furthermore, if it wishes, arrange at its own expense for oral translation into its own language from one of the languages referred to in the relevant provision of Article 29 of the Constitution.

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 there specified, provided that the Members 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 36

Charges and Free Services

496 The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Administrative Regulations.

ARTICLE 37

Rendering and Settlement of Accounts

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 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.

498 2. Administrations of Members and recognized operating agencies which operate international telecommunication services shall come to an agreement with regard to the amount of their debits and credits.

499 3. The statement of accounts with respect to debits and credits referred to in No. 498 above shall be drawn up in accordance with the provisions of the Administrative Regulations, unless special arrangements have been concluded between the parties concerned.

ARTICLE 38

Monetary Unit

500 In the absence of special arrangements concluded between Members, 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 39

Intercommunication

501 1. Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radiocommunications reciprocally without distinction as to the radio system adopted by them.

502 2. Nevertheless, in order not to impede scientific progress, the provisions of No. 501 above shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.

503 3. Notwithstanding the provisions of No. 501 above, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used.

ARTICLE 40

Secret Language

504 1. Government telegrams and service telegrams may be expressed in secret language in all relations.

505 2. Private telegrams in secret language may be admitted between all Members 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.

506 3. Members 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

Arbitration: Procedure

(see Article 56 of the Constitution)

507 1. The party which appeals to arbitration shall initiate the arbitration procedure by transmitting to the other party to the dispute a notice of the submission of the dispute to arbitration.

508 2. The parties shall decide by agreement whether the arbitration is to be entrusted to individuals, administrations or governments. If within one month after notice of submission of the dispute to arbitration, the parties have been unable to agree upon this point, the arbitration shall be entrusted to governments.

509 3. If arbitration is to be entrusted to individuals, the arbitrators must neither be nationals of a State party to the dispute, nor have their domicile in the States parties to the dispute, nor be employed in their service.

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

511 5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator.

512 6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in Nos. 510 and 511 above, by each of the two groups of parties having a common position in the dispute.

513 7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations, must fulfil the conditions indicated in No. 509 above, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary-General shall then draw lots in order to select the third arbitrator.

514 8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary-General to draw lots to decide which of the persons so nominated is to act as the single arbitrator.

515 9. The arbitrator or arbitrators shall be free to decide upon the venue and the rules of procedure to be applied to the arbitration.

516 10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.

517 11. Each party shall bear the expense it has incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.

518 12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need. If the parties to the dispute so agree, the decision of the arbitrator or arbitrators shall be communicated to the Secretary-General for future reference purposes.

ARTICLE 42

Provisions for Amending this Convention

519 1. Any Member of the Union may propose any amendment to this Convention. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Members of the Union, 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 Members of the Union.

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 of the Union or by its delegation at the Plenipotentiary Conference.

521 3. The quorum required at any Plenary Meeting of the Plenipotentiary Conference for consideration of any proposal for amending this Convention or modification thereto shall consist of more than one half of the delegations accredited to the Plenipotentiary Conference.

522 4. To be adopted, any proposed modification to a proposed amendment as well as the proposal as a whole, whether or not modified, shall be approved, at a Plenary Meeting, by more than half of the delegations accredited to the Plenipotentiary Conference which have the right to vote.

523 5. Unless specified otherwise in the preceding paragraphs of the present Article, which shall prevail, the general provisions regarding conferences and the Rules of Procedures of conferences and other meetings as contained in this Convention shall apply.

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

Members 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.

525 7. Notwithstanding No. 524 above, the Plenipotentiary Conference may decide that an amendment to this Convention is necessary for the proper implementation of an amendment to the Constitution. In that case, the amendment to this Convention shall not enter into force prior to the entry into force of the amendment to the Constitution.

526 8. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession.

527 9. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 52 and 53 of the Constitution shall apply to this Convention as amended.

528 10. After the entry into force of any such amending instrument, the Secretary-General shall register it with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter of the United Nations. No. 241 of the Constitution shall also apply to any such amending instrument.

ANNEX

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

For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:

1001 *Expert:* A person sent by either:

a) the Government or the administration of his country, or

b) an entity or an organization authorized in accordance with Article 19 of this Convention, or

c) an international organization

to participate in tasks of the Union relevant to his area of professional competence.

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, or
- the government of a Member of the Union to participate in a non-voting capacity in a regional conference,

in accordance with the relevant provisions of this Convention.

1003 *Mobile Service:* A radiocommunication service between mobile and land stations, or between mobile stations.

1004 *Scientific or Industrial Organization:* Any organization, other than a governmental establishment or agency, which is engaged in the study of telecommunication problems or in the design or manufacture of equipment intended for telecommunication services.

1005 *Radiocommunication:* Telecommunication by means of radio waves.

Note 1: Radio waves are electromagnetic waves of frequencies arbitrarily lower than 3 000 GHz, propagated in space without artificial guide.

Note 2: For the requirements of Nos. 149 to 154 of this Convention, the term "radiocommunication" also includes telecommunications using electromagnetic waves of frequencies above 3 000 GHz, propagated in space without artificial guide.

1006 *Service Telecommunication:* A telecommunication that relates to public international telecommunications and that is exchanged among the following:

- administrations,
- recognized operating agencies, and
- the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

DECLARATIONS AND RESERVATIONS

DECLARATIONS AND RESERVATIONS

made at the end of the Additional Plenipotentiary Conference of the International Telecommunication Union

(Geneva, 1992)*

The undersigned plenipotentiaries confirm, through their signing of the present document, which forms part of the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), that they have taken note of the following declarations and reservations made at the end of that Conference:

1

Original: English

For the Republic of Slovenia:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), subject to formal ratification, the Delegation of the Republic of Slovenia reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the event that any of the Members does not share in defraying the expenditure of the Union or fails in whatever other manner to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and its Annexes or the Protocols attached hereto, or should reservations by other Members jeopardize its telecommunication services.

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* *Note by the General Secretariat:* The texts of the declarations and reservations are shown in the chronological order of their deposit.

In the Table of Contents these texts are grouped in the alphabetical order of the names of the Members which have made them.

2

Original: French

For the Gabonese Republic:

The Delegation of the Gabonese Republic reserves its Government's right:

1. to take any action necessary to protect its interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other Members be likely to jeopardize the operation of its telecommunication services;

2. to accept or not to accept any financial consequences that may result from such reservations.

3

Original: English

For the Democratic People's Republic of Korea:

The Delegation of the Democratic People's Republic of Korea reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any Members fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or their Annexes or the Protocol attached thereto, or should reservations by any countries jeopardize its telecommunication services.

4

Original: English

For the Republic of Korea:

The Delegation of the Republic of Korea reserves the right of its Government to take such action as it considers necessary to safeguard its interests should any Member not share in defraying the expenses of the Union or should any Member fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or the Protocols attached thereto, or should reservations by any countries jeopardize its telecommunication services.

5

Original: English

For the Republic of Zambia:

The Delegation of the Republic of Zambia to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right to take any such action as it may consider necessary to safeguard its interests, should any Member of the Union fail in any way to comply with the provisions of the Constitution or the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by such Members directly or indirectly affect the operations of its telecommunication services or its sovereignty.

The Delegation of the Republic of Zambia further reserves the right of its Government to make such additional reservations as may be necessary up to and including the time of ratification by the Republic of Zambia of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

6

Original: English

For the Islamic State of Afghanistan:

The Delegation of the Islamic State of Afghanistan to the ITU Additional Plenipotentiary Conference (Geneva, 1992) reserves for its Government the right:

1. to take any action it deems necessary to safeguard its interests should any Member in any way fail to comply with the provisions of the International Telecommunication Convention and Constitution (Geneva, 1992), or its Annexes or the Protocols attached thereto, or should the consequences of reservations by other countries jeopardize its interests and, more particularly, proper functioning of its telecommunication services;

2. not to accept any financial measures which lead to an increase in its contributory share in defraying the Union expenses;

3. to make any reservation or statement until such time as the International Telecommunication Convention and Constitution (Geneva, 1992) is ratified by the Government of the Islamic State of Afghanistan;

4. not to recognize any claims for the extension of State sovereignty to sections of the geostationary orbit, since these are contrary to the generally accepted international status of outer space.

7

Original: English

For Malawi:

In signing the Final Acts, the Delegation of Malawi to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right to take such action as it may deem necessary to safeguard its interests should certain Members fail to comply with the provisions of this Constitution and Convention or should reservations made by other Members of the Union jeopardize the operation of its telecommunication services.

8

Original: French

For the Republic of Senegal:

In signing the Final Acts of the Additional Plenipotentiary Conference, held at Geneva in December 1992, the Delegation of the Republic of Senegal declares on behalf of its Government that it accepts no consequences arising from reservations made by other governments which result in an increase in its contributory share in defraying the expenses of the Union.

The Republic of Senegal further reserves the right to take any action it deems necessary to safeguard its interests should any Members fail to comply with the provisions of the Constitution and the Convention, the Annexes thereto and the Optional Protocol on the Compulsory Settlement of Disputes, as adopted by the Conference, or should reservations by other countries tend to jeopardize the proper operation of its telecommunication services.

9

Original: English

For the Kingdom of Swaziland:

The Delegation of the Kingdom of Swaziland reserves the right of its Government to take any action it deems necessary to safeguard its interests in the event of Members failing in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes and Regulations annexed thereto, or should reservations by other countries jeopardize its telecommunication services.

10

Original: French

For Burkina Faso:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of Burkina Faso reserves for its Government the right to take any action it deems necessary to safeguard the interests of Burkina Faso:

1. should any Member in any way fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and/or their respective Annexes;

2. should any Members not pay their share of the Union's expenses;

3. should reservations made by other Members be likely to jeopardize the technical and/or commercial operation of its telecommunication services.

The Delegation of Burkina Faso further reserves for its Government the right to make any declaration or reservation at the time of ratifying the Constitution and Convention of the International Telecommunication Union (Geneva, 1992).

11

Original: English

For the Republic of Fiji:

The Delegation of the Republic of Fiji reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize Fiji's telecommunication services or lead to an increase in its contributory share towards defraying the expenses of the Union.

12

Original: French

For the Republic of Guinea:

The Delegation of the Republic of Guinea to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right to take any action it may consider necessary to safeguard

its interests should any Members of the Union fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other countries jeopardize its telecommunication services or entail an increase in its contributory share in defraying the expenses of the Union.

13

Original: English

For the Kingdom of Lesotho:

The Delegation of the Kingdom of Lesotho hereby declares on behalf of the Lesotho Government:

1. that it will not accept any consequences resulting from any reservation made by any country, and reserves the right to take any action it deems fit;

2. that it reserves the right to take such action as it may consider necessary to protect its interests, should any other country not observe the provisions of the Constitution, the Convention and the Administrative Regulations of the International Telecommunication Union (Geneva, 1992), or its Annexes and Protocols attached thereto, or should reservations by other countries jeopardize its telecommunication services.

14

Original: English

For the Republic of Suriname:

The Delegation of the Republic of Suriname declares, on behalf of its Government, that it reserves the right to take any action it considers necessary to safeguard its interests, should other Members fail to observe the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes and Protocols attached thereto, or should reservations by other countries, or any failure to comply with the Constitution and Convention, jeopardize the proper operation of its telecommunication services.

15

Original: English

For the Islamic Republic of Iran:

In the name of God, most merciful, most compassionate,

the Delegation of the Islamic Republic of Iran, on signing the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right:

1. to take such action as it may consider necessary or to take any measures required to safeguard its rights and interests should other Members of the Union fail in any way to comply with the provisions of the present Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes or the Protocols and Regulations attached thereto;

2. to protect its interests should certain Members not share in defraying the expenses of the Union or should the reservations by other Members jeopardize the telecommunication services of the Islamic Republic of Iran;

3. not to be bound by any Provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), inter alia the provisions of Nos. 222 and 229 of the Constitution and No. 524 of the Convention, which may directly or indirectly affect its sovereignty and be in contravention with the Constitution, Laws and Regulations of the Islamic Republic of Iran;

4. to make any other reservation or statement until such time as the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), are ratified.

16

Original: French

For Austria, Belgium and Luxembourg:

The Delegations of the above-mentioned countries formally declare with regard to Article 4 of the Constitution of the International Telecommunication Union (Geneva, 1992), that they maintain the reservations made on behalf of their Administrations when signing the Regulations mentioned in Article 4.

17

Original: French

For Austria, Belgium and Luxembourg:

The Delegations of the above-mentioned countries reserve for their Governments the right to take any action which they might consider necessary to safeguard their interests should certain Members not share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or Protocols attached thereto, or should reservations by other countries be liable to cause an increase in their contributory shares in defraying Union expenses, or finally, should reservations by other countries jeopardize their telecommunication services.

18

Original: French

For the Republic of Côte d'Ivoire:

The Delegation of the Republic of Côte d'Ivoire reserves for its Government the right:

a) to take any action it considers necessary to safeguard its interests should any Member fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992);

b) to reject the consequences of any reservations made to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) by other Governments which might give rise to an increase in its contributory share in defraying the expenses of the Union or which might jeopardize its telecommunication services;

c) to reject any provisions in the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) which might jeopardize the proper functioning of its telecommunication services or directly or indirectly affect its sovereignty.

19

Original: French

For the Republic of Burundi:

The Delegation of the Republic of Burundi reserves for its Government the right:

1. to take any measures it considers necessary to safeguard its interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes and Protocols thereto, or should reservations by other countries jeopardize its telecommunication services;

2. to accept or not to accept any measure which might lead to an increase in its contributory share.

20

Original: Spanish

For the Eastern Republic of Uruguay:

The Delegation of the Eastern Republic of Uruguay declares, on behalf of its Government, that it reserves the right to take any action it considers necessary to safeguard its interests, should other Members fail to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Optional Protocol, or should reservations by other Members jeopardize the proper operation of its telecommunication services.

21

Original: French

For the Confederation of Switzerland and the Principality of Liechtenstein:

1. The Delegations of the above-mentioned countries reserve for their Governments the right to take the necessary action to safeguard their interests should any reservations made or other measures adopted have the effect of jeopardizing their telecommunication services or lead to an increase in their contributory shares in defraying Union expenses.

2. With regard to Articles 4 and 54 of the Constitution of the International Telecommunication Union (Geneva, 1992), the Delegations of the above-mentioned countries formally declare that they maintain the reservations made on behalf of their Administrations when signing the Regulations referred to in the aforesaid Articles.

22

Original: Spanish

For Chile:

In signing the Constitution and the Convention of the International Telecommunication Union, the Delegation of Chile to the Additional Plenipotentiary Conference of the Union (Geneva, 1992) declares that it reserves for its Government the sovereign right to make any reservations it may consider or deem necessary or appropriate to protect and safeguard its national interests, should any Member States of the Union fail in any way to observe or comply with the provisions of this Constitution and Convention, or their Annexes or the Protocols and Regulations attached thereto, thus directly or indirectly affecting the operation of its telecommunication services or its sovereignty.

It further reserves the right to protect its interests should reservations by other contracting parties lead to an increase in its contributory share in defraying the expenses of the Union.

23

Original: English

For Brunei Darussalam:

The Delegation of Brunei Darussalam reserves for its Government the right to take any action that it deems necessary to safeguard its interests should any country fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or their Annexes or the Protocols attached thereto, or should reservations made by other countries adversely affect the interest of Brunei Darussalam or lead to an increase in its share towards defraying the expenses of the Union.

The Delegation of Brunei Darussalam further reserves the right of its Government to make such additional reservations as may be necessary up to and including the time of ratification by Brunei Darussalam of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

24

Original: English

For Thailand:

The Delegation of Thailand reserves the right of its Government to take action that it deems necessary to safeguard its interests should any Member country

fail, in any way, to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), their Annexes and Protocols attached thereto, or should any reservation made by any Member country jeopardize its telecommunication services or lead to an increase in its share towards defraying the expenses of the Union.

25

Original: English

For the Federal Republic of Nigeria:

The Delegation of the Federal Republic of Nigeria to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), hereby declares that its Government reserves the right to:

1. take any action which it considers necessary to safeguard its interests should certain Members of the Union fail to share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes and Protocols attached thereto, or should reservations by other Members of the Union endanger in any way the telecommunication services of the Federal Republic of Nigeria;

2. make any statement or reservation until the time of ratification by the Federal Republic of Nigeria of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

26

Original: English

For the United Kingdom of Great Britain and Northern Ireland:

The Delegation of the United Kingdom of Great Britain and Northern Ireland reserves for its Government the right to take such action as they may consider necessary to safeguard their interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes thereto, or should reservations by other countries jeopardize their interests.

27

Original: English

For the Socialist Republic of Viet Nam:

In signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Delegation of the Socialist Republic of Viet Nam declares on behalf of its Government that it maintains the reservations made at the Nairobi Plenipotentiary Conference (1982) and the Nice Plenipotentiary Conference (1989) of the International Telecommunication Union.

28

Original: English

For the Republic of Singapore:

The Delegation of the Republic of Singapore reserves for its Government the right to take any action which it considers necessary to safeguard its interests should any Member of the Union fail in any way to comply with the requirements of the Constitution and Convention of the International Telecommunications Union (Geneva, 1992), or the Annexes and Protocols attached thereto or should reservations by any Member of the Union jeopardize its telecommunication services, affect its sovereignty or lead to an increase in its contributory share towards defraying the expenses of the Union.

The Delegation of the Republic of Singapore further reserves for its Government the right to make any additional reservations which it considers necessary up to and including the time of its ratification of the Constitution and Convention of the International Telecommunications Union (Geneva, 1992).

29

Original: English

For New Zealand:

The Delegation of New Zealand reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the requirements of the International Telecommunication Convention (Nairobi, 1982), or its Annexes or the Protocols attached thereto, or should they fail in any way to comply with the Instruments of the Union as given in the Constitution (Geneva, 1992), or should reservations by other countries jeopardize the telecommunication services of New Zealand.

In addition, New Zealand reserves the right to make appropriate specific reservations and statements prior to ratification of the Constitution and the Convention (Geneva, 1992).

30

Original: English

For Malaysia:

In signing this Constitution and Convention, the Delegation of Malaysia hereby:

1. reserves for its Government the right to take such action as it may deem necessary to safeguard its interests should certain Members do not share in defraying the expenses of the Union, or should any Members fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or the Protocol attached thereto, or should reservations by other Members jeopardize its telecommunication service;

2. declares that the signature, and possible subsequent ratification by the Government of Malaysia of the said Constitution and Convention, is not valid with respect to the Member appearing under the name of Israel, and in no way implies its recognition.

31

Original: English

For the Republic of Cyprus:

The Delegation of Cyprus reserves for its Government the right to take any action it deems necessary to safeguard its interests should any Members of the Union not share in defraying the expenses of the Union, or should they fail in any way to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or Protocols attached thereto, or should reservations by other countries be liable to cause an increase in its contributory share in defraying Union expenses or jeopardize its telecommunication services, or should any other action taken or intend to be taken by any person, natural or juridical directly or indirectly affect its sovereignty.

The Delegation of Cyprus further reserves for its Government the right to make any other declaration or reservation until and up to the time that this Constitution and Convention of the International Telecommunication Union (Geneva, 1992) are ratified by the Republic of Cyprus.

32

Original: Spanish

For Spain:

The Delegation of Spain declares on behalf of its Government that any reference to a country in the Constitution and Convention (Geneva, 1992), as subject to rights and obligations, will be understood only as constituting a Sovereign State.

33

Original: Spanish

For Spain:

The Delegation of Spain declares, on behalf of its Government, that it does not accept any reservations made by other governments which imply an increase in its financial obligations towards the Union.

34

Original: English

For the Republic of Hungary:

The Delegation of the Republic of Hungary reserves for its Government the right not to accept any financial measure liable to lead to unjustified increases in its contributory share in defraying the expenses of the Union and the right to take any action as it may deem necessary to safeguard its interests if certain Members fail to comply with the provisions of the Constitution, the Convention, the Regulations, or if they jeopardize the proper operation of its telecommunication services and the right to make specific reservations and statements prior to ratification of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

35

Original: English

For the Democratic Socialist Republic of Sri Lanka:

The Delegation of the Democratic Socialist Republic of Sri Lanka reserves for its Government the right to take such action it may deem necessary to safeguard and protect its interests should any Member of the Union fail to comply with the provisions of the Constitution or the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other countries jeopardize the telecommunication services of Sri Lanka or lead to an increase in its contributory share in defraying the expenses of the Union.

36

Original: English

For the Republic of Yemen:

The Delegation of the Yemen Republic declares that its Government reserves the right to take such action as it may consider necessary to protect its interests, should a Member fail in any way to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should the reservations made by such Member jeopardize its telecommunication services or lead to an increase in Yemen's share in defraying the expenses of the Union.

37

Original: Russian

For the Republic of Belarus, the Russian Federation and Ukraine:

The Delegations of the above-mentioned countries reserve for their respective Governments the right to make any statement or reservation when ratifying the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and the right to take any action they may consider necessary to safeguard their interests should any Member of the Union fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union, or should reservations made by other countries jeopardize the operation of the telecommunication services of the above-mentioned countries or lead to an increase in their annual contribution to defraying the expenses of the Union.

38

Original: Spanish

For the Republic of Venezuela:

The Delegation of the Republic of Venezuela reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any other present or future Members fail to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or the Protocols attached thereto, or should reservations by other Members jeopardize the efficient operation of its telecommunication services.

Furthermore, it expresses reservations with respect to all Articles of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) related to arbitration as a means of settling disputes, in conformity with the international policy of the Government of Venezuela in that respect.

39

Original: English

For Papua New Guinea:

The Delegation of Papua New Guinea reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member not share in defraying the expenses of the Union, or should they fail in any other way to comply with the requirements of the International Telecommunication Constitution and Convention (Geneva, 1992), or its Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize the telecommunication services of Papua New Guinea.

40

Original: French

For the Republic of the Niger:

The Delegation of Niger to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, December 1992) reserves for its Government the right:

1. to take such action as it may consider necessary should any Member of the Union fail in any way to comply with the instruments of the International

Telecommunication Union as adopted in Geneva (December 1992) or should any reservations by such Members jeopardize the operation of its telecommunication services;

2. not to accept any consequences of reservations likely to lead to an increase in its contributory share in defraying Union expenditure.

41

Original: French

For the Republic of Cameroon:

The Delegation of the Republic of Cameroon to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), in signing the Final Acts of this Conference, reserves for its Government the right:

- to take all necessary measures to safeguard its legitimate interests should these be jeopardized by any Member's failure to comply with any of the provisions of the Constitution/Convention or the Annexes and Protocols thereto;
- to enter reservations regarding any provisions of the Constitution or Convention which may be opposed to its basic law.

42

Original: English

For the Federal Republic of Germany:

1. The Delegation of the Federal Republic of Germany reserves for its Government the right to take such action as it may deem necessary to safeguard its interests, should certain Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or their Annexes or the Protocols attached thereto, or should reservations by other countries be likely to increase its share in defraying the expenses of the Union or jeopardize its telecommunication services.

2. The Delegation of the Federal Republic of Germany declares with regard to Article 4 of the Constitution of the International Telecommunication Union (Geneva, 1992) that it maintains the reservations made on behalf of the Federal Republic of Germany when signing the Regulations mentioned in Article 4.

3. The Federal Republic of Germany declares that it will only apply amendments adopted in accordance with Article 55 of the Constitution of the International Telecommunication Union (Geneva, 1992) and Article 42 of the Convention of the International Telecommunication Union (Geneva, 1992) when the requirements of the Constitution of the Federal Republic of Germany for their application are met.

43

Original: English

For the Republic of Bulgaria:

The Delegation of the Republic of Bulgaria to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right:

1. to take any action it considers necessary to safeguard its interests should any Member of the Union fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should the consequences of reservations made by other countries jeopardize Bulgarian telecommunication services;

2. not to support any financial measures which may entail an unjustified increase in the share of its contribution to defraying the expenses of the Union;

3. to make any statement or reservation when ratifying the Constitution and the Convention of the ITU (Geneva, 1992).

44

Original: English

For the Republic of the Philippines:

The Delegation of the Republic of the Philippines reserves for its Government the right to take any action it deems necessary and sufficient, consistent with its national law to safeguard its interests, should reservations made by representatives of other States jeopardize its telecommunication services or prejudice its rights as a sovereign country.

The Philippine Delegation further reserves for its Government the right to make any declarations or reservations prior to the deposit of the instrument of ratification of the International Telecommunication Constitution and Convention (Geneva, 1992).

45

Original: English

For the Republic of Sudan:

The Delegation of the Republic of Sudan declares that its Government reserves the right to take such actions as it may consider necessary to protect its interests, should a Member fail in any way to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should the reservations made by any Member jeopardize its telecommunication services or lead to an increase in Sudan's share in defraying the expenses of the Union.

46

Original: English

For Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden:

At the time of signing the Final Acts of the Geneva Additional Plenipotentiary Conference:

1. the Delegations of the above-mentioned countries formally declare with regard to Article 54 of the Constitution of the International Telecommunication Union (Geneva, 1992), that they maintain reservations made on behalf of their Administrations when signing the Regulations mentioned in Article 54;

2. the Delegations of the above-mentioned countries declare on behalf of their respective Governments that they accept no consequences of any reservations which would lead to an increase in the shares they contribute to defraying the expenses of the Union;

3. the Delegations of the above-mentioned countries reserve for their Governments the right to take such action as they may consider necessary to safeguard their interests should certain Members of the Union not share in defraying the expenses of the Union, or should any Member fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or its Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize their telecommunication services.

47

Original: English

For the Republic of Indonesia:

On behalf of the Republic of Indonesia, the Delegation of the Republic of Indonesia to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992):

1. reserves the right for its Government to take any action and preservation measures it deems necessary to safeguard its national interests should any provision of the Constitution, the Convention and the Resolutions, as well as any decision of the Additional Plenipotentiary Conference of the ITU (Geneva, 1992), directly or indirectly affect its sovereignty or be in contravention of the Constitution, Laws and Regulations of the Republic of Indonesia as well as the existing rights acquired by the Republic of Indonesia as a party to other treaties and conventions and from any principles of international law;

2. further reserves the right for its Government to take any action and preservation measures it deems necessary to safeguard its national interests should any Member in any way fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should the consequences of reservations by any Member jeopardize its telecommunication services or result in an increase of its contributory share towards defraying expenses of the Union.

48

Original: Spanish

For the Republic of Colombia:

In signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Delegation of the Republic of Colombia:

1. declares that it reserves for its Government the right:

a) to take any measures it may deem necessary, consistent with its domestic law and with international law, to safeguard its national interests, should any other Members fail to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and the Protocols and Annexes thereto, and of other documents of the Final Acts of the said

Union and the Regulations, or should reservations by representatives of other States jeopardize its telecommunication services or its full sovereign rights;

b) to accept or not to accept, wholly or partly, any amendments introduced in the Constitution and Convention (Geneva, 1992) or in other international instruments of the International Telecommunication Union;

c) to express reservations, under the Vienna Convention on the Law of Treaties of 1969, with regard to the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), at any time it sees fit between the date of the signature and the date of the eventual ratification of the international instruments constituting those Final Acts. It is therefore not bound by any rules restricting the sovereign right to make reservations, solely to the time of signing the Final Acts of the conferences and other meetings of the Union;

2. reaffirms, in their essence, Reservations Nos. 40 and 79 adopted at the World Administrative Radio Conference (Geneva, 1979), especially with regard to the new provisions included in the Constitution and Convention (Geneva, 1992) and other documents of the Final Acts;

3. declares that the Republic of Colombia considers itself bound by the instruments of the International Telecommunication Union, including the Constitution, the Convention, the Protocols, the Administrative Regulations and amendments or modifications thereto, only insofar as it has expressly and duly consented to be bound by each of the said international instruments, and subject to the completion of the appropriate constitutional procedures. It therefore does not accept to be bound by any presumed or tacit consent;

4. declares that in conformity with its Constitution, its Government cannot give provisional effect to the international instruments which constitute the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992) and other instruments of the Union, owing to the content and nature of those instruments.

49

Original: Spanish

For the Argentine Republic:

In signing this Constitution and Convention, the Delegation of the Argentine Republic declares on behalf of its Government:

1. that it reaffirms its sovereign rights to the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands as an integral part of its national territory;

2. that it reserves the right to take any action it may deem necessary to safeguard its interests, should other Members fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes thereto, or should reservations by other Members jeopardize the operation of its telecommunication services.

50

Original: French

For Greece:

In signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Delegation of Greece declares:

1. that it reserves for its Government the right:

a) to take any action consistent with its domestic law and with international law that it may consider or deem necessary or useful to protect and safeguard its sovereign and inalienable rights and legitimate interests, should any Member States of the International Telecommunication Union fail in any way to comply with or apply the provisions of these Final Acts and the Annexes and Administrative Regulations pertaining to them, or should the acts of any other entities or third parties affect or jeopardize its national sovereignty;

b) to make, under the Vienna Convention on the Law of Treaties of 1969, reservations to the said Final Acts at any time it sees fit between the date of signature and the date of ratification of those instruments and to any other instrument of other relevant conferences of the Union that has not yet been ratified, and not to be bound by any provision of such instruments restricting its sovereign right to make reservations;

c) not to accept any consequences of any reservations by other contracting parties which could, inter alia, lead to an increase in its contributory share in defraying Union expenditure or to other financial implications, or should such reservations jeopardize the proper and efficient operation of the telecommunication services of the Republic of Greece;

2. that it is fully established that the term "country" used in the provisions of these Final Acts and in any other instrument or act of the International Telecommunication Union with regard to its Members and their rights and obligations is regarded as being synonymous in all respects with the term "sovereign State" as legally constituted and internationally recognized.

51

Original: English

For Mongolia:

The Delegation of Mongolia declares that it reserves for its Government the right to make any statements or reservations when ratifying the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

52

Original: English

For the Union of Myanmar:

The Delegation of the Union of Myanmar hereby reserves for its Government the right:

1. to protect its interests should reservations made by other Members lead to an increase in its contributory share in defraying the expenses of the Union;

2. to take any action it considers necessary to safeguard its telecommunication services should other Members fail to comply with the requirements of the Constitution and the Convention, their Annexes attached thereto, of the International Telecommunication Union (Geneva, 1992);

3. to make whatever reservations it shall deem appropriate in respect of any text in the Constitution and the Convention, their Annexes attached thereto, of the International Telecommunication Union (Geneva, 1992) which may directly or indirectly affect its sovereignty and interests.

53

Original: English

For the Republic of Kenya:

I

The Delegation of the Republic of Kenya reserves for its Government the right to take such action as it may consider necessary and/or appropriate to safeguard and protect its interests should any Member fail to comply in any way with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and/or any other instruments associated therewith. The declaration further affirms that the Government of the Republic of Kenya does not accept responsibility for the consequences arising out of any reservations made by other Members of the Union.

II

The Delegation of the Republic of Kenya recalling reservation No. 90 of the Nairobi Convention, 1982 reaffirms, on behalf of its Government, the letter and intent of the said reservation.

54

Original: English

For Turkey:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Republic of Turkey reserves for its Government the right to take any action it may consider necessary to safeguard its interests, should any Member in any way fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or their Annexes or Protocols thereto, should any reservation made by any Member jeopardize the proper operation of its telecommunication services or lead to an increase in its contribution to defraying the expenses of the Union.

55

Original: Spanish

For Mexico:

The Government of Mexico, concerned by some of the results of the Additional Plenipotentiary Conference (Geneva, 1992), makes the following reservations:

- it reserves the right to take whatever measures it considers necessary, should any application of provisions of the adopted Constitution and

Convention adversely affect facilities for the use of any geostationary satellite orbit/radio frequency spectrum resources it intends or may need to intend for its telecommunication services, or should be relevant notification, coordination and registration procedures be slowed or delayed;

- it reserves the right not to accept any financial consequence of the functional and structural modifications adopted at this Conference;

- it reserves the right to apply any measures it considers necessary should any other Members fail in any way to comply with the provisions of the Constitution, the Convention, the Administrative Regulations, and the Protocols and Annexes thereto from the date of their entry into force.

56

Original: French

For France:

The French Delegation formally declares, with regard to Article 4 of the Constitution of the International Telecommunication Union (Geneva, 1992), that it maintains the reservations made on behalf of its Administration when signing the Regulations mentioned in Article 4.

57

Original: French

For France:

The French Delegation reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the event that certain Members do not share in defraying the expenditure of the Union or fail in whatever other manner to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and the Administrative Regulations which supplement them, or should reservations made by other countries jeopardize the operation of its telecommunication services or entail an increase in its contributory share in defraying the expenditure of the Union.

58

Original: English

For Ethiopia:

In signing the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), the Delegation of the Transitional Government of Ethiopia reserves the right of its Government to take any step it may deem necessary to safeguard its interests should other Members fail to comply with these instruments or their reservations jeopardize its telecommunication services.

59

Original: French

For the Republic of Benin:

The Delegation of the Republic of Benin to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right to take any action that it deems necessary to protect its interests should certain Members fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other Members jeopardize the operation of its telecommunication services or lead to an increase in its contribution to defraying the expenses of the Union.

60

Original: Spanish

For Cuba:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Republic of Cuba declares:

- its concern for the work of the Radio Regulations Board during the transition period until Kyoto 1994, when our Administration will raise the issue again; this is due to the haste with which important decisions concerning the part-time nature of the Board have been adopted during the Conference;

- its Government's right to make any declaration or reservation which may be necessary until it proceeds to ratify the basic instruments of the Union;

- that it does not accept the Optional Protocol on the compulsory settlement of disputes relating to this Constitution, Convention and Administrative Regulations;

- that it reserves the right for its Government to take whatever measures it considers necessary to protect its sovereignty, rights and national interests should any States Members of the Union in any way fail to observe or comply with the provisions of this Constitution, Convention and Administrative Regulations, or should reservations by other Members or Administrations jeopardize Cuba's telecommunication services technically, operationally or economically.

61

Original: Spanish

For the Republic of Panama:

The Delegation of Panama at the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, December 1992) declares that it reserves for its Government the right to make any reservations it shall deem or consider necessary to protect and safeguard its rights and national interests, should any States Members of the Union in any way fail to comply with the provisions of this Constitution and Convention and the Annexes, Protocols and Regulations attached thereto and should they directly or indirectly jeopardize the operation of its telecommunication services or its sovereignty.

It also reserves the right to protect its interests should the reservations made by other Contracting Parties jeopardize the operation of its telecommunication services.

62

Original: English

For the Republic of India:

1. In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Republic of India does not accept any financial implications for its Government, resulting from any reservations that might be made by any Member on matters pertaining to the finances of the Union.

2. The Delegation of the Republic of India further reserves the right of its Government to take any action it deems necessary, to safeguard and protect its

interest in the event of any Member failing in any way to comply with one or more provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Administrative Regulations.

63

Original: English

For the Islamic State of Afghanistan, the People's Democratic Republic of Algeria, the State of Bahrain, the Islamic Republic of Iran, the Hashemite Kingdom of Jordan, the State of Kuwait, Lebanon, the Islamic Republic of Mauritania, the Kingdom of Morocco, the Sultanate of Oman, the Islamic Republic of Pakistan, the State of Qatar, the Kingdom of Saudi Arabia, the Republic of the Sudan, Tunisia, the United Arab Emirates and the Republic of Yemen:

The above-mentioned Delegations to the Additional Plenipotentiary Conference (Geneva, 1992) declare that the signature and possible ratification by their respective Governments of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), are not valid with respect to the Zionist-Entity appearing in this Convention under the name of the so-called "Israel" and in no way whatsoever imply its recognition.

64

Original: English

For the State of Bahrain, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates:

The above-mentioned Delegations to the Additional Plenipotentiary Conference (Geneva, 1992) declare that their Governments reserve the right to take such action as they may consider necessary to safeguard their interests should any Member not share in defraying the expenses of the Union, or should they fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or their Annexes or Protocols or the Resolutions attached thereto, or should reservations made by any Member jeopardize their telecommunication services.

65

Original: English

For Ghana:

The Delegation of Ghana to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) hereby reserves for its Government the right to take any measures it considers necessary to safeguard its interests should non-compliances with, or reservations to the provisions of this Constitution, the Convention or their Annexes or the Protocol attached thereto by other Members in any way jeopardize its telecommunication services.

66

Original: English

For Australia:

The Delegation of Australia reserves for its Government the right to take such action as they may consider necessary to safeguard their interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes attached thereto, or should reservations by other countries jeopardize their interests.

67

Original: English

For the Kingdom of the Netherlands:

I

The Delegation of the Netherlands reserves for its Government the right to take any action which it may consider necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or their Annexes, or the Optional Protocol attached thereto, or should reservations by other countries be liable to cause an increase in its contributory shares in defraying Union expenses, or, finally, should reservations by other countries jeopardize its telecommunication services.

II

The Netherlands Delegation formally declares, with regard to Article 54 of the Constitution of the International Telecommunication Union (Geneva, 1992), that it maintains the reservations made on behalf of its Government when signing the Administrative Regulations mentioned in Article 4.

68

Original: English

For the United States of America:

The United States of America reiterates and incorporates by reference all reservations and declarations made at world administrative conferences.

The United States of America does not by signature or by any subsequent ratification of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) consent to be bound by the Administrative Regulations adopted prior to the date of signature of these Final Acts. Nor shall the United States of America be deemed to have consented to be bound by revisions of the Administrative Regulations, whether partial or complete revisions, adopted subsequent to the date of signature of these Finals Acts, without specific notification to the International Telecommunication Union by the United States of America of its consent to be bound.

Finally, the United States of America refers to Article 32, paragraph 16 of the Convention and notes that in considering the Constitution and Convention, the United States may find it necessary to make additional reservations. Accordingly, the United States of America reserves the right to make additional specific reservations at the time of deposit of its instrument of ratification to the Constitution and the Convention.

69

Original: English

For Malta:

In signing the present document the Delegation of Malta reserves for its Government the right to take such action as it may consider to safeguard its interests should any Members not share in defraying the expenses of the Union, or should any Members fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or Protocol attached thereto, or should reservations by other countries jeopardize its telecommunication services.

70

Original: French

For Portugal:

The Portuguese Delegation declares on behalf of its Government that it will not accept any consequences resulting from the reservations made by other governments which might entail an increase in its contributory share in defraying the expenses of the Union.

It likewise declares that it reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the event that certain Members not share in defraying the expenditure of the Union or fail in any other way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes or Protocols thereto, or in the event that reservations made by other countries should jeopardize the operation of its telecommunication services.

71

Original: English

For Ireland:

Taking account of the reservations deposited by certain Members, contained in Document 195 of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Irish Delegation reserves for its Government the right to take any action it may deem necessary to safeguard its interests in the event that certain Members do not share in defraying the expenditure of the Union or fail in whatever other manner to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and the Administrative Regulations that supplement them, or should the reservations made by other countries jeopardize the operation of its telecommunication services or be likely to increase its share in defraying the expenses of the Union.

In addition, the Delegation of Ireland reserves for its Government the right to make appropriate specific reservations and statements prior to ratification of the Constitution and Convention (Geneva, 1992).

72

Original: French

For the Islamic Republic of Mauritania:

On taking cognizance of Document 195 concerning declarations and reservations, and on signing the Final Acts of the Additional Plenipotentiary

Conference (Geneva, 1992), the Delegation of the Islamic Republic of Mauritania declares that its Government reserves the right:

1. to take any measures it deems necessary to protect its interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other Members be likely to jeopardize the operation of its telecommunication services;

2. to accept or not to accept any financial implications that might arise from the Final Acts or from reservations by Members of the Union.

The Delegation of the Islamic Republic of Mauritania further declares that the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) are subject to ratification by the competent national institutions.

73

Original: English

For Australia, Austria, Belgium, the Republic of Bulgaria, Canada, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, Japan, the Principality of Liechtenstein, Luxembourg, Malta, Monaco, the Kingdom of the Netherlands, New Zealand, Norway, Portugal, Romania, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America:

The Delegations of the above-mentioned countries referring to the Declarations made by the Republic of Colombia (No. 48) and the Republic of Kenya (No. 53), inasmuch as these statements refer to the Bogota Declaration of 3 December 1976 by equatorial countries and to the claims of those countries to exercise sovereign rights over segments of the geostationary-satellite orbit, and any similar statements, consider the claims in question cannot be recognized by this Conference. Further, the above-mentioned Delegations wish to affirm or reaffirm the Declarations made on behalf of a number of the above-mentioned Administrations in this regard when signing the Final Acts of the World Administrative Radio Conference (Geneva, 1979), and the World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of Space Services Utilizing It (first and second sessions, Geneva, 1985 and 1988), the Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989) and in the Final Protocol of the International Telecommunication Convention (Nairobi, 1982) as if these Declarations were here repeated in full.

The above-mentioned Delegations also wish to state that reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

74

Original: Spanish

For Mexico:

The Government of Mexico, taking note of some reservations entered by other countries, confirms the reservations made in the Final Acts of the World Administrative Radio Conferences and the World Administrative Telegraph and Telephone Conference.

75

Original: English

For the State of Israel:

1. The Declaration made by certain Delegations in No. 63 of the Final Acts being in flagrant contradiction with the principles and purposes of the International Telecommunication Union and, therefore, devoid of any legal validity, the Government of Israel wishes to put on record that it rejects these Declarations outright and will proceed on the assumption that they can have no validity with respect to the rights and duties of any Member State of the International Telecommunication Union.

Furthermore, in view of the fact that Israel and the Arab States are currently in the midst of negotiations aimed at achieving a peaceful solution to the Arab-Israeli conflict, the Delegation of the State of Israel finds these Declarations counterproductive and damaging to the cause of peace in the Middle East.

The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards the Members whose Delegations have made the above-mentioned Declaration, an attitude of complete reciprocity.

The Delegation of the State of Israel further notes that Declaration No. 63 does not refer to the State of Israel by its full and correct name. As such it is totally inadmissible and must be repudiated as a violation of recognized rules of international behaviour.

2. Furthermore, after noting various other declarations already deposited, the Delegation of the State of Israel reserves for its Government the right to take any action it deems necessary to protect its interests and to safeguard the operation of its telecommunication services should they be affected by the decisions of this Conference or by the reservations made by other delegations.

76

Original: English

For Malta:

The Delegation of Malta having regard to the Declarations made by certain Delegations reserving their Government's right to make reservations between the date of signature and the date of ratification of the Final Acts, Geneva, 1992, as well as any other instruments of other relevant conferences of the Union that have not yet been ratified, reserves the right for its Government to make additional reservations until and up to the time that this Constitution and Convention of the International Telecommunication Union (Geneva, 1992) are ratified by the Government of Malta.

77

Original: English

For the People's Republic of China:

After having considered the Declarations contained in Document 195, the Delegation of the People's Republic of China:

1. in signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), declares on behalf of its Government that it reiterates the Declarations made at the Nairobi Plenipotentiary Conference (1982) and the Nice Plenipotentiary Conference (1989) of the International Telecommunication Union.

2. The Delegation of the People's Republic of China further reserves for its Government the right to make any declarations or reservations prior to the deposit of the instrument of ratification of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992).

78

Original: English

For Romania:

After having considered the Declarations and reservations contained in Conference Document 195, the Delegation of Romania, in signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), reserves for its Government the right to take any action it may consider necessary for the purpose of safeguarding its interest should the reservation made by other countries jeopardize its telecommunication services or entail an increase in its contributory share in defraying the expenses of the Union.

79

Original: English

For Japan:

After having considered the Declarations contained in Document 195, the Delegation of Japan reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes thereto, or should reservations by other countries jeopardize in any way its interests.

80

Original: English

For the United Kingdom of Great Britain and Northern Ireland:

With reference to Declaration No. 49 by the Delegation of the Argentine Republic concerning the Falkland Islands, and South Georgia and South Sandwich Islands, the United Kingdom Delegation wishes to state that Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have no doubt as to United Kingdom sovereignty over the Falkland Islands and South Georgia and South Sandwich Islands.

81

Original: French

For Italy:

Having taken cognizance of the Declarations in Document 195, the Delegation of Italy reserves for its Government the right to take any action it may deem necessary to safeguard its interests should any Members fail to contribute to defraying the expenses of the Union or to observe in any other way the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes or Optional Protocols thereto, should reservations by other countries be liable to lead to an increase in its contributory share in defraying the expenses of the Union, or, lastly, should reservations by other countries jeopardize the proper operation of its telecommunication services.

The Delegation of Italy hereby formally declares with regard to Article 54 of the Constitution of the International Telecommunication Union (Geneva, 1992) that it maintains the reservations entered on behalf of its Government at the time of the signature of the Administrative Regulations referred to in Article 4.

82

Original: English

For the United States of America:

The United States of America refers to Declarations made by various Members reserving their rights to take any such actions as they may consider necessary to safeguard their interests in response to reservations by other countries which jeopardize their interests, application of provisions of the Constitution and Convention (Geneva, 1992) which adversely affect their interests, and other Members not sharing in defraying the expenses of the Union. The United States of America reserves the right to take whatever measures it may consider necessary to safeguard United States interests in response to such actions.

The signatures following are the same as those which follow the Constitution and the Convention.

OPTIONAL PROTOCOL

OPTIONAL PROTOCOL

on the Compulsory Settlement of Disputes Relating to the Constitution of the International Telecommunication Union, to the Convention of the International Telecommunication Union and to the Administrative Regulations

At the time of signing the Constitution of the International Telecommunication Union and the Convention of the International Telecommunication Union (Geneva, 1992), the undersigned Plenipotentiaries have signed the present Optional Protocol on the Compulsory Settlement of Disputes.

The Members of the Union, parties to this Optional Protocol,

expressing the desire to resort to compulsory arbitration, so far as they are concerned, for the settlement of any disputes concerning the interpretation or application of the Constitution, the Convention or of the Administrative Regulations mentioned in Article 4 of the Constitution,

have agreed upon the following provisions:

ARTICLE 1

Unless one of the methods of settlement listed in Article 56 of the Constitution has been chosen by common agreement, disputes concerning the interpretation or application of the Constitution, the Convention or the Administrative Regulations mentioned in Article 4 of the Constitution shall,

at the request of one of the parties to the dispute, be submitted for compulsory arbitration. The procedure to be followed is laid down in Article 41 of the Convention, paragraph 5 (No. 511) of which shall be amplified as follows:

"5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator. If one of the parties has not appointed an arbitrator within this time-limit, this appointment shall be made, at the request of the other party, by the Secretary-General who shall act in accordance with Nos. 509 and 510 of the Convention."

ARTICLE 2

This Protocol shall be open to signature by Members at the same time as they sign the Constitution and the Convention. It shall be ratified, accepted or approved by any Signatory Member in accordance with its constitutional rules. It may be acceded to by any Members parties to the Constitution and the Convention and by any States which become Members of the Union. The instrument of ratification, acceptance, approval or accession shall be deposited with the Secretary-General.

ARTICLE 3

This Protocol shall come into force for the Parties hereto, who have ratified, accepted, approved or acceded to it, on the same date as the Constitution and the Convention, provided that at least two instruments of ratification, acceptance, approval or accession in its respect have been deposited on that date. Otherwise, it shall come into force on the thirtieth day after the date on which the second instrument of ratification, acceptance, approval or accession is deposited.

ARTICLE 4

This Protocol may be amended by the Parties hereto during a Plenipotentiary Conference of the Union.

ARTICLE 5

Each Member party to this Protocol may denounce it by a notification addressed to the Secretary-General, such denunciation taking effect at the expiration of a period of one year from the date of receipt of its notification by the Secretary-General.

ARTICLE 6

The Secretary-General shall notify all Members:

a) of the signatures appended to this Protocol and of the deposit of each instrument of ratification, acceptance, approval or accession;

b) of the date on which this Protocol shall have come into force;

c) of the date of entry into force of any amendment;

d) of the effective date of any denunciation.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Protocol in each of the Arabic, Chinese, English, French, Russian and Spanish languages, in a single copy within which, in case of discrepancy, the French text shall prevail, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Geneva, 22 December 1992

Note by the General Secretariat:

This Optional Protocol has been signed by the following delegations:

Islamic State of Afghanistan, Republic of Albania, Kingdom of Saudi Arabia, Australia, Austria, Commonwealth of the Bahamas, State of Bahrain, Barbados, Republic of Belarus, Belgium, Republic of Benin, Kingdom of Bhutan, Republic of Botswana, Federative Republic of Brazil, Brunei Darussalam, Republic of Bulgaria, Burkina Faso, Republic of Burundi, Republic of Cameroon, Canada, Republic of Cape Verde, Central African Republic, Chile, Republic of Cyprus, Republic of Colombia, Islamic Federal Republic of the Comoros, Republic of Korea, Republic of Côte d'Ivoire, Cuba, Denmark, Republic of Djibouti, Arab Republic of Egypt, United Arab Emirates, Republic of Estonia, Ethiopia, Republic of Fiji, Finland, Gabonese Republic, Republic of the Gambia, Ghana, Greece, Grenada, Republic of Guinea, Republic of Honduras, Republic of Hungary, Republic of India, Republic of Indonesia, Islamic Republic of Iran, Ireland, Iceland, State of Israel, Italy, Jamaica, Japan, Hashemite Kingdom of Jordan, Republic of Kenya, State of Kuwait, Kingdom of Lesotho, Republic of Latvia, Lebanon, Republic of Liberia, Principality of Liechtenstein, Republic of Lithuania, Luxembourg, Democratic Republic of Madagascar, Malawi, Republic of Mali, Malta, Islamic Republic of Mauritania, Mexico, Monaco, Nepal, Republic of the Niger, Federal Republic of Nigeria, Norway, New Zealand, Sultanate of Oman, Islamic Republic of Pakistan, Republic of Panama, Papua New Guinea, Kingdom of the Netherlands, Republic of the Philippines, Republic of Poland, Portugal, State of Qatar, Democratic People's Republic of Korea, United Kingdom of Great Britain and Northern Ireland, Republic of San Marino, Republic of Senegal, Republic of Singapore, Republic of Slovenia, Republic of the Sudan, Democratic Socialist Republic of Sri Lanka, Sweden, Confederation of Switzerland, Republic of Suriname, Kingdom of Swaziland, United Republic of Tanzania, Republic of Chad, Czech and Slovak Federal Republic, Thailand, Tunisia, Turkey, Eastern Republic of Uruguay, Socialist Republic of Viet Nam, Republic of Yemen, Republic of Zambia, Republic of Zimbabwe.

RESOLUTIONS

RESOLUTION 1

Provisional Application of Certain Parts of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992)

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

having considered

a) the Report "Tomorrow's ITU: the Challenges of Change" of the High Level Committee (HLC) that was set up to review the structure and functioning of the Union, including proposals for improvements in the efficiency and responsiveness in all activities of the Union;

b) the texts of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) adopted by it following consideration of that Report,

emphasizing

the need to maintain the pre-eminence of the Union in the world of telecommunications by adapting its organizational structure to the challenges of the continuing changes in the global telecommunication environment with the least possible delay,

noting

a) that the Constitution and the Convention (Geneva, 1992) will enter into force on 1 July 1994 between the Parties thereto;

b) that this Conference has provided for a new structure and more efficient working methods for the Union and that it is essential and consistent with the changes adopted to introduce them as soon as possible,

recognizing

the continuing value to the Union of the expertise and services of the Directors of the CCIR and the CCITT and the members of the IFRB,

resolves

1. that the provisions of the Constitution and the Convention (Geneva, 1992) relating to the new structure and working methods of the Union shall be applied provisionally as from 1 March 1993;

2. that the Director of the BDT elected by this Conference shall take office not later than 1 February 1993;

3. that until the date to be specified by the next Plenipotentiary Conference (Kyoto, 1994) for the taking of office of the Director of the Telecommunication Standardization Bureau, the Director of the CCITT shall discharge the duties of the Director of the Telecommunication Standardization Bureau;

4. that until the date to be specified by the next Plenipotentiary Conference (Kyoto, 1994) for the taking of office of the Director of the Radiocommunication Bureau, the Director of the CCIR shall discharge the duties of the Director of the Radiocommunication Bureau;

5. that the Directors of the Telecommunication Standardization and Radiocommunication Bureaux shall cooperate in ensuring a smooth transition to the new structure;

6. that until the date to be specified by the next Plenipotentiary Conference (Kyoto, 1994) for the taking of office of the nine members elected there, the members of the International Frequency Registration Board shall

discharge the duties of the Radio Regulations Board. Should a vacancy occur in the present membership of the board, it shall not be filled until the elections by the Plenipotentiary Conference (Kyoto, 1994);

7. that all other employment conditions of the elected officials referred to in paragraphs 3, 4 and 6 above shall remain unchanged;

8. that the present staff of the CCITT, CCIR and IFRB specialized secretariats shall be assigned to the new Bureaux as soon as possible by the Secretary-General, in consultation with the Directors of these Bureaux;

9. that, for the application of No. 13 of the Convention:

a) with regard to the Director of the BDT, the election by this Conference shall not count as a first election to that post;

b) with regard to the Directors of the CCITT and the CCIR, their election by the Plenipotentiary Conference (Nice, 1989) shall count as their first election as Directors of the Standardization and Radiocommunication Bureaux, respectively,

instructs the members of the present International Frequency Registration Board

a) to assist the ongoing work on the simplification of the Radio Regulations, and carry out any special task that the Secretary-General may entrust to them;

b) to refer any difficulty that may arise in the application of the Final Acts of world and regional administrative conferences to the next world radiocommunication conference;

instructs the Secretary-General

1. to take all necessary measures towards the implementation of the new structure and working methods, in accordance with the relevant provisions of the revised Constitution and Convention adopted by this Conference and the terms and conditions of this Resolution;

2. to submit a progress report to the Council at its next two ordinary sessions (1993 and 1994);

3. to circulate those reports together with the views and conclusions of the Council to all Members of the Union,

instructs the Council

to consider the progress reports submitted by the Secretary-General and take any necessary decisions to give full effect to this Resolution.

RESOLUTION 2

Allocation of Work to the Radiocommunication Sector and the Telecommunication Standardization Sector

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the need for this Additional Plenipotentiary Conference to give appropriate general principles and guidance to the Sectors;

b) the broad objectives for the work of the Sectors contained in Articles 12 and 17 of the Constitution which specify the functions of the Radiocommunication Sector and Telecommunication Standardization Sector, and Articles 11 and 14 of the Convention, which further elaborate the basis of work allocation and future coordination between Sectors;

c) the initial allocation of work between the Radiocommunication and Telecommunication Standardization Sectors recommended by the High Level Committee on the structure and functioning of the Union in its recommendation 37 and recommendation 38 proposing continuing review of the allocation of work between the two Sectors;

d) Recommendations 49 and 51 of the High Level Committee to assist developing countries in participating in the work of the Radiocommunication and Telecommunication Standardization Sectors by the extraction and grouping of matters under active study which may be of particular interest to these countries, and by the promotion of such participation;

e) the necessity of improving the efficiency and responsiveness of the Radiocommunication and Telecommunication Standardization Sectors, maintaining flexibility in the allocation of work with continuing review of work allocation between the study groups of these two Sectors to take account of changing conditions;

f) that advisory groups are to be established in the Radiocommunication and Telecommunication Standardization Sectors to review priorities, strategies and progress of work of each Sector and to foster cooperation and coordination between these Sectors and the regional standardization bodies,

taking note of

a) the work of the Directors of the CCIR and the CCITT in developing an initial indicative list of Questions on the basis of recommendation 37 of the High Level Committee, and the report by the Directors to the Additional Plenipotentiary Conference;

b) the work done by the ad hoc Groups established under CCIR Resolution 106 and CCITT Resolution 18, and in particular the principles agreed at the meeting of the CCIR ad hoc Group in June 1992 for detailed allocation of work and ongoing management of the interface between the two Sectors of the Union;

c) the proposals of the Directors of the CCIR and the CCITT to hold a joint meeting of the Groups established under CCIR Resolution 106 and CCITT Resolution 18 in January 1993,

resolves

to endorse recommendations 37, 38, 49 and 51 of the High Level Committee with respect to the broad terms of reference of the Radiocommunication and Telecommunication Standardization Sectors, and the promotion of the participation of the developing countries in the work of the Sectors,

instructs

the Directors of the Radiocommunication Bureau and the Telecommunication Standardization Bureau to work together to develop proposals for an initial allocation of work between the Sectors, ensuring that:

- there is minimum disruption to the continuing work of the Sectors;
- the grouping of work provides the maximum opportunity for efficient participation by experts from all countries;

– there is minimum overlap between the respective study groups of the Sectors,

and report to the first World Radiocommunication Assembly and the first World Telecommunication Standardization Conference on the proposed initial allocation,

resolves further

1. that the Radiocommunication Assembly and the World Telecommunication Standardization Conference shall confirm the detailed allocation of work;

2. that joint meetings of the advisory groups of the Radiocommunication and Telecommunication Standardization Sectors shall be held to continue the review of new and existing work and its distribution between the Sectors, subject to confirmation by the Members;

3. that, with the assistance of the Directors and the relevant advisory groups, the Radiocommunication Assembly and the World Telecommunication Standardization Conference shall establish procedures for the ongoing review and reallocation of work, as appropriate, to achieve the necessary effectiveness and efficiency goals of the Union, bearing in mind that the objective, in accordance with the spirit of the High Level Committee Report is to:

– minimize the duplication of activities of the Sectors;

– group the standardization activities in order to foster cooperation and the coordination of the work of the Telecommunication Standardization Sector with regional standardization bodies;

4. the Directors of the Radiocommunication and Telecommunication Standardization Bureaux shall report on the broad outcomes of this review and allocation process to the Plenipotentiary Conference (Kyoto, 1994),

invites the Members of the Union

a) to ensure that this review is objective and that it takes full account of the rapidly developing international requirements, by providing broad, competent and senior-level representation in the advisory groups;

b) to consider, and to contribute to discussion on, the procedures for the ongoing review and reallocation of work for the joint meeting in January 1993 of the ad hoc Groups set up under CCIR Resolution 106 and CCITT Resolution 18;

c) to consider, in preparation for the Radiocommunication Assembly and World Telecommunication Standardization Conference, the report of the Directors on the allocation of work to the two Sectors, with a view to making a joint Recommendation for initial implementation by these conferences,

instructs the Secretary-General

to draw the attention of the Council to the report of the Directors on the application of this Resolution.

RESOLUTION 3

Establishment of Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the need for measures to review priorities and strategies in the Union's radiocommunication and telecommunication standardization activities and to advise the Directors of the Radiocommunication and Telecommunication Standardization Bureaux;

b) that it is desirable to have such measures in place as soon as practicable;

c) the relevant provisions of the Convention which will enter into force on 1 July 1994,

recognizing

a) that the field of telecommunications is constantly evolving;

b) that the activities of the Sectors should be continually reviewed;

c) the importance of the work already commenced on the improvement of working methods in the CCIR and CCITT by the ad hoc Groups established pursuant to their Resolution 106 and Resolution 18 respectively, and the desirability that this work should continue,

resolves

that advisory groups should be established in the Radiocommunication and Telecommunication Standardization Sectors to:

- review priorities and strategies for activities in the respective Sectors;
- review progress in the implementation of the respective work programmes of the Sectors;

- provide guidelines for the work of study groups;

- recommend measures, inter alia, to foster cooperation and coordination with other standards bodies, with the Development Sector, within and between the two Sectors, and with the Strategic Planning Unit in the General Secretariat,

instructs

1. the Directors of the Radiocommunication and Telecommunication Standardization Bureaux to organize the respective advisory groups, which shall be open to representatives of administrations, entities and organizations authorized in accordance with the provisions of Article 19 of the Convention, and representatives of study groups;

2. the World Telecommunication Standardization Conference (Helsinki, 1993) and the Radiocommunication Assembly (Geneva, 1993):

2.1 to establish, and to determine suitable terms of reference and working procedures for, an advisory group in each Sector to review priorities, strategies and progress of work, and to give guidance on the work of each Sector and cooperation with other entities;

2.2 to ensure that the respective advisory groups continue the work already undertaken by the ad hoc Groups established by the CCIR and CCITT pursuant to their Resolution 106 and Resolution 18 respectively, and

further instructs

the Directors of the Radiocommunication and Telecommunication Standardization Bureaux to report each year to the members of their respective Sectors and to the Council on the results of the work carried out by their respective advisory groups.

RESOLUTION 4

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

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

recommendations 2, 3, 5, 6, 15, 23, 48, 54, 58, 68, and 69 of the High Level Committee to broaden participation in the activities of the Union and to broaden links between the Union and other organizations,

recognizing

a) that Members have sole responsibility for representing their sovereign rights in the Union as they deem advisable, and that they exercise their rights through the intermediary of an administration which they designate;

b) the importance of encouraging more participants with appropriate rights and obligations to contribute to the success of the Union,

noting

a) that the criteria and procedures for recognized operating agencies, scientific or industrial organizations and other organizations referred to in the Convention to participate in Union activities are already established;

b) the particular need to establish criteria and procedures to act on requests from entities specified in Nos. 230 and 231 of the Convention desiring to participate in Union activities:

c) that several categories of participants may be appropriate within the range of eligible participants identified in Article 19 of the Convention;

d) that the procedures and conditions for participation and the rights and obligations of participants may differ among the categories of participants,

resolves

that the provisions of Article 19 of the Convention shall be promptly implemented, provisionally and so far as practicable, by the Secretary-General and the Directors of the Bureaux,

instructs the Council

1. to study, develop, and recommend, at the earliest opportunity, the criteria and procedures that govern participation in Union activities by entities and organizations specified in Nos. 230 and 231 of the Convention;

2. to make its recommendations available to Members for comment;

3. to make its final recommendations to the Plenipotentiary Conference (Kyoto, 1994),

instructs the Secretary-General

to assist the Council in its study by preparing a report on the relevant issues, together with recommendations and any other information as the Council may request.

RESOLUTION 5

Management of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) recommendations 8, 16, 17 and 18 of the High Level Committee relating to strategic planning and the operation of the Council, and

b) the need for the Council to focus its attention on broad policy issues, with a strategic focus, and to report to Members on the desired results of the work of the Union,

noting

the responsibilities assigned to the Plenipotentiary Conference, the Council, the Secretary-General and the Coordination Committee for strategic planning and management of the work of the Union in Articles 8, 10 and 11 of the Constitution and Articles 4, 5 and 6 of the Convention,

instructs the Secretary-General

a) to prepare and propose to the Council strategic policies and plans for the Union,

b) to develop a two-year budget process for the Council to review pursuant to the Union's four-year plans prepared at the Plenipotentiary Conference,

instructs the Secretary-General and the Council

to implement the improved management practices recommended by the High Level Committee, particularly those relating to the transparency of cost allocations and budgetary controls,

instructs the Council

1. to institute a two-year budget process within an overall strategic planning framework, with a view:

i) to identifying and documenting the intended objectives and outcomes of the Union's activities, and

ii) to identifying the necessary resources for these activities;

2. to present to the Plenipotentiary Conference (Kyoto, 1994) a draft Strategic Plan including the objectives and work programmes developed by the Sectors; and

3. to envisage establishing such committees as may be required to assist it in performing its monitoring role and to review other aspects of the management of the Union,

resolves

that the Council shall consider the Secretary-General's budget plans, with any appropriate revisions to allocate resources in accordance with the strategic plans and goals of the Union and the particular activities and work programmes of the three Sectors.

RESOLUTION 6

Priority Tasks of the Telecommunication Development Bureau (BDT)

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

aware

of the fact that telecommunications constitute a fundamental tool for the economic and social development of countries,

considering

a) that it has adopted a new structure for the Union, including a Telecommunication Development Sector, so as, inter alia, to reduce the existing imbalance between North and South in the field of telecommunications;

b) that it has redefined the functions of world and regional telecommunication development conferences in the relevant provisions of the Constitution and the Convention;

c) that these decisions reflect the international community's determination to provide the Union with an essential tool to strengthen cooperation and partnership for the benefit of the developing countries;

d) that the adoption of the agenda of a development conference should be the object of an extensive consultation amongst the Members of the Union,

instructs the Council

1. to convene, as soon as possible, the first World Telecommunication Development Conference before the Plenipotentiary Conference to be held in Kyoto in 1994;

2. to adopt at the 1993 session the agenda of this Conference, based on the report of the Director of the BDT and on the comments from Members of the Union in accordance with No. 213 of the Convention,

entrusts the Secretary-General

with the task of undertaking an extensive consultation with the Members on the items to be dealt with by the World Telecommunication Development Conference, pointing out, inter alia, the following:

- support for developing countries in order to increase their effective participation in the activities of the different Sectors of the Union;

- training of human resources in the fields of planning, network management, financial management and the marketing of goods and services;

- means of promoting a policy for industrialization in the field of telecommunications of the developing countries in conjunction with the bilateral and multilateral organizations concerned;

- promotion of mobilization of the resources necessary for the execution of the activities mentioned above, particularly the financing of projects in development plans;

- strengthening of the Union's regional presence through the allocation of adequate resources to regional programmes and harmonization of headquarters activities with those of decentralized structures at the regional and area levels;

- support to the least developed countries to foster the development of their telecommunication networks.

RESOLUTION 7

Immediate Action by the Telecommunication Development Bureau (BDT)

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

having adopted

a new structure for the Union based on the report of the High Level Committee and consisting of a Radiocommunication Sector, a Telecommunication Standardization Sector and a Telecommunication Development Sector,

considering

a) that the future of the Union will depend on the efficiency with which these three Sectors fulfil the duties assigned to them and that active participation by the greatest number of Members in the activities of these Sectors is a condition of their success;

b) that active participation by the developing countries in the activities of the Radiocommunication and Telecommunication Standardization Sectors requires human and financial resources disproportionate with their capabilities;

c) that many attempts were made, with limited success, to increase the participation of developing countries in the activities of the CCIR and of the CCITT;

d) that No. 224 of the Convention adopted assigns to the Director of the BDT the organization, with the assistance of the two other Sectors, of meetings intended to keep developing countries informed of the activities of these Sectors;

e) that the GAS activities were transferred from the CCIR and the CCITT to the BDT in accordance with High Level Committee recommendation 50;

f) that developing countries may provide an input to, and benefit from, the activities of the Radiocommunication and Telecommunication Standardization Sectors through close cooperation of the Bureaux of the three Sectors in organizing regular information meetings and in continuing the activities of the GAS groups,

considering further

that the programme of work of the BDT is to be adopted by the next World Development Conference and that this Conference will probably not be convened until 1994,

resolves to instruct

1. the Director of the BDT:

1.1 to set up in his Bureau, as soon as possible, a unit with the duty to start preparing, in consultation with the two other Bureaux, the details related to the planning and organization of the information meetings referred to in No. 224 of the Convention;

1.2 to search, with the assistance of the Directors of the Bureaux of the Radiocommunication and Telecommunication Standardization Sectors, for appropriate mechanisms to facilitate the involvement of developing countries in the activities of these Sectors;

1.3 to prepare for consideration by the forthcoming world development conference a consolidated programme of activities with respect to paragraphs 1.1 and 1.2 above;

1.4 to undertake a study with the Directors of the two other Bureaux and the senior Chairman responsible for coordinating the activities of the GAS groups (as appointed at the IXth CCITT Plenary Assembly, Melbourne, 1988), on the manner in which the GAS activities will be continued within the BDT and to prepare a report on this subject for consideration by the forthcoming world development conference.

2. the Directors of the Radiocommunication and Telecommunication Standardization Bureaux, in accordance with the provisions of Nos. 183 and 207 of the Convention, to cooperate with the Director of the BDT to provide support in relation to *resolves 1* above.

RESOLUTION 8

Voluntary Group of Experts to Study the Allocation and Improved Use of the Radio-Frequency Spectrum and the Simplification of the Radio Regulations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

recalling

a) that the Plenipotentiary Conference (Nice, 1989), in its Resolution 8, decided to establish a Voluntary Group of Experts (VGE), inter alia, for the simplification of the Radio Regulations;

b) that, in the same resolution, it was decided that the VGE should submit its reports and recommendations to the 1993 session of the Council;

c) that the Council was invited to consider and forward its reports and recommendations, together with its own conclusions thereon, to administrations by 1 January 1994,

having decided

a) to consolidate the radiocommunications activities of the Union into one Sector;

b) to replace the full-time International Frequency Registration Board by a part-time Radio Regulations Board;

c) to opt for a cycle of biennial world radiocommunication conferences,

recognizing

a) that the contributions to this Conference recognized the importance of having the present Radio Regulations simplified as soon as possible;

b) that the VGE is continuing its work satisfactorily but that, due to the complexity of the task, it will need additional time to prepare its final report and recommendations;

c) that the final report and recommendations of the VGE will therefore not be available until early 1994;

d) that administrations will require sufficient time to study the report and to prepare for a world radiocommunication conference which is competent to consider and take appropriate action on the report;

e) that consideration of the report and recommendations of the VGE and adoption of the resulting revised Radio Regulations would be a major task for a competent conference,

emphasizing

the urgency and importance of simplifying the existing Radio Regulations in the future international management of the limited natural resources constituted by the radio-frequency spectrum and the geostationary-satellite orbit (GSO),

resolves to instruct the Council

1. to provide the necessary support to the VGE to enable it to complete its work no later than the first quarter of 1994;

2. to organize, in the course of 1994, information meetings in various regions of the world to facilitate understanding of the recommendations of the VGE;

3. to programme a world radiocommunication conference in the second half of 1995 and include in its agenda consideration of the final report and recommendations of the VGE,

requests

the Plenipotentiary Conference (Kyoto, 1994) to make the necessary arrangements to convene a world radiocommunication conference in the second half of 1995.

RESOLUTION 9

World Radiocommunication Conference 1993

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

noting

a) that provision has been made for a world telecommunication standardization conference to be held in Helsinki in 1993;

b) that all activities of the Radiocommunication Sector are to be directed by the World Radiocommunication Conference and the Radiocommunication Assembly;

c) that the Administrative Council has made provision, in the budget of the Union and the schedule of meetings, for an initial world radiocommunication conference to be held in 1993;

d) that Article 13 of the Constitution and Articles 7 and 11 of the Convention (Geneva, 1992) contain the relevant provisions for convening world radiocommunication conferences,

considering

a) recommendations 57, 58 and 59 of the High Level Committee, relating to world radiocommunication conferences;

b) that the Constitution and Convention (Geneva, 1992) will enter into force on 1 July 1994;

c) the desirability of a smooth transition and an early commencement of work in the Radiocommunication Sector;

d) that little time remains to prepare for a World Radiocommunication Conference in 1993;

e) Resolution 523 of the 1992 World Administrative Radio Conference (WARC-92),

resolves

that a world radiocommunication conference shall be convened in Geneva in 1993 for the purpose of:

a) making recommendations to the Council concerning the agenda for the 1995 world radiocommunication conference, including the review of the Radio Regulations based on the report of the Voluntary Group of Experts

and any guidance on facilitating the use of frequency bands allocated to the mobile-satellite service, by recommending the inclusion of these matters in the agenda of the 1995 world radiocommunication conference;

b) making recommendations for the preliminary agenda for the 1997 World Radiocommunication Conference;

requests the Radiocommunication Assembly associated with the 1993 World Radiocommunication Conference

a) to consider recommendations from the advisory groups established under CCIR Resolutions 106 and 107 on the strategic review and restructuring of the study groups;

b) to establish the work programme and the study groups for the new Radiocommunication Sector, including any future work on HF broadcasting, taking account of any IFRB report on the application of Resolution 523 of WARC-92;

c) to consider reports and any draft recommendations arising from the work of the CCIR study groups which could not be adopted by correspondence;

d) to consider the revision of CCIR Resolution 97 in conformity with Resolution 12 of this Conference,

instructs the Council

to take the necessary steps to convene this world radiocommunication conference and to include in its agenda the items mentioned under *resolves* in this Resolution,

instructs the Secretary-General and the Director of the Radiocommunication Bureau

to provide the necessary support to the work of the Conference and to the subsequent work of study groups in the Radiocommunication Sector.

RESOLUTION 10

Approval of recommendations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

bearing in mind

a) that a World Telecommunication Standardization Conference is to be held in Helsinki in 1993;

b) that the Administrative Council has included the holding of a first world Radiocommunication Conference and an associated Radiocommunication Assembly in 1993 in the budget and meeting schedule of the Union,

noting

a) that the Union will, at the international level, promote a broader focus on telecommunications in the world economy and society;

b) that there should be greater participation by the Member countries in the standardization function, in order to ensure that the adoption of recommendations on radiocommunications and standardization is duly legitimized through approval by a qualified majority,

considering

a) the statements of the High Level Committee to the effect that it is "of paramount importance that the standardization function become more relevant to developing countries", that "the multilateral coordination of the use of radio needs to be transparent and must ensure fairness and equitable access to the spectrum and orbit resource", and that "developing countries need to be involved in a more meaningful way. Otherwise, the technological gap will widen";

b) that as the process of preparing and adopting standards is vital to the development of telecommunications, increased involvement of developing countries should be facilitated;

c) that it is essential that practical difficulties should be resolved in order to enable greater participation by developing countries in the process of preparing and adopting recommendations on standardization and radiocommunications, subject to an evaluation of the results of recommendations 49, 50, 51, 52 and 53 of the High Level Committee,

resolves

1. that the first World Telecommunication Standardization Conference (Helsinki, 1993) and the first Radiocommunication Assembly (Geneva, 1993) should review CCITT Resolution 2 and CCIR Resolution 97, respectively, with a view to modifying the Rules of Procedure so that:

1.1 recommendations for approval by correspondence are approved by a certain majority of favourable replies;

1.2 a mechanism is established by which a Member which may be adversely affected by a recommendation may raise any concerns with the Director of the relevant Bureau for rapid resolution;

2. that each Director shall report to the next competent conference on all such concerns drawn to his attention,

instructs the Director of the BDT

to explore all the possibilities offered by recommendations 50, 51, 52 and 53 of the High Level Committee, with a view to promoting and increasing the participation of developing countries in the preparation and approval of recommendations on standardization and radiocommunications.

RESOLUTION 11

Duration of Plenipotentiary Conferences of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

noting

a) in recommendation 14 of the High Level Committee that Plenipotentiary Conferences of the Union should be held at set intervals of four years and that this would enable them to be of shorter duration and to focus on longer-term policy issues;

b) the increasing demands on the resources of the Union and on administrations and on delegates involved in international conferences on telecommunication subjects,

resolves

1. that, following the Plenipotentiary Conference to be held in Kyoto in 1994, future Plenipotentiary Conferences shall, unless there is a pressing need otherwise, be limited to a maximum duration of four weeks;

2. that the Secretary-General shall take appropriate measures to facilitate the most efficient use of time during such conferences;

3. that Plenipotentiary Conferences should focus on longer-term policy issues and, in this respect, consider and take decisions on a draft Strategic Plan submitted by the Council outlining the objectives, work programmes and results expected from the General Secretariat and from the three Sectors of the Union until the next Plenipotentiary Conference.

RESOLUTION 12

Rules of Procedure of Conferences and Meetings of the International Telecommunication Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

recalling

Resolution 41 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973) and Resolution 62 of the Plenipotentiary Conference (Nairobi, 1982),

considering

that, as from the Plenipotentiary Conference (Nice, 1989), the objective pursued with respect to the International Telecommunication Convention (Nairobi, 1982), namely to place fundamental provisions in a Constitution and the remaining provisions in a Convention, has already been achieved,

observing

that there are practical provisions in the Convention on conferences and meetings which may have to be revised more frequently than the other rules contained in the Convention,

recognizing

the need to avoid frequent amendments to the Convention, which may be met by transferring certain rules to another text for internal use by conferences and meetings of the Union, which would be easier to revise,

conscious

that it would be difficult for this Conference to settle this matter, since studies would have to be carried out to ascertain the practices followed in the United Nations specialized agencies and other intergovernmental organizations in this regard,

instructs the Council

1. to consider this matter and, if required, to set up, at its 48th session, on the basis of equitable geographical distribution, a Group of Experts appointed by the Members of the Union, on a voluntary basis, to assist it in implementing the present Resolution, with the following terms of reference:

1.1 prepare the draft Rules of Procedure for conferences and meetings of the Union using the relevant rules contained in the Convention as a basis, without excluding the possibility of adding provisions considered necessary or useful;

1.2 prepare any draft consequential amendments which would have to be made to the Convention and, if necessary, the Constitution;

1.3 submit to the 49th session of the Council an interim report together with any material prepared;

2. to submit a report on the matter to the next Plenipotentiary Conference (Kyoto, 1994) for consideration and to obtain any instructions or guidelines for the continuation of the work;

3. to ensure that the only costs that shall be borne by the Union are those incurred for the preparation, translation, publication and distribution of the documents, as well as interpretation for any meetings of the Group referred to in paragraph 1 above. It is understood that, in order to minimize all costs involved, the Group should work by correspondence as much as possible.

instructs the Secretary-General

to assist the Council and the Group of Experts in implementing this Resolution.

RESOLUTION 13

Improved Use of the Technical and Data Storage/Dissemination Facilities of the Radiocommunication Bureau

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the broad range of activities performed by the Radiocommunication Bureau in its technical examination and handling of frequency assignment records and in the storage and dissemination of those data;

b) that the Master International Frequency Register contains records in excess of five million entries, representing over one million assignments;

c) that the Bureau handles more than 70 000 records annually, some of which require significant technical examination and consideration;

d) that the Union, through its various services, is required to process, document, store and disseminate records and outcomes of the work of the Bureau,

taking into account

a) the sustained efforts made in recent years to improve management of the functions associated with the activities of the Bureau;

b) the sustained heavy workload placed on the Bureau;

c) the diverse efforts which are required of the Bureau in order to deal with the variety of records, and the resources necessary to fulfil the various types of tasks dealing with technical examination of those records,

resolves

that a study shall be initiated into the costs involved in the technical examination of assignment notifications, for various classes of radio stations, satellite networks, etc., including the costs of electronic data storage,

instructs the Secretary-General

to carry out such a study and to report on the outcome of the study, including possible ways of minimizing such costs,

invites the Plenipotentiary Conference (Kyoto, 1994)

to consider the matter in the light of the above report of the Secretary-General.

RESOLUTION 14

Electronic Access to Documents and Publications of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) recommendation 46 of the High Level Committee ("Tomorrow's ITU: The Challenges of Change, Geneva, April 1991");

b) the need to facilitate the exchange and distribution of documentation and publications of the Union;

c) the evolution of electronic information handling;

d) the desirability of cooperation with bodies engaged in relevant standards development;

e) matters connected with the Union's copyright in its publications;

f) the need to sustain the revenue derived from the sale of publications;

g) the need to provide a timely and efficient global standardization process,

resolves

1. that all documentation of the Union available in electronic form intended to facilitate the timely development of recommendations of the Union be made electronically accessible to any Member or Sector member;

2. that all official publications that are made available in databases of the Union for electronic distribution, including recommendations of the Union in publication format by the Radiocommunication Sector or the Telecommunications Standardization Sector, should be made accessible by electronic means with appropriate provision for payment to the Union for a particular publication requested. A request for such publications obliges the purchaser not to duplicate it for distribution or sale external to the purchaser's organization. Such a publication may be utilized in the receiving organization,

as required, to further the work of the Union or any standards body developing related standards, to provide guidance for product or service development and implementation and to serve as support documentation associated with a product or service;

3. that none of the above is intended to dilute the copyright held by the Union so that any entity desiring to duplicate publications of the Union for resale must obtain an agreement for such purpose,

instructs the Secretary-General

1. to take the necessary steps to facilitate the implementation of these resolves.

2. to ensure that paper publications are made available as quickly as possible so as not to deprive Members not possessing electronic facilities of access to publications of the Union.

RESOLUTION 15

Consideration of the Need to Establish a Forum to Discuss Strategies and Policies in the Changing Telecommunications Environment

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

that, as stipulated in the Constitution and Convention (Geneva, 1992), a purpose of the Union is to promote, at the international level, a broader approach to the issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations,

recognizing

a) that the Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities, that is, he shall prepare and submit to the Council an annual report indicating changes in the telecommunication environment and containing recommendations for action relating to the Union's future policies and strategy;

b) that the Council shall consider broad telecommunication policy issues in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment, that is, it shall consider each year the report prepared by the Secretary-General on the recommended strategic policy and planning for the Union and shall take appropriate action;

c) that administrations, realizing the need for the constant review of their own telecommunication policies and legislation and for their coordination with other Members at an international level in the rapidly changing telecommunications environment, should be able constantly and extensively to discuss their own and the Union's strategies and policies;

d) that it is necessary for the Union, as an international organization playing a leading role in the field of telecommunications, to organize a forum in which policy coordination among Members shall be expedited and the Union's strategy shall be shaped,

resolves

1. that, on the basis of a report by the Secretary-General, the Council shall consider, at its ordinary session in 1994, the need to establish a forum in which administrations can discuss their telecommunication strategies and policies. The Council shall submit appropriate recommendations to the next Plenipotentiary Conference on the basis of this consideration;

2. that the next Plenipotentiary Conference (Kyoto, 1994) shall take necessary action on this matter.

RESOLUTION 16

Strengthening of Relationships with Regional Telecommunication Organizations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) that there is a need for the Union to cooperate closely with regional telecommunication organizations, given the recent increasing importance of regional organizations concerned with key telecommunication issues;

b) that the Union and those regional organizations share common purposes in carrying out regional activities, i.e., that the joint operation of regional projects effectively promotes the development of regional telecommunication,

instructs the Secretary-General

1. to consult with regional telecommunication organizations on the possibility of cooperation;

2. to submit a report on the results of the consultation to the Council for consideration,

instructs the Council

1. to consider the report submitted by the Secretary-General and take appropriate measures;

2. to report on the results achieved to the next Plenipotentiary Conference (Kyoto, 1994).

RECOMMENDATION

RECOMMENDATION 1

Deposit of Instruments and Entry into Force of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992)

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

taking into account

the desire expressed in the Report of the High Level Committee to enable the Union to adapt rapidly to the changing telecommunication environment,

considering

the relevant provision of Article 58 of the Constitution, which provides for the entry into force of the instruments of the Union referred to above on 1 July 1994 between Members having deposited their instrument of ratification, acceptance, approval or accession before that date,

considering further

that it is in the interest of the Union that the said Constitution and the Convention enter into force on 1 July 1994 between as many Members as possible,

noting

that it is no longer necessary for Members of the Union to take up their respective national ratification, acceptance, approval or accession procedures with regard to the Constitution and Convention of the International Telecommunication Union (Nice, 1989), which have not yet come into force,

invites

all the Members of the Union to expedite their respective national procedures for ratification, acceptance or approval of (see Article 52 of the Constitution), or accession to (see Article 53 of the Constitution), the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and to deposit their respective "single instrument" with the Secretary-General at the earliest possible date, preferably prior to 1 July 1994,

instructs the Secretary-General

to bring the present Recommendation immediately to the attention of all the Members of the Union by means of a circular-letter, and to recall the contents of the present Recommendation periodically, as he sees fit, to those Members of the Union which, at that time, have not yet deposited their respective instrument.

ANALYTICAL TABLE

of the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992)

Constitution of the International Telecommunication Union
Convention of the International Telecommunication Union

Optional Protocol on the Compulsory Settlement of Disputes Relating to the Constitution of the International Telecommunication Union, to the Convention of the International Telecommunication Union and to the Administrative Regulations

Resolutions
Recommendation

Terms*)	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
A			
Abrogation and replacement of the preceding Convention	239		
Abstentions (see Vote)			
Acceptance (see Ratification, acceptance, approval)			
Accession			
Administrative Regulations	216		
amending instrument	229	524	
Constitution, Convention, single instrument	22, 212		
Optional Protocol			OP
Accounts (see Finances of the Union)			
Accounts, rendering and settlement of international		497	
Accreditations (see Credentials)			
Administration	A1002		
Administrative Regulations	29, 215		
consent to be bound	216		
definition of terms	36		
execution	37, 69		
infringements	190		
questions not covered by		79	
revisions			
– partial or complete	89, 146	114	
– provisional application	217		
– time-limits and conditions for submission of proposals to conferences		317	
Admission (see Members)			

*) In principle, where a term is the subject of several consecutive numbers, only the first of these is given. The numbers are those which appear in the margin of the text; they do not refer to either articles or paragraphs.

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Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors			Res 3
Agreements, arrangements			
between the Union and other international organizations	58		
between the Union and the United Nations	205		
funding	118		
provisional with other international organizations	58		
regional	194		
special on telecommunication matters	193		
Amendment	224	519	
adoption, required majority	227	522	
conditions for discussion, decision, vote		382	
consideration and adoption	57		
definition		432	
one single amending instrument	229	524	
– entry into force	229	524	
– ratification, acceptance, approval or accession	229	524	
– registration	232	528	
passed over or postponed		384	
presented during the Conference		374	
quorum	226	521	
time-limits and conditions for submission of proposals	224	519	
vote		435	
Amounts due, interest		474	
Annexes	34, Annex	Annex	
Approval (see Ratification, acceptance, approval; see also Recommendations and Administrative Regulations)			
Arbitration (see also Settlement of disputes)	234	507	
Arrangements (see Agreements, arrangements)			
Arrears	169		
Audit of accounts (see Finances of the Union)			

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
B			
Basic instrument of the Union	1, 30		
Basic provisions	2		
Broadcasting service	A1010		
Budget (see also Finances of the Union)	51		
C			
Charges, rates	16, 104	193, 496	
Class of contribution (see Contributions)			
Committees			
budget control		364	
composition		368	
credentials		334, 361	
editorial		362	
rules for debates and voting procedures		442	
setting up		350, 356	
steering		359	
sub-committees and working groups		356	
– chairmen and vice-chairmen		371	
summary records and reports		452	
Common System of the United Nations		63, 89, 92	
Composition of the Union (see also Members)	20		
Conferences			
administrative and financial arrangements		94	
chairman and vice-chairmen			
– election		346	
– powers		352	
committees (see also Committees)		350, 356	
competence, questions of		405	
convening		75	
credentials (see also Credentials)		324	
Final Acts (see Final Acts)			
financial implications	92, 115, 142, 147		
financial responsibilities		488	
franking privileges		467	
Heads of delegation, meetings of		96, 342	
inauguration		342	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Conferences *(cont.)*			
languages (see also Languages)	172	490	
limitation of speeches		400	
list of speakers, closing the		403	
meeting when there is no inviting government		311	
minutes, summary records and reports		447, 452	
– approval		456	
motions of order (see also Motions and points of order)		388	
order			
– of debates		386	
– of seating		341	
organization of work	177		
place or dates, change in		299, 312	
Plenipotentiary Conference (see Plenipotentiary Conference)			
points of order (see also Motions and points of order)		388	
proposals (see Proposals)			
proxy vote (see Vote)			
quorum		385	
Radiocommunication Conferences (see Radiocommunication Conferences)			
reservations (see Reservations)			
right to vote (see also Vote)	27	407	
rights of Members in respect of participation	26		
rules for debates in Plenary Meetings		385	
Rules of Procedure (see also Regulations)		340 to 467	
secretariat			
– of conferences		95, 97	
– of other telecommunication meetings		97	
signature of final texts (see also Final Acts)		463	
summons to meetings		372	
vote (see Vote)			
Constitution, Convention			
abrogation of the preceding Convention	238		
accession (see also Accession)	22		
Administrative Regulations (see Administrative Regulations)			
amendments (see also Amendment)	224	519	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Constitution, Convention *(cont.)*			
annexes	34, Annex	Annex	
certified true copies, originals	241		
definitions	33		
denunciation (see also Denunciation)	236		
discrepancies among the various language versions	173, 242		
entry into force	238		Rec 1
execution of the instruments	37, 69		
final provisions	208		
inconsistency between texts of the instruments	32, 242		
infringements	190		
provisional application of certain parts			Res 1
questions not covered		79	
ratification, acceptance, approval (see Ratification, acceptance, approval)			
registration	240		
Consultations	28		
admission of new Members	23		
conferences, place and date, agenda	28	42, 46, 118, 123, 138, 302, 304, 305, 307, 312	
questions not covered by the Constitution and the Convention		79	
Contributions	159		
applicability	163		
– new Members of the Union		472	
arrears	169		
choice of class	160		
contributory unit		468	
entities and organizations	159, 168, 170	475	
expenses of conferences		476, 478, 481	
increase, choice of a higher class		471	
least developed countries		468	
reduction of contributory level	165		
– entities and organizations		482	
– Members	165		
scale of classes		468	
– amendment	162		
voluntary		486	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Contributory Unit (see Contributions)			
Convention (see Constitution, Convention)			
Cooperation, technical (see Technical cooperation and assistance)			
Coordination Committee	74	106	
composition	148		
functions	149	106	
Council	41		
chairman and vice-chairman		55	
composition, Members	65	50	
– advisers	66		
– election	54, 61	7	
– eligibility, eligibility for re-election		7	
– equitable distribution of the seats	61		
– qualifications		56	
– travelling, subsistence and insurance expenses		57	
– vacancy		8	
consideration of decisions taken by the Secretary-General without the support of the Coordination Committee		109	
convening of the conferences		75	
coordination with international organizations		80	
correspondence, decisions by		54	
duties	69	61	
financial control over the General Secretariat and the Sectors	71		
funding	156		
provisional agreements		80	
questions not covered by the Constitution, the Convention and the Administrative Regulations		79	
rules of procedure	67		
secretary		59	
session			
– additional		52	
– ordinary		51	
summary records on the activities		81	
Credentials		324	
committee, verification		334, 361	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Credentials *(cont.)*			
representatives of entities and organizations		339	
transfer of powers		335	
Credit, preferential lines of	19		
D			
Date of entry into force of the Instruments of the Union (see Entry into Force)			
Definitions	33, Annex	Annex	
Delegate	A1006		
Delegation	47, A1005	268, 277, 296, 324	
credentials (see also Credentials)		324	
order of seating		341	
Denunciation			
financial consequences		473, 483	
of the Constitution and the Convention by the Members	236		
of the participation in the work of Sectors by the "members" of the Sectors		240	
Deputy Secretary-General (see also Secretary-General, Deputy Secretary-General)	73, 77		
Developing countries (see also Technical cooperation and assistance)			
development of telecommunication equipment and networks	14		
least developed countries (see Contributions)			
technical assistance	4		
Telecommunication Development Bureau (see Telecommunication Development Sector)			
Directors			
election	55, 62	13	
eligibility for re-election		13	
equitable geographical distribution	62		
participation			
– deliberations of the Council		60	
– development conferences		294	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Directors *(cont.)*			
– Plenipotentiary Conferences		266	
– radiocommunication assemblies		294	
– radiocommunication conferences		281	
– standardization conferences		294	
– work of the other Sectors		253	
Radiocommunication Bureau	85		
– functions	103	161	
taking up duties and duration of term		13	
Telecommunication Development Bureau	133		
– functions	145	216	
Telecommunication Standardization Bureau	109		
– functions	117	198	
vacancy	64	17	
Disputes (see Settlement of disputes)			
Distress			
calls and messages	200		
false or deceptive signals	201		
Distress calls and messages	200		
Documents and publications			
electronic access			Res 14
languages	172	495	
publications of the General Secretariat		98	
sale price		484	
E			
Elected officials	55, 150		
Director (see Directors)			
election	55	13	
equitable geographical distribution	62, 154		
non-entitlement to submit proposals		320	
right of Members to nominate candidates	26		
Secretary-General, Deputy Secretary-General (see Secretary-General, Deputy Secretary-General)			
status, conduct	150		
Elections			
principles and related matters	60	7	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Entities and organizations			
financial contributions	159, 168, 170	475	
list of "members"		237	
participation in the activities of the Sectors		228	
Entry into force (see also Provisional application of certain parts of the Constitution and Convention)			
amending instruments (see Amendment)			
Constitution, Convention	238		
Optional Protocol			OP
Equitable geographical distribution	62, 154	69	
Establishment, operation and protection of telecommunication channels and installations	186		
Expenses (see Finances of the Union)			
Expert		A1001	
External Relations	149		
F			
False or deceptive distress, urgency, safety or identification signals	201		
Final Acts			
final approval		462	
numbering		460	
signature		463	
Finances of the Union	155	468	
accounts			
– annual audit and approval by the Council		74	
– approval by the Plenipotentiary Conference	53	74	
arrears	169		
auditing of the accounts		74	
budget	51		
– basis, ceiling for expenditure	51		
– biennial	168	73, 100	
– estimate for the Sectors		181, 205, 223	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Finances of the Union *(cont.)*			
– forecast		73	
– preparation by the Secretary-General		100	
contributions (see also Contributions)	159		
denunciation (see Denunciation)			
expenses	155		
– ceiling	51		
– conferences	158	476	
– regional	167		
– Council	156		
– financial implications of decisions taken by conferences	92, 115, 142, 147		
– General Secretariat and Sectors	157		
financial responsibilities of conferences		488	
interest of amounts due		474	
reserve account		485	
Financial responsibilities (see Conferences)			
Franking privileges		467	
G			
General Secretariat (see also Secretary-General, Deputy Secretary-General)	46, 73	83	
H			
Harmful interference	197, A1003		
avoidance	11, 193, 197	177	
consideration by the Board		140	
elimination	12		
execution and observance of the instruments	37		
report by the Director of the Radiocommunication Bureau		173	
I			
Infringements, notification of	190		
Installations for national defence services	202		
Instruments of the Union	29		
execution	37, 69		

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Intercommunication		501	
International Atomic Energy Agency (IAEA) (see also Observer)		262, 292, A1002	
International cooperation in the field of telecommunications	3		
International financial and development organizations	19, 123	229	
International Monetary Fund		500	
International organizations			
agreements concluded with the Council		80	
defrayal of expenses (see Contributions)			
participation in the work of the Sectors		228	
relations with the Union	206		
International Telecommunication Regulations (see also Administrative Regulations)	31		
International telecommunication service	A1011		
right of the public to use	179		
suspension	182		
J			
Journal of general information and documentation concerning telecommunication		99	
L			
Languages	171		
documents and texts of the Union	172		
French text to prevail	173		
limitations in the use of languages	174		
official and working	171		
original of the instruments	241		
other than official and working		490	
reciprocal interpretation	172		
Legal advice		91	
Legal capacity of the Union	176		

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
M			
Majority			
admission of new Members, special majority	23	415	
voting in conferences, definition		410	
Management of the Union		84	Res 5
Meetings (see Conferences, Sectors, Study Groups, Telecommunication Development Sector, Telecommunication Standardization Sector, Radiocommunication Sector)			
Members			
"members" of the Sectors (see also Sectors)	86, 110, 134	238	
Members of the Union	20		
– admission of new Members	23	415	
– special majority		415	
– composition of the Union	20		
– responsibility towards users	183		
– rights and obligations	24, 209		
Mobile service		A1003	
Monetary unit		500	
Motions and points of order		388	
closing the list of speakers		403	
closure of debate		399	
limitation of speeches		400	
postponement of debate		398	
priority order		390	
questions of competence		405	
suspension or adjournement of a meeting		397	
withdrawal and resubmission		406	
N			
National defence services, installations for	202		
Notification of infringements	190		
O			
Obligations of Members	24		

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Observer		A1002	
Plenipotentiary Conferences		258, 269	
radiocommunication assemblies, standardization conferences and development conferences		290, 297	
radiocommunication conferences		273, 278, 282	
Operating Agency	A1007	229	
recognized	A1008		
Optional Protocol on the Compulsory Settlement of Disputes Relating to the Constitution, to the Convention and to the Administrative Regulations	235		OP
Orbit, Geostationary-satellite	11, 196	177	
P			
Participation			
financial (see Contributions)			
in conferences		267, 276, 295	Res 4
of entities and organizations in the Union's activities		228	Res 4
Pensions	52	72, 89	
Joint Staff Pension Fund		72	
Plenipotentiary Conference	40, 47	1	
admission		267	
committees (see Committees)			
convening	47	75	
dates and place		2	
duration			Res 11
funding	158		
invitation		256	
Points of order (see Motions and points of order)			
Press, public		464	
Press releases		464	
Priority of telecommunications			
concerning safety of human life	191		
distress calls and messages	200		
epidemiological telecommunications of WHO	191		
government telecommunications	192		

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Priority tasks of the Telecommunication Development Bureau			Res 6
Proposals			
amendments (see Amendment)			
conditions required for discussion, decision or vote		382	
order of voting on concurrent proposals		430	
passed over or postponed		384	
presented before the opening of the conference		373	
presented during the conference		374	
time-limits and conditions for submission		315	
voting on parts		428	
Provisional application of certain parts of the Constitution and the Convention			Res 1
Publications			
databases of the Sectors		178, 203, 220	
electronic access			Res 14
journal of general information and documentation concerning telecommunications		99	
service documents, information bulletins		98	
Public correspondence	A1004		
Public, press		464	
Public, right of the public to use the international telecommunication service	5, 179		
Purposes of the Union	2, 49, 78, 104, 118		
Q			
Quorum (see also Amendment)		385	
R			
Radio Regulations (see also Administrative Regulations)	31		
Radio Regulations Board	43, 82	139	
composition	93	139	
duties	94	140	
election and related matters	56, 62, 63	20	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Radio Regulations Board *(cont.)*			
executive secretary		174	
participation			
– Plenipotentiary Conferences		141	
– radiocommunication conferences and radiocommunication assemblies		141, 281	
travelling, subsistence and insurance expenses		142	
vacancy		21	
working methods	101	143	
Radiocommunication Assembly	83	129	
cancelling of the second assembly		29, 299	
chairmanship		137	
convening	91	27	
functions		129	
invitation and admission		284, 295	
Radiocommunication Bureau	85	161	
data			Res 13
Director (see also Directors)	55, 85		
functions of the Director	103	161	
– Radio Regulations Board		167	
– radiocommunication conferences		163	
technical and administrative personnel		182	
Radiocommunication Conferences	43, 81, 89		
agenda		113	
cancelling of the second conference		29, 299	
convening	90	24	
decisions	92		
duties	89	112, 138	
invitation and admission		271, 276	
regional	43	138	
world conference 1993			Res 9
Radiocommunication Sector	43, 78	112	
advisory groups			Res 3
budget estimate		181	
Bureau (see also Radiocommunication Bureau)	85, 103	161	
Director of the Bureau (see also Directors)	85		
functioning	80		
functions and structure	78		

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Radiocommunication Sector *(cont.)*			
"members"	86		
Radio Regulations Board (see also Radio Regulations Board)	82		
radiocommunication assembly (see also Radiocommunication Assembly)	83		
study groups (see also Study Groups)	84, 102	148	
world and regional conferences (see also Radiocommunication Conferences)	81	112, 138	
Radiocommunications	A1009	A1005	
harmful interference (see also Harmful interference)	197, A1003		
Radio Regulations (see Radio Regulations)			
Radiocommunication Sector (see Radiocommunication Sector)			
special provisions for	195		
Radio-frequency spectrum	11, 195	177	
allocation, allotment, registration and recording of assignments	11, 95	172	
Master International Frequency Register		172	
Voluntary Group of Experts to Study the Allocation and Improved Use of the Radio-Frequency Spectrum and the Simplification of the Radio Regulations			Res 8
Ratification, acceptance, approval			
Administrative Regulations	216		
amending instrument	229		
Constitution and Convention, single instrument	208, 231		
Optional Protocol			OP
Reciprocal interpretation (see Languages)			
Recommendations			
from one conference to another		250	
on radiocommunication matters	78		
– approval		149, 247, 249	Res 10
on telecommunication standardization matters	104		
– approval		192, 247, 249	Res 10
Regional conferences	194		
Regional organizations	194		

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Regional telecommunication organizations	123		
strengthening of relationships with the Union			Res 16
Registration of the Constitution and the Convention	240		
Regulation(s)			
administrative (see Administrative Regulations)			
adopted by the Council		90	
financial		63, 101, 485	
Rules of Procedure			
– additional rules	178		
– of conferences and other meetings	177	340 to 467	Res 12
– of Council	67		
– of Radio Regulations Board		147	
Reports			
changes in the telecommunication environment		86, 108	
final reports of Study Groups		131, 157, 194, 249	
financial operating report		73, 101, 487	
of the proceedings of the Coordination Committee		111	
of the Radiocommunication Assembly		136	
of the world and regional development conferences		212	
on the activities of the Sectors, reports of Directors of Bureaus		125, 180, 204, 222	
on the activities of the Union, Strategic policy and planning	50	61, 82, 86, 102	
time-limits and conditions for submission to conferences		321	
Reservations			
Administrative Regulations	216		
final acts		445	
Responsibility of Members towards users	183		
Right of the public to use the international telecommunication service	179		
Right to vote (see Vote)			
Rights and obligations of the Members (see also Members)	24		

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
S			
Salaries and allowances (see Staff)			
Satellites (see Orbit, Geostationary-satellite)			
Scientific or Industrial Organization		229, A1004	
Seat of the Union	175		
Secrecy of telecommunications	184		
Secret language		504	
Secretariat			
conferences and meetings of the Union		95	
other telecommunication meetings		97	
Secretary-General, Deputy Secretary-General (see also Elected officials)	73	83	
depositary	208, 211, 213, 216, 229		
duties			
– of the Deputy Secretary-General	77		
– of the Secretary-General	74	59, 83	
election	55, 62	13	
eligibility for re-election	64	13	
equitable geographical distribution	62		
legal representative of the Union	76		
participation			
– conferences and meetings of a Sector		105, 253	
– deliberations of Council		60	
– development conferences		294	
– Plenipotentiary conferences		266	
– radiocommunication assemblies		294	
– radiocommunication conferences		281	
– standardization conferences		294	
responsibility	75		
taking up of duties		13	
vacancy	64	14	
Sectors			
cooperation, coordination between Sectors	79, 105, 119	158, 160, 195, 197, 215	
distribution of work between Sectors, revision	75, 105, 119	158, 195, 215	Res 2
expenses	157	477, 480	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Sectors *(cont.)*			
expenses	157	477, 480	
"members"	86, 110, 134	238	
– denunciation		240, 483	
– entities dealing with telecommunication matters		230	Res 4
– admission		234	Res 4
– intergovernmental organizations operating satellite systems		236, 261	Res 4
– lists of "members"		237	
– regional and other international telecommunication, standardization, financial or development organizations		231	Res 4
– admission		235	Res 4
– regional telecommunication organizations		236, 260	Res 4
– ROAs, SIOs, financial or development institutions		229	Res 4
– admission		233	Res 4
– specialized agencies of the United Nations and International Atomic Energy Agency		236, 262	
participation of the representative of a Member of the Council in the meetings of the Sectors		58	
provisions common to the three Sectors		228	
relations between Sectors and with international organizations		252, 254	
Settlement of disputes	233		
arbitration	234	507	
compulsory	235		
negotiation, through diplomatic channels	233		
notification of infringements	190		
Optional Protocol	235		OP
Settlement of international accounts	497		
Signature of final texts of conferences (see Final Acts)			
Social projects	19		
Sovereignty	1		
Staff of the Union	150		
administrative supervision of staff		92	
allowances	52	67, 72, 89	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Staff of the Union *(cont.)*			
Common System		63, 89, 92	
conditions of service		89	
elected officials (see Elected officials)			
equitable geographical distribution	154	69	
financial interest	152		
international character of duties	151		
numbers	52		
pensions (see also Pensions)	52		
plans covering several years		71	
qualifications	154		
salaries, basic scales	52	65	
Staff Regulations		63	
Staff Superannuation and Benevolent Funds		72	
technical and administrative personnel of the Bureaus		182, 206, 226	
temporary reassignments		93	
Staff Regulations		63	
Standardization of telecommunications (see also Telecommunications)	13		
State	1, 21		
composition of the Union	20		
government telecommunications	192, A1014		
relations with non-Member States	207		
Stoppage of telecommunications	180		
Strategic policy and planning	50	61, 86, 108	Res 15
Structure of the Union	39		
Study Groups			
conduct of business		242	
joint meetings		252	
radiocommunication	84, 102	148	
– duties	102	149	
telecommunication development	132, 144	214	
– duties	144	214	
telecommunication standardization	108, 116		
– duties	116	192	
Suspension of the telecommunication service	182		

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
T			
Technical assistance (see Technical cooperation and assistance)			
Technical cooperation and assistance (see also Developing countries)			
purposes of the Union	3, 4, 14, 19		
Telecommunication Development Sector	118	208	
Telecommunication(s)	A1012		
channels and installations, establishment, operation and protection of	186		
general provisions	179		
government telecommunications, priority of	192, A1014		
information	18		
intercommunication		501	
international accounts		497	
International Telecommunication Regulations (see International Telecommunication Regulations)			
rates	16, 104	193, 496	
regulations	18		
resolutions, decisions, recommendations, opinions	18, 142	185, 192	
responsibility of Members	183		
safety of human life	191		
secrecy	184		
service telecommunication		A1006	
stations	37		
stoppage, suspension	180, 182		
worldwide standardization	13, 104		
Telecommunication channels, establishment, operation and protection of	186		
Telecommunication Development Advisory Board		227	
Telecommunication Development Bureau	133, 145	216	
Advisory Board		227	
Director (see also Directors)	55, 133, 145		
functions of the Director	145	216	
immediate action by the Bureau			Res 7
priority tasks			Res 6
technical and administrative personnel		226	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
Telecommunication Development Sector	45, 118	208	
budget estimate		223	
Development Bureau (see also Telecommunication Development Bureau)	133	216	
Director of the Bureau (see also Directors)	133		
functioning	130		
functions and structure	118		
"members"	134		
study groups (see also Study Groups)	132, 144	214	
technical support from the Directors of the other Bureaus		183, 207	
world and regional development conferences (see also World and Regional Telecommunication Development Conferences)	131	208	
Telecommunication Standardization Bureau	109, 117	198	
Director (see also Directors)	55, 109		
functions of the Director	117	198	
technical and administrative personnel		206	
Telecommunication Standardization Sector	44, 104	184	
advisory groups			Res 3
budget estimate		205	
Director of the Bureau (see also Directors)	109		
functioning	106		
functions and structure	104		
"members"	110		
Standardization Bureau (see also Telecommunication Standardization Bureau)	109	198	
standardization study groups (see also Study Groups)	108, 116	192	
world standardization conferences (see also World Telecommunication Standardization Conferences)	107, 113	184	
Telegrams	A1013		
private	A1015		
Telegraphy	A1016		
Telephony	A1017		
Terms, definitions	34, Annex	Annex	
Transfer of powers (see Credentials and Vote)			

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
U			
United Nations			
accession of United Nations Members to the Constitution and the Convention	22		
Agreement with the Union	205		
Common System		63, 89, 92	
invitation and admission to conferences of the Union		259, 278, 291	
registration of instruments by the Secretary-General of the United Nations	232, 240	528	
relations with the Union	205		
United Nations international programmes	14, 72	221	
Universality	20		
V			
Vacancies (see Elections)			
Voluntary Group of Experts (see Radio-frequency spectrum)			
Vote			
abstentions		411, 416	
amendments, vote on		435	
committees and sub-committees		444	
concurrent proposals, order of voting on		430	
conditions required for a vote		382	
interruption		426	
majority		410	
non-participation		414	
procedures		417	
quorum at a Plenary Meeting		385	
reasons for votes		427	
repetition		438	
right to vote	27	407	
– loss of	169, 210		
– recognized operating agency		409	
transfer of powers		335	
voting on parts of a proposal		428	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

Terms	Constitution + its Annex (A)	Convention + its Annex (A)	See Note
W			
World and Regional telecommunication development conferences	45, 131, 137		
agenda		213	
conclusions	142		
convening		26, 75	
duties	137	208	
World conferences on international telecommunications	42, 146		
agenda, participation		49	
convening		48	
decisions	147		
duties	146		
World telecommunication standardization conferences	107, 113		
additional	114	30, 299	
convening	114	25, 75	
decisions	115		
duties	113	184	

Note – Optional Protocol (OP); Resolution (Res); Recommendation (Rec).

FINAL ACTS OF THE PLENIPOTENTIARY CONFERENCE OF THE INTERNATIONAL TELECOMMUNICATION UNION

(Kyoto, 1994)

COPIE
certifiée conforme à l'original
Genève, le 03 MARS 1995
Le Secrétaire général
de l'Union Internationale des
télécommunications

Instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992)

Instrument amending the Convention of the International Telecommunication Union (Geneva, 1992)

Declarations and Reservations

Decisions

Resolutions

Recommendations

Geneva, 1995

[NOTE BY THE DEPARTMENT OF STATE: THE FINAL ACTS ARE COMPOSED OF THE AMENDMENTS , DECLARATIONS AND RESERVATIONS, DECISIONS, RESOLUTIONS, AND RECOMMENDATIONS. ONLY THE AMENDMENTS AND THE U.S. DECLARATIONS AND RESERVATIONS REQUIRE RATIFICATION BY THE UNITED STATES.]

EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR THE FINAL ACTS

The symbols in the margin indicate changes in relation to the texts of the Geneva Constitution and Convention (1992), with the following meaning:

ADD	=	addition of a new provision
MOD	=	modified provision
(MOD)	=	provision amended editorially
NOC	=	unchanged provision

These symbols are followed by the number of the existing provision. For new provisions (symbol ADD), the place where they are to be inserted is determined by the relevant number, followed by a letter.

TABLE OF CONTENTS

Instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992)

(Amendments adopted by the Plenipotentiary Conference (Kyoto, 1994))

		Page
Part I	Foreword	1
Art. 8	Plenipotentiary Conference	1
Art. 9	Principles Concerning Elections and Related Matters	2
Art. 28	Finances of the Union	3
Part II	Date of Entry into Force	3
Final formula		3
Signatures		4

Instrument amending the Convention of the International Telecommunication Union (Geneva, 1992)

(Amendments adopted by the Plenipotentiary Conference (Kyoto, 1994))

		Page
Part I	Foreword	23
Art. 4	The Council	23
Art. 7	World Radiocommunication Conference	24
Art. 19	Participation of Entities and Organizations Other than Administrations in the Union's Activities	24
Art. 23	Invitation and Admission to Plenipotentiary Conferences when There is an Inviting Government	25
Art. 24	Invitation and Admission to Radiocommunication Conferences when There is an Inviting Government	25
Art. 32	Rules of Procedure of Conferences and Other Meetings	25
Art. 33	Finances	26
ANNEX	– Definition of Certain Terms Used in this Convention and the Administrative Regulations of the International Telecommunication Union	28
Part II	Date of Entry Into Force	29
Final formula		29
Signatures		29

Page

DECLARATIONS AND RESERVATIONS 33

Algeria (People's Democratic Republic of) (15, 26, 80)
Angola (Republic of) (51)
Australia (92, 95)
Austria (48, 92)
Bahamas (Commonwealth of the) (29, 80)
Bahrain (State of) (26, 65, 80)
Bangladesh (People's Republic of) (91)
Barbados (34, 80)
Belarus (Republic of) (70)
Belgium (48, 92, 94)
Benin (Republic of) (35)
Bhutan (Kingdom of) (8)
Brunei Darussalam (14)
Bulgaria (Republic of) (60)
Burkina Faso (19)
Burundi (Republic of) (3)
Cambodia (Kingdom of) (39)
Cameroon (Republic of) (2, 80)
Canada (61, 92)
Cape Verde (Republic of) (50)
Chad (Republic of) (16)
China (People's Republic of) (23)
Colombia (Republic of) (37)
Comoros (Islamic Federal Republic of the) (26)
Costa Rica (1)
Côte d'Ivoire (Republic of) (59, 80)
Cuba (40)
Cyprus (Republic of) (86, 92, 94)
Czech Republic (55)
Denmark (68, 92, 94)
Djibouti (Republic of) (26)
Ecuador (4)
Egypt (Arab Republic of) (88)
Estonia (Republic of) (68, 92, 94)
Ethiopia (20)
Fiji (Republic of) (62)
Finland (68, 92, 93, 94)
France (85, 92, 93, 94)
Gabonese Republic (9)
Germany (Federal Republic of) (74, 92, 93, 94)
Ghana (101)
Greece (73, 92, 94)
Guinea (Republic of) (27)
Guyana (36, 80)
Hungary (Republic of) (66, 92)
India (Republic of) (78, 80)
Indonesia (Republic of) (11)
Iran (Islamic Republic of) (5, 26, 80)
Iceland (68, 93, 94)
Ireland (89, 92, 94)
Israel (State of) (90, 92)

Italy (63, 92, 93, 94)
Japan (82, 92)
Jordan (Hashemite Kingdom of) (80)
Kenya (Republic of) (72, 80)
Korea (Republic of) (43)
Kuwait (State of) (26, 65, 80)
Lao People's Democratic Republic (67)
Latvia (Republic of) (68, 92, 93, 94)
Lebanon (26, 80)
Libya (Socialist People's Libyan Arab Jamarihiya) (96)
Liechtenstein (Principality of) (49, 92, 94)
Luxembourg (48, 92, 94)
Malawi (21)
Malaysia (12)
Mali (Republic of) (30)
Malta (92)
Mauritania (Islamic Republic of) (26, 38)
Mexico (42)
Monaco (Principality of) (58, 92, 93, 94)
Mongolia (70)
Morocco (Kingdom of) (80)
Namibia (Republic of) (76)
Netherlands (Kingdom of the) (87, 92, 93, 94)
New Zealand (79, 92)
Niger (Republic of the) (45)
Nigeria (Federal Republic of) (83)
Norway (68, 92, 94)
Oman (Sultanate of) (26, 65, 80)
Pakistan (Islamic Republic of) (26, 31, 80)
Papua New Guinea (57, 80)
Peru (46)
Philippines (Republic of the) (64)
Poland (Republic of) (54, 92, 94)
Portugal (81, 92)
Qatar (State of) (26, 65, 80)
Romania (93, 94)
Russian Federation (70)
Saint Vincent and the Grenadines (33, 80)
San Marino (Republic of) (28)
Saudi Arabia (Kingdom of) (26, 65, 80)
Senegal (Republic of) (47, 80)
Singapore (Republic of) (52)
Slovak Republic (56)
South Africa (Republic of) (53)
Spain (13)
Sudan (Republic of the) (18, 26)
Swaziland (Kingdom of) (17)
Sweden (68, 92, 94)
Switzerland (Confederation of) (49, 92, 94)
Syrian Arab Republic (26, 32, 80)
Tanzania (United Republic of) (25)

Thailand (44, 80)
The Former Yugoslav Republic of Macedonia (100)
Tonga (Kingdom of) (99)
Tunisia (26, 75)
Turkey (71, 92, 93, 94)
Uganda (24)
Ukraine (70)
United Arab Emirates (26, 65, 80)
United Kingdom of Great Britain and Northern Ireland (69, 92, 93, 94)
United States of America (84, 92, 97, 98)
Uruguay (Eastern Republic of) (22)
Venezuela (Republic of) (6)
Viet Nam (Socialist Republic of) (41)
Yemen (Republic of) (26)
Zambia (Republic of) (10)
Zimbabwe (Republic of) (7, 80)

Page

DECISIONS

1. Expenditure of the Union for the Period 1995 to 1999 81

2. Procedure Concerning Choice of Contributory Class 83

RESOLUTIONS

Strategic policies and plans:

1. Strategic Plan for the Union, 1995-1999 85

2. Establishment of a Forum to Discuss Strategies and Policies in the Changing Telecommunication Environment 123

Page

Conferences and meetings:

3. Future Conferences of the Union 128

4. Duration of Plenipotentiary Conferences of the Union 130

5. Invitations to Hold Conferences or Meetings Away from Geneva ... 131

6. Attendance of Liberation Organizations Recognized by the United Nations at Conferences and Meetings of the International Telecommunication Union as Observers 132

7. Procedure for Defining a Region for the Purpose of Convening a Regional Radiocommunication Conference 133

8. Instructions for the Continuation of Work on the Rules of Procedure of Conferences and Meetings of the International Telecommunication Union 135

9. Inaugural Meeting of the New Council and 1995 Session of the Council 136

10. Observer Status at Council Meetings for Members of the Union Which Are Not Members of the Council 137

11. World and Regional Telecommunication Exhibitions and Forums... 139

12. Resumption of Full Participation of the Government of South Africa in the Plenipotentiary Conference and All Other Conferences, Meetings and Activities of the Union 142

13. Approval of the Memorandum of Understanding Between the Representative of the Government of Japan and the Secretary-General of the International Telecommunication Union Relating to the Plenipotentiary Conference (Kyoto, 1994) 143

Page

Activities of the ITU Sectors:

General

14. Recognition of the Rights and Obligations of all Members of the Sectors of the Union 144

15. Review of the Rights and Obligations of all Members of the Sectors of the Union 146

ITU-R and ITU-T

16. Refinement of the Radiocommunication Sector and Telecommunication Standardization Sector 149

17. Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors 152

ITU-R

18. Review of the ITU's Frequency Coordination and Planning Framework for Satellite Networks 154

19. Improved Use of the Technical and Data Storage/Dissemination Facilities of the Radiocommunication Bureau 156

20. Use by the Broadcasting Service of the Bands Additionally Allocated to this Service 158

ITU-T

21. Special Measures Concerning Alternative Calling Procedures on International Telecommunication Networks 159

22. Apportionment of Revenues in Providing International Telecommunication Services 161

Page

ITU-D

23. Implementation of the Buenos Aires Action Plan 165

24. Role of the International Telecommunication Union in the Development of World Telecommunications 167

25. Regional Presence..... 168

26. Improvement of the Union's Capabilities for Providing Technical Assistance and Advice to Developing Countries..... 172

27. Participation of the Union in the United Nations Development Programme, in Other Programmes of the United Nations System and in Other Funding Arrangements 174

28. Special Voluntary Programme for Technical Cooperation..... 176

29. International Programme for the Development of Communication .. 179

30. Special Measures for the Least Developed Countries 181

31. Telecommunication Infrastructure and Socio-Economic and Cultural Development..... 183

32. Technical Assistance to the Palestinian Authority for the Development of Telecommunications 186

33. Assistance and Support to the Republic of Bosnia and Herzegovina for Rebuilding its Telecommunication Network 188

34. Assistance and Support to Liberia, Somalia and Rwanda for Rebuilding their Telecommunication Networks..... 190

35. Telecommunication Support for the Protection of the Environment. 192

36. Telecommunications for Disaster Mitigation and Disaster Relief Operations..... 194

37. Training of Refugees 196

Page

Finances:

38. Contributory Shares in Union Expenditure 197

39. Strengthening the Financial Base of the International Telecommunication Union 198

40. Funding Arrangements for Telecommunication Programmes..... 201

41. Settlement of Arrears and Special Arrears Accounts 202

42. Special Arrears and Interest Accounts..... 204

43. Approval of the Accounts of the Union for the Years 1989 to 1993. 206

44. Auditing of the Accounts of the Union 207

45. Assistance Given by the Government of the Swiss Confederation in Connection with the Finances of the Union 208

Staff and Pensions:

46. Remuneration and Representation Allowances of Elected Officials. 209

47. Compensation Matters..... 211

48. Human Resources Management and Development..... 213

49. Organizational Structure and Grading in the ITU 216

50. Recruitment of ITU Staff and Experts for Technical Assistance Missions..... 217

51. ITU Staff Participation in Conferences of the Union 222

52. Rehabilitation of the Provident Fund of the ITU Staff Superannuation and Benevolent Funds 223

Page

United Nations, Specialized Agencies and Regional Telecommunication Organizations:

53. Measures to Enable the United Nations to Carry Out Fully any Mandate Under Article 75 of the Charter of the United Nations..... 224

54. Support to Members Hosting United Nations Peacekeeping Forces. 225

55. Use of the United Nations Telecommunication Network for the Telecommunication Traffic of the Specialized Agencies..... 228

56. Possible Revision of Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies..... 230

57. Joint Inspection Unit..... 231

58. Strengthening of Relations with Regional Telecommunication Organizations..... 232

59. Request to the International Court of Justice for Advisory Opinions 234

Miscellaneous:

60. Juridical Status..... 235

61. Premises at the Seat of the Union: Construction of the "Montbrillant Building"..... 236

62. Interim Limitations in the Use of Official and Working Languages of the Union..... 238

63. Study of the Languages in the Union..... 241

64. Non-Discriminatory Access to Modern Telecommunication Facilities and Services..... 243

65. Remote Access to ITU Information Services..... 246

66. Access to Documents and Publications of the Union..... 248

67. Updating of Definitions..... 250

Page

68. World Telecommunication Day 251

69. Provisional Application of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) by Members of the Union Which Have Not Yet Become States Parties to Those Instruments 252

RECOMMENDATIONS

1. Deposit of Instruments Relating to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992)..... 254

2. Unrestricted Transmission of News and the Right to Communicate. 255

3. Favourable Treatment for Developing Countries 256

INSTRUMENT AMENDING THE CONSTITUTION OF THE INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992)

(Amendments adopted by the Plenipotentiary Conference (Kyoto, 1994))

PART I. Foreword

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

ARTICLE 8 (CS)

Plenipotentiary Conference

MOD 50 *b)* consider the reports by the Council on the activities of the Union since the previous Plenipotentiary Conference and on the strategic policy and planning of the Union;

MOD 57 *i)* consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention, put forward by Members of the Union, in accordance with the provisions of Article 55 of this Constitution and the relevant provisions of the Convention, respectively;

ADD 59A 3. Exceptionally, in the interval between two ordinary Plenipotentiary Conferences, it shall be possible to convene an extraordinary Plenipotentiary Conference with a restricted agenda to deal with specific matters:

ADD 59B *a)* by a decision of the preceding ordinary Plenipotentiary Conference;

ADD 59C *b)* should two-thirds of the Members of the Union individually so request the Secretary-General;

ADD 59D *c)* at the proposal of the Council with the approval of at least two-thirds of the Members of the Union.

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 Members as their nationals and shall all be nationals of different Members, 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 may propose only one candidate.

ARTICLE 28 (CS)

Finances of the Union

MOD 163 (4) The class of contribution chosen by each Member, in accordance with No. 161 or No. 162 above, is applicable for the first biennial budget after the expiry of the six-month period referred to in Nos. 161 or 162 above.

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 1996 between Members being 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 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).

Done at Kyoto, 14 October 1994

For the People's Democratic Republic of Algeria:

ALI HAMZA

For the Federal Republic of Germany:

ULRICH MOHR

EBERHARD GEORGE

For the Principality of Andorra:

RICARD RODRIGO MONSONIS

For the Republic of Angola:

VIRGILIO MARQUES DE FARIA

For the Kingdom of Saudi Arabia:

SAMI S. AL-BASHEER

For the Argentine Republic:

OSCAR MARTÍN GONZÁLEZ

EDUARDO ANGEL KATSUDA

GUILLERMO E. NAZAR

For Australia:

W. J. HENDERSON

C. L. OLIVER

For Austria:

ALFRED STRATIL

WALTER KUDRNA

JOSEF BAYER

For the Commonwealth of the Bahamas:

BARRETT A. RUSSELL

LEANDER A. BETHEL

JOHN A. M. HALKITIS

For the State of Bahrain:

ABDUL SHAHEED AL-SATEEH

For the People's Republic of Bangladesh:

FAZLUR RAHMAN

MAZHAR-UL-HANNAN

For Barbados:

JACQUELINE WILTSHIRE-FORDE

For the Republic of Belarus:

VALASHCHUK VASIL

For Belgium:

ERIC VAN HEESVELDE

For the Republic of Benin:

SEIDOU AMADOU

BACHABI FLAVIEN

VIGNON HONORE

For the Kingdom of Bhutan:

TSHERING DORJI

For the Republic of Bolivia:

RAÚL J. CAMPERO PAZ

For the Republic of Bosnia and Herzegovina:

OSMAN MUSIC

For the Republic of Botswana:

ARMANDO V. LIONJANGA

OLEBILE GABORONE

For the Federative Republic of Brazil:

JORGE DE MORAES JARDIM FILHO

LOURENÇO NASSIB CHEHAB

For Brunei Darussalam:

HJ. MARSAD BIN HJ. ISMAIL

PG. HJ. MOHD ZAIN PG. HJ. ABD RAZAK

For the Republic of Bulgaria:

K. MIRSKI

N. DICOV

For Burkina Faso:

ZOULI BONKOUNGOU

BRAHIMA SANOU

For the Republic of Burundi:

NGENDABANKA FERDINAND

NIYOKINDI FIACRE

For the Kingdom of Cambodia:

SO KHUN

For the Republic of Cameroon:

DAKOLE DAISSALA

BISSECK HERVE GUILLAUME

ANGOULA DIEUDONNE

TALLAH WILLIAM

MAGA RICHARD

WANMI FRANÇOIS

KAMDEM-KAMGA EMMANUEL

DJOUAKA HENRI

For Canada:

PIERRE GAGNE

For the Republic of Cape Verde:

ANTONIO PEDRO DE SOUSA LOBO

For the Central African Republic:

JOSEPH-VERMOND TCHENDO

JOSEPH BOYKOTA ZOUKETIA

PHILIPPE MANGA-MABADA

For Chile:

MARIA ELIANA CUEVAS

For the People's Republic of China:
WU JICHUAN
ZHAO XINTONG

For the Republic of Cyprus:
LAZAROS S. SAVVIDES

For the Vatican City State:
PIER VINCENZO GIUDICI

For the Republic of Colombia:
HECTOR ARENAS NEIRA

For the Islamic Federal Republic of the Comoros:
AHMED YAHAYA

For the Republic of Korea:
DONG-YOON YOON
SUNG-DEUK PARK
JONG-SOON LEE
SUNG-HAE LEE
YOUNG-KIL SUH
CHANG-HWAN PARK
MYUNG-SUN CHOI

For Costa Rica:
OSCAR E. RODRIGUEZ

For the Republic of Côte d'Ivoire:
AKOSSI AKOSSI
YAO KOUAKOU JEAN-BAPTISTE

For the Republic of Croatia:

DOMINIK FILIPOVIC

For Cuba:

FERNANDEZ MAC-BEATH HUGO

RODRIGUEZ ACOSTA FRANCISCO

For Denmark:

ERIK MØLLMANN

METTE J. KONNER

HANS ERIKSEN

For the Republic of Djibouti:

ABDOURAZAK ALI ABANEH

For the Arab Republic of Egypt:

MAHMOUD EL-NEMR

For the Republic of El Salvador:

JEFFREY H. SMULYAN

For the United Arab Emirates:

ABDULLA AL MEHREZI

For Ecuador:

ADOLFO LOZA ARGÜELLO

For Spain:

JAVIER NADAL ARIÑO

For the Republic of Estonia:

JURI JOEMA

For the United States of America:

JEFFREY H. SMULYAN

For Ethiopia:

FIKRU ASFAW

GELANEH TAYE

For the Republic of Fiji:

TURAGANIVALU JOSUA

VADA MARIKA

For Finland:

REIJO SVENSSON

For France:

JEAN BRESSOT

DOMINIQUE GARNIER

LUCIEN BOURGEAT

For the Gabonese Republic:

JOCKTANE CHRISTIAN DANIEL

MASSIMA LANDJI JEAN JACQUES

ESSONGHE EWAMDONGO SERGE

OGANDAGA JEAN

For the Republic of Gambia:

BAKARY K. NJIE

MOMODOU MAMOUR JAGNE

For the Republic of Georgia:

K. MIRSKI

For Ghana:

DZANG C. K.

For Greece:

VASSILIOS COSTIS

ANASTASE NODAROS

For the Republic of Guinea:

MAMADOU MALAL DIALLO

SOUARE SOULEYMANE

SOW MAMADOU DIOULDE

BARRY MAMADOU PATHE

For Guyana:

RODERICK SANATAN

For the Republic of Hungary:

KÁLMÁN KOVÁCS

For the Republic of India:

M. G. KULKARNI

A. M. JOSHI

R. J. S. KUSHVAHA

For the Republic of Indonesia:
JONATHAN L. PARAPAK
DJAKARIA PURAWIDJAJA

For the Islamic Republic of Iran:
HOSSEIN MAHYAR

For Ireland:
S. FITZGERALD
S. MAC MAHON

For Iceland:
THORVARDUR JONSSON

For the State of Israel:
R. H. MENACHEM OHOLY

For Italy:
ANTONELLO PIETROMARCHI

For Jamaica:
ROY R. HUMES

For Japan:
YOHEI KONO

For the Hashemite Kingdom of Jordan:
HUMOUD JABALI

For the Republic of Kazakhstan:
ALIGOUJINOV SERIK

For the Republic of Kenya:

DALMAS OTIENO ANYANGO
SAMSON K. CHEMAI
MURIUKI MUREITHI
ALICE KOECH
DANIEL K. GITHUA
REUBEN M. J. SHINGIRAH
SAMWEL OUMA OTIENO
WILSON NDUNGU WAINAINA

For the State of Kuwait:

ADEL AL-IBRAHIM
SAMI KHALED AL-AMER
MUSTAFA H. HASHEM
ABDUL-RAHMAN A. AL-SHATTI
ABDULWAHAB A. H. AL-SANEEN
ABDULKARIM H. SALEEM
YACOUB AL-SABTI
HAMEED AL-QATTAN
SAMEERA MOHAMD

For the Lao People's Democratic Republic:

KHAMSING SAYAKONE

For the Kingdom of Lesotho:

SELLO MOLUPE

For the Republic of Latvia:

GUNTIS BERZINS
JANIS LELIS

For The Former Yugoslav Republic of Macedonia:
MAKSIM ANGELEVSKI

For Lebanon:
SAMIR CHAMMA
MAURICE GHAZAL

For the Socialist People's Libyan Arab Jamahiriya:
HODA BUKHARI
GHERWI ALI MOHAMED
ZAKARIA EL-HAMMALI
AMER SALEM OUN
EL-MAHJOUB AMMAR

For the Principality of Liechtenstein:
FREDERIC RIEHL

For Luxembourg:
PAUL SCHUH
CHARLES DONDELINGER

For the Republic of Madagascar:
ANDRIAMANJATO NY HASINA

For Malaysia:
HOD PARMAN
ZAKARIA CHE NOOR

For Malawi:
STEVEN JILES FOSTER SMITH MIJIGA
MANSON MIKE MAKAWA
EWEN SANGSTER HIWA

For the Republic of Maldives:
HUSSAIN SHAREEF

For the Republic of Mali:
IDRISSA SAMAKE

For Malta:
JOSEPH BARTOLO
GEORGE J. SPITERI
RONALD AZZOPARDI CAFFARI

For the Kingdom of Morocco:
WAKRIM MOHAMED

For the Republic of Mauritius:
RAMESH C. GOPEE

For the Islamic Republic of Mauritania:
SIDI OULD MOHAMED LEMINE

For Mexico:
LUIS MANUEL BROWN HERNANDEZ

For the Republic of Moldova:
ION CASIAN
ION COSHULEANU

For the Principality of Monaco:
E. FRANZI

For Mongolia:
TSERENDASH DAMIRAN

For the Republic of Mozambique:

RUI JORGE GOMES LOUSA
RUI JORGE LOURENÇO FERNANDES
JOAO JORGE

For the Republic of Namibia:

MARCO MUKOSO HAUSIKU
SACY AMUNYELA

For Nepal:

PURUSHOTTAM LAL SHRESTHA

For the Republic of Niger:

MALIKI AMADOU
TINNI ATE
SADOU MOUSSA

For the Federal Republic of Nigeria:

TITILOLA ADEWALE ODEGBILE
E. B. OJEBA

For Norway:

JENS C. KOCH

For New Zealand:

IAN R. HUTCHINGS
MARK E. HOLMAN
ALAN C. J. HAMILTON

For the Sultanate of Oman:

NOOR BIN MOHAMED ABDUL REHMAN

For the Republic of Uganda:
FRANCIS PATRICK MASAMBU
WILSON OTONYO WANYAMA

For the Republic of Uzbekistan:
RAKHIMOV K. R.

For the Islamic Republic of Pakistan:
NAZIR AHMED

For Papua New Guinea:
AIWA OLMI
DAVID KARIKO
ROBERT TOVI
ANNESLEY DE SOYZA

For the Republic of Paraguay:
FEDERICO M. MANDELBURGER

For the Kingdom of the Netherlands:
A. DE RUITER

For Peru:
CHIAN CHONG CARLOS

For the Republic of the Philippines:
JOSEFINA T. LICHAUCO
KATHLEEN G. HECETA

For the Republic of Poland:
WOJCIECH MARIAN HALKA

For Portugal:

FERNANDO ABILIO RODRIGUES MENDES
LUIS M. P. GARCIA PEREIRA
LUCIANO S. PEREIRA DA COSTA
PAULO J. PONTES T. DE OLIVEIRA
JOSE A. SILVA GOMES
CARLOS ALBERTO ROLDAO LOPES

For the State of Qatar:

HASHEM A. AL-HASHEMI
ABDULWAHED FAKHROO

For the Syrian Arab Republic:

SULIMAN MANDO

For the Kyrgyz Republic:

BEKTENOV E.

For the Slovak Republic:

VANEK STANISLAV

For the Czech Republic:

MARCELA GURLICHOVA

For Romania:

TURICU ADRIAN

For the United Kingdom of Great Britain and Northern Ireland:

MICHAEL GODDARD
NEIL MCMILLAN
MALCOLM JOHNSON
SUSAN BISHOP

For the Russian Federation:
VLADIMIR BOULGAK

For the Republic of San Marino:
LUCIANO CAPICCHIONI
IVO GRANDONI
MICHELE GIRI

For Saint Vincent and the Grenadines:
JEREMIAH C. SCOTT

For the Independent State of Western Samoa:
SAPA'U RUPERAKE PETAIA

For the Republic of Senegal:
ABDOULAYE ELIMANE KANE
ALADJI AMADOU THIAM
CHEIKH A. TIDIANE NDIONGUE
SOULEYMANE MBAYE

For the Republic of Singapore:
LIM CHOON SAI
LOO HUI SU
VALERIE D'COSTA

For the Republic of Slovenia:
ERIH-JANEZ GRIL

For the Republic of the Sudan:
MUSTAFA IBRAHIM MOHAMED
ABDELWAHAB GAMAL MOHAMED

For the Republic of South Africa:
PALLO JORDAN

For Sweden:
CURT ANDERSSON

For the Confederation of Switzerland:
FREDERIC RIEHL

For the Republic of Suriname:
L. C. JOHANNS
R. G. ADAMA
REGEMI F. CH. FRASER
M. ERWIN EMANUELS

For the Kingdom of Swaziland:
EPHRAIM S. F. MAGAGULA MA
BUEKILANGA S. MALINGA
ALFRED SIPHO DLAMINI
BASILIO FANUKWENTE MANANA

For the Republic of Tajikistan:
RAKHIMOV K. R.

For the United Republic of Tanzania:
ADOLAR BARNABAS MAPUNDA
EMMANUEL NATHANIEL OLEKAM BAINEI

For the Republic of Chad:
HADJARO BARKAYE
DJASSIBE TINGABAYE
HAROUN MAHAMAT

For Thailand:

ASWIN SAOVAROS
KITTI YUPHO

For the Togolese Republic:

AYIKOE PAUL KOSSIVI
ABLY-BIDAMON DEDERIWE

For the Kingdom of Tonga:

SIONE KITE

For Tunisia:

RIDHA AZAIEZ

For Turkmenistan:

VALASHCHUK VASIL

For Turkey:

VELI BETTEMIR
CENGIZ ANIK

For Ukraine:

KLIKICH ANATOLY
RESHETNYAK VOLODYMYR

For the Eastern Republic of Uruguay:

JUAN DE LA CRUZ SILVEIRA ZAVALA
JUAN JOSÉ CAMELO ABECEIRA

For the Republic of Venezuela:

JOSÉ ANTONIO RODRIGUEZ RODRIGUEZ

For the Socialist Republic of Viet Nam:
MAI LIEM TRUC

For the Republic of Yemen:
ABDELGADER A. IBRAHIM

For the Republic of Zambia:
SYAMUNTU MUKULI MARTIN

For the Republic of Zimbabwe:
LAMECH T. D. MARUME
JOSHUA CHIDEME
DZIMBANHETE FREDSON MATAVIRE

INSTRUMENT AMENDING THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992)

(Amendments adopted by the Plenipotentiary Conference (Kyoto, 1994))

PART I. Foreword

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

ARTICLE 4 (CV)

The Council

MOD 50 1. The number of Members of the Council shall be determined by the Plenipotentiary Conference which is held every four years.

ADD 50A 2. This number shall not exceed 25% of the total number of Members of the Union.

MOD 80 (14) be responsible for effecting the coordination with all international organizations referred to in Articles 49 and 50 of the Constitution and to this end conclude, on behalf of the Union, provisional agreements with the international organizations referred to

in Article 50 of the Constitution and in Nos. 260 and 261 of the Convention, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the Plenipotentiary Conference in accordance with the relevant provision of Article 8 of the Constitution;

ARTICLE 7 (CV)

World Radiocommunication Conference

MOD 118 (2) The general scope of this agenda should be established four 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 Members of the Union, 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.

ARTICLE 19 (CV)

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

MOD 239 9. An entity or organization as mentioned in No. 229 or 230 above may act on behalf of the Member which has approved it, provided that Member informs the Director of the Bureau concerned that it is authorized to do so.

ARTICLE 23 (CV)

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

MOD 258 3. The Secretary-General shall invite the following to send observers:

ADD 262A *e)* entities and organizations referred to in No. 229 of this Convention, and organizations of an international character representing such entities and organizations.

(MOD) 269 *b)* observers of organizations and agencies invited in accordance with Nos. 259 to 262A.

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, with the exception of 262A, shall apply to radiocommunication conferences.

ARTICLE 32 (CV)

Rules of Procedure of Conferences and Other Meetings

MOD 379 (2) The texts of all major proposals to be put to the vote shall be distributed in good time in the working languages of the conference, in order that they may be studied before discussion.

ARTICLE 33 (CV)*

Finances

NOC 475 4. The following provisions shall apply to contributions by the organizations referred to in Nos. 259 to 262 and to entities authorized to participate in the Union's activities in accordance with the provisions of Article 19 of this Convention.

(MOD) 476 (1) The organizations referred to in Nos. 259 to 262 of this Convention and other organizations of an international character which participate in a Plenipotentiary Conference, in a Sector of the Union or in a world conference on international telecommunications shall share in defraying the expenses of the conference or the Sector in accordance with Nos. 479 to 481 below, as appropriate, unless they have been exempted by Council, subject to reciprocity.

(MOD) 477 (2) Any entity or organization appearing in the lists mentioned in No. 237 of this Convention shall share in defraying the expenses of the Sector in accordance with Nos. 479 and 480 below.

(MOD) 478 (3) Any entity or organization appearing in the lists mentioned in No. 237 of this Convention which participates in a radiocommunication conference, a world conference on international telecommunications or a conference or assembly of a Sector of which it is not a member, shall share in defraying the expenses of the conference or assembly in accordance with Nos. 479 and 481 below.

(MOD) 479 (4) The contributions mentioned in Nos. 476, 477 and 478 shall be based on the free choice of a class of contribution from the scale given in No. 468 above, with the exception of the 1/4, 1/8 and 1/16 unit classes reserved for Members of the Union (the latter exception does not apply to the Telecommunication Development Sector); the Secretary-General shall be informed of the class chosen;

---

* Only the paragraph numbers of Nos. 476 to 486 of the Convention have been modified.

any entity or organization concerned may at any time choose a class of contribution higher than the one already adopted by it.

(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 Members of the Union. These contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of No. 474 above.

(MOD) 481 (6) The amount of the contribution per unit payable towards the expenses of a conference or assembly shall be set by dividing the total amount of the budget of the conference or assembly in question by the total number of units contributed by Members as their share of Union expenses. The contributions shall be considered as Union income. They shall bear interest from the sixtieth day following the day on which accounts are sent out, at the rates fixed in No. 474 above.

(MOD) 482 (7) Reduction in the number of contributory units shall be possible only in accordance with the principles stipulated in the relevant provisions of Article 28 of the Constitution.

(MOD) 483 (8) In the case of denunciation of participation in the work of a Sector or of termination of such participation (see No. 240 of this Convention), the contribution shall be paid up to the last day of the month in which such denunciation or termination takes effect.

(MOD) 484 5. The sale price of publications shall be determined by the Secretary-General, bearing in mind that the cost of reproduction and distribution should, in general, be covered by the sale of the publications.

(MOD) 485 6. The Union shall maintain a reserve account in order to provide working capital to meet essential expenditures and to maintain sufficient cash reserves to avoid resorting to loans as far as possible. The amount of the reserve account shall be fixed annually by the Council on the basis of expected requirements. At the end of each biennial budgetary period all budget credits which have not been expended or encumbered will be placed in the reserve account. Other details of this account are described in the Financial Regulations.

(MOD) 486 7. (1) The Secretary-General may, in agreement with the Coordination Committee, accept voluntary contributions in cash or kind, provided that the conditions attached to such voluntary contributions are consistent, as appropriate, with the purposes and programmes of the Union and with the programmes adopted by a conference and in conformity with the Financial Regulations, which shall contain special provisions for the acceptance and use of such voluntary contributions.

NOC 487 (2) Such voluntary contributions shall be reported by the Secretary-General to the Council in the financial operating report as well as in a summary indicating for each case the origin, proposed use and action taken with respect to each voluntary contribution.

ANNEX (CV)

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 of the Union to participate, in a non-voting capacity, in a regional conference, or
- an entity or organization referred to in No. 229 of the Convention or an organization of an international character representing such entities or organizations,

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 vhole and in the form of one single instrument, enter into force on 1 January 1996 etween Members being parties to the Constitution and the Convention of the nternational Telecommunication Union (Geneva, 1992), and having deposited before hat date their instrument of ratification, acceptance or approval of, or accession to, the resent instrument.

IN WITNESS WHEREOF, the respective Plenipotentiaries have igned the original of the present instrument amending the Convention of the nternational Telecommunication Union (Geneva, 1992).

Done at Kyoto, 14 October 1994

(The signatures follow)

The signatures following the Instrument amending the Convention (1992) are the ame as those shown on pages 4 to 22)

DECLARATIONS AND RESERVATIONS

DECLARATIONS AND RESERVATIONS*

made at the end of

the Plenipotentiary Conference of the

International Telecommunication Union

(Kyoto, 1994)

The undersigned Plenipotentiaries confirm, through their signing of the present document, which forms part of the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), that they have taken note of the following declarations and reservations made at the end of that Conference:

1

For Costa Rica: *Original: Spanish*

The delegation of Costa Rica to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994):

1. reserves for its Government the right:

a) to take any action it considers necessary to safeguard its national interests and its telecommunication services, should other Members fail to comply with the provisions of the Final Acts of this Conference (Kyoto, 1994);

---

* *Note by the General Secretariat* – The texts of the declarations and reservations are shown in the chronological order of their deposit.

In the table of contents these texts are grouped in the alphabetical order of the names of the Members which have made them.

b) to enter any reservations it deems necessary prior to the ratification of the Final Acts of this Conference (Kyoto, 1994) in respect of any provisions of the Final Acts which may contravene the Constitution of Costa Rica.

2. declares that Costa Rica shall be bound by the instruments of the International Telecommunication Union, comprising the Constitution, Convention, Administrative Regulations and amendments or modifications thereto only, when it explicitly signifies its consent to be bound by each of those instruments and subject to prior completion of its relevant Constitutional procedures.

2

Original: French

For the Republic of Cameroon:

1. The delegation of the Republic of Cameroon to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member of the Union fail to comply with the requirements of the present Final Acts, or the Annexes or Protocols attached thereto, or should reservations by other countries jeopardize the efficient operation of its telecommunication services.

2. The delegation of the Republic of Cameroon also reserves for its Government the right, if necessary, to make further reservations to the present Final Acts.

3

Original: French

For the Republic of Burundi:

The delegation of the Republic of Burundi reserves for its Government the right:

1. to take any measures it considers necessary to safeguard its interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994) or the Annexes and Protocols thereto, or should reservations by other countries jeopardize its telecommunications services;

2. to accept or not to accept any measure which might lead into an increase in its contributory share.

4

Original: Spanish

For Ecuador:

The delegation of Ecuador, in signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), reserves for its Government the right to take any measures it may deem necessary, pursuant to its sovereign right, national laws and international law, should its interests be jeopardized in any way by any act on the part of other countries.

5

Original: English

For the Islamic Republic of Iran:

In the name of God, most merciful, most compassionate,

the delegation of the Islamic Republic of Iran, on signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994) reserves for its Government the right:

1. to take such action as it may consider necessary or to take any measures required to safeguard its rights and interests should other Members of the Union fail in any way to comply with the provisions of the instruments amending the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) as adopted by the Plenipotentiary Conference (Kyoto, 1994), or the Annexes or the Protocols and Regulations attached thereto;

2. to protect its interests should certain Members not share in defraying the expenses of the Union or should the reservations by other Members jeopardize the telecommunication services of the Islamic Republic of Iran;

3. not to be bound by any provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and the provisions of the instruments amending them as adopted by the Plenipotentiary Conference (Kyoto, 1994), which may directly or indirectly affect its sovereignty and be in contravention with the Constitution, Laws and Regulations of the Islamic Republic of Iran;

4. to make any other reservation or statement until such time as the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and its amendments are ratified.

6

Original: Spanish

For Venezuela:

The delegation of the Republic of Venezuela reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any other present or future Members fail to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Kyoto, 1994), or its Annexes or the Protocols attached thereto, or should reservations by other Members jeopardize the efficient operation of its telecommunication services.

It also expresses reservations should the application, by other Members, of the provisions of the Constitution and Convention of the International Telecommunication Union (Kyoto, 1994) have a negative effect on the use of the geostationary-satellite orbit and the radio spectrum for the provision of its telecommunication services or impede or delay the notification, coordination and registration procedures.

Furthermore, it expresses reservations with respect to all Articles of the Constitution and Convention of the International Telecommunication Union (Kyoto, 1994) related to arbitration as a means of settling disputes, in conformity with the international policy of the Government of Venezuela in that respect.

7

Original: English

For the Republic of Zimbabwe:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of the Republic of Zimbabwe declares that it reserves for its Government the right to take any measures it considers or deems necessary and appropriate to safeguard its interests, should any Member fail to comply with or abide by the provisions of the Constitution and Convention of the International Telecommunication Union (Kyoto, 1994) or the Protocols, Annexes or Regulations attached thereto or should reservations by other countries jeopardize its Telecommunications Sector.

8

Original: English

For the Kingdom of Bhutan:

The delegation of the Kingdom of Bhutan to the Plenipotentiary Conference (Kyoto, 1994) reserves the right of its Government to take any action it deems necessary to safeguard its interests should certain Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or its Annexes or the Protocols attached thereto, or should reservations by other Members jeopardize the proper operation of its telecommunication services.

9

Original: French

For the Gabonese Republic:

The delegation of the Gabonese Republic reserves for its Government the right:

1. to take any action necessary to protect its interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994), or should reservations by other Members be likely to jeopardize the operation of its telecommunication services;

2. to accept or not to accept any financial consequences that may result from such reservations.

10

Original: English

For the Republic of Zambia:

The delegation of the Republic of Zambia to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right to take any such action as it may consider necessary to safeguard its interests, should any Member of the Union fail in any way to comply with the provisions of the instruments amending the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) as adopted by the Plenipotentiary Conference (Kyoto, 1994), or should reservations by such Members directly or indirectly affect the operations of its telecommunication services or its sovereignty.

The delegation of the Republic of Zambia further reserves the right of its Government to make such additional reservations as may be necessary up to and including the time of ratification by the Republic of Zambia of the amendments to the Constitution and the Convention adopted by the Plenipotentiary Conference (Kyoto, 1994).

11

Original: English

For the Republic of Indonesia:

On behalf of the Republic of Indonesia, the delegation of the Republic of Indonesia to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994):

1. reserves the right for its Government to take any action and preservation measures it deems necessary to safeguard its national interests should any provision of the Constitution, the Convention and the Resolutions, as well as any decision of the Plenipotentiary Conference of the ITU (Kyoto, 1994), directly or indirectly affect its sovereignty or be in contravention of the Constitution, Laws and Regulations of the Republic of Indonesia as a party to other treaties and conventions and from any principles of international law;

2. further reserves the right for its Government to take any action and preservation measures it deems necessary to safeguard its national interests should any Member in any way fail to comply with the provisions of the instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) adopted by the Plenipotentiary Conference (Kyoto, 1994), or should the consequences of reservations by any Member jeopardize its telecommunication services or result in an increase of its contributory share towards defraying expenses of the Union.

12

Original: English

For Malaysia:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of Malaysia hereby reserves for its Government the right to take such action as it may deem necessary to safeguard its interests should certain Members do not share in defraying the expenses of the Union, or should any Members fail in any other way to comply with

the requirements of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994), or its Annexes attached thereto, or should reservations by other Members jeopardize its telecommunication services.

13

Original: Spanish

For Spain:

The Spanish delegation reserves for the Kingdom of Spain the right, under the Vienna Convention on the Law of Treaties of 23 May 1969, to express reservations to the Final Acts adopted by the present Conference up until the time of deposit of the appropriate instrument of ratification.

14

Original: English

For Brunei Darussalam:

The delegation of Brunei Darussalam reserves for its Government the right to take any action that it deems necessary to safeguard its interests should any country fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Final Acts of the Plenipotentiary Conference (Kyoto, 1994) or their Annexes or the Protocols attached thereto, or should reservations made by other countries adversely affect the interests of Brunei Darussalam or lead to an increase in its share towards defraying the expenses of the Union.

The delegation of Brunei Darussalam further reserves the right of its Government to make such additional reservations as may be necessary up to and including the time of ratification by Brunei Darussalam of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and its amendments (Kyoto, 1994).

15

Original: French

For the People's Democratic Republic of Algeria:

The delegation of the People's Democratic Republic of Algeria to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right to take such action as it may consider

necessary to protect its interests, should any Members fail in any way to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994), or should the reservations made by other Members jeopardize its telecommunication services or lead to an increase in Algeria's share in defraying the expenses of the Union.

16

Original: French

For the Republic of Chad:

In signing the instruments containing amendments to the Constitution and the Convention (Geneva, 1992), the delegation of the Republic of Chad to the Plenipotentiary Conference (Kyoto, 1994) reserves for its Government the right to take any action it deems necessary:

1. should any Member in any way fail to comply with the provisions of the Constitution and the Convention (Kyoto, 1994) and/or their respective annexes;

2. should the reservations made by other Members be likely to jeopardize the orderly functioning and technical operation of the telecommunication services of the Republic of Chad.

The delegation of the Republic of Chad further reserves for its Government the right to make any declaration or reservation at the time of ratifying the Constitution and the Convention of the International Telecommunication Union.

17

Original: English

For the Kingdom of Swaziland:

In signing these Final Acts, the delegation of the Kingdom of Swaziland reserves the right of its Government to take any action it deems necessary to safeguard its interests in the event of Members failing in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994) or the Annexes and Regulations annexed thereto or should reservations by other countries jeopardize its telecommunication services.

18

Original: English

For the Republic of Sudan:

The delegation of the Republic of Sudan declares that its Government reserves the right to take such actions as it may consider necessary to protect its interests, should a Member fail in any way to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), or should the reservations made by any Member jeopardize its telecommunication services or lead to an increase in Sudan's share in defraying the expenses of the Union.

19

Original: French

For Burkina Faso:

In signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), the delegation of Burkina Faso reserves for its Government the right to take any action it deems necessary to safeguard the interests of Burkina Faso:

1. should any Member in any way fail to comply with the provisions of the Final Acts of the Plenipotentiary Conference (Kyoto, 1994) and/or their respective Annexes;

2. should any Members not pay their share of the Union's expenses;

3. should reservations made by other Members be likely to jeopardize the technical and/or commercial operation of its telecommunication services.

The delegation of Burkina Faso further reserves for its Government the right to make any declaration or reservation at the time of ratifying the Final Acts of the Plenipotentiary Conference (Kyoto, 1994).

20

Original: English

For Ethiopia:

In signing the Final Acts of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994), the Ethiopian delegation reserves for its Government the right:

1. to make whatever reservations it shall deem appropriate with respect to any text, resolution, recommendation and opinion in the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994) which may directly or indirectly affect its interests and the operation of its telecommunication services;

2. to take any action it may deem necessary to safeguard and protect its interests should any Member of the Union fail to comply with the requirements of the Constitution and the Convention;

3. to make any other declaration or reservation until such time that it ratifies this Constitution and the Convention.

21

Original: English

For Malawi:

The delegation of Malawi to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member of the Union fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes and Protocols attached thereto or should reservations by any Member of the Union jeopardize its telecommunication services.

22

Original: Spanish

For the Eastern Republic of Uruguay:

The delegation of the Eastern Republic of Uruguay declares, on behalf of its Government, that it reserves the right to take any action it considers necessary to safeguard its interests, should other Members fail to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Optional Protocol, or should reservations by other Members jeopardize the proper operation of its telecommunication services.

23

Original: English

For the People's Republic of China:

The delegation of the People's Republic of China in signing this Final Acts reserves for its Government the right to take such actions as they may consider necessary to safeguard their interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994), or the Annexes thereto, or should reservations by other countries jeopardize their interests.

24

Original: English

For the Republic of Uganda:

The delegation of the Republic of Uganda in signing the Final Acts reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the requirements of the Final Acts of the Plenipotentiary Conference (Kyoto, 1994) or the Annexes thereto, or should reservations by other countries jeopardize its interests.

25

Original: English

For the United Republic of Tanzania:

The delegation of the United Republic of Tanzania to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves the right of its Government to take any action it may deem necessary to safeguard its interests in the event of any Members failing in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994), or should reservations by other Members jeopardize its telecommunication services or lead to an increase in its contributory share in defraying the expenses of the Union.

26

Original: English

For the People's Democratic Republic of Algeria, the State of Bahrain, the Islamic Federal Republic of the Comoros, the Republic of Djibouti, the Islamic Republic of Iran, the State of Kuwait, Lebanon, the Islamic Republic of Mauritania, the Sultanate of Oman, the Islamic Republic of Pakistan, the State of Qatar, the Kingdom of Saudi Arabia, the Republic of the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and the Republic of Yemen:

The above-mentioned delegations to the Plenipotentiary Conference (Kyoto, 1994) declare that the signature and possible ratification by their respective Governments of the Final Acts of this Conference, should not be valid for the ITU Member under the name "Israel", and in no way whatsoever imply its recognition by these Governments.

27

Original: French

For the Republic of Guinea:

The delegation of the Republic of Guinea to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right to take any action it may consider necessary to safeguard its interests should any Members of the Union fail in any way to comply with

the provisions of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994), or should reservations by other countries jeopardize its telecommunication services or entail an increase in its contributory share in defraying the expenses of the Union.

28

Original: English

For the Republic of San Marino:

In signing the Final Protocol of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994) the delegation of the Republic of San Marino reserves for its Government the right to take all necessary measures which it will deem necessary so as to protect its interests in the event that any Member of the Union fail to attain to the provisions of the Constitution and the Convention of its Annexes, Additional Protocols and Administrative Regulations.

The same rights are also reserved to the Government of the Republic of San Marino towards reservations made by other Members which might interfere with, limit or jeopardize the correct functioning of the telecommunications services of the Republic of San Marino.

29

Original: English

For the Commonwealth of the Bahamas:

The delegation of the Commonwealth of the Bahamas, on behalf of its Government, reserves the right to take any action it considers necessary to safeguard its interests should any Member fail to observe the provisions of the instruments amending the Constitution and Convention (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference (1994) or an instrument attached thereto, or should a reservation by another country jeopardize its telecommunication services.

30

Original: French

For the Republic of Mali:

The delegation of the Republic of Mali, in signing the Final Acts of this Conference, reserves for its Government the right to take whatever measures or action may be necessary to safeguard its rights and national interests in the event that certain Members of the Union should fail in any way to comply with the provisions of the said Acts or should directly or indirectly jeopardize the interests of its telecommunication services, its national security or its sovereignty.

31

Original: English

For the Islamic Republic of Pakistan:

The delegation of the Islamic Republic of Pakistan reserves for its Government the right to take any action which it may consider necessary to safeguard its interests should any Members fail in any way to comply with the provisions of the instruments amending the Constitution and Convention (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference (1994), or the Annexes attached thereto, or should reservations by other Members jeopardize its telecommunication services or lead to an increase in its contributory share in defraying the expenses of the Union.

32

Original: English

For the Syrian Arab Republic:

The delegation of the Syrian Arab Republic declares that its Government reserves the right to take such action as it may consider necessary to protect its interests, should a Member fail in any way to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and the Final Acts of this Conference (Kyoto, 1994), or should the reservations made by such Member jeopardize its telecommunication services or lead to an increase in Syria's share in defraying the expenses of the Union.

33

Original: English

For Saint Vincent and the Grenadines:

The delegation of Saint Vincent and the Grenadines on behalf of its Government, reserves the right to take any action it considers necessary to safeguard its interests, should any Member fail to observe the provisions of the instruments amending the Constitution and Convention (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference (1994), or an Instrument attached thereto, or should a reservation by another country, jeopardize its telecommunication services.

34

Original: English

For Barbados:

The delegation of Barbados on behalf of its Government, reserves the right to take any action it considers necessary to safeguard its interests, should any Member fail to observe the provisions of the instruments amending the Constitution and Convention (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference (1994), or an Instrument attached thereto, or should a reservation by another country, jeopardize its telecommunication services.

35

Original: French

For the Republic of Benin:

The delegation of the Republic of Benin to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right to take any action it deems necessary to protect its interests should certain Members fail to comply with the provisions of the present Constitution and Convention of the International Telecommunication Union, or should reservations by other Members jeopardize the operation of its telecommunication services or lead to an increase in its contribution to defraying the expenses of the Union.

36

Original: English

For Guyana:

The delegation of Guyana, on behalf of its Government, reserves the right to take any action it considers necessary to safeguard its interests, should any Member fail to observe the provisions of the instruments amending the Constitution and Convention (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference (1994), or an instrument attached thereto, or should a reservation by another country jeopardize its telecommunication services.

37

Original: Spanish

For the Republic of Colombia:

On signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 19 September-14 October 1994), the delegation of the Republic of Colombia:

1. renews and incorporates by referral all the reservations and declarations made at world administrative conferences;

2. reaffirms in its essence Reservation No. 48, made at the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992).

38

Original: French

For the Islamic Republic of Mauritania:

In signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), the delegation of Mauritania declares that its Government reserves the right:

1. to take any measure it deems necessary to safeguard its national interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994), or should reservations by other Members not be in accordance with our chief concern, namely to operate its telecommunication network in as satisfactory manner as possible;

2. to accept or not to accept any financial implications that might arise from the Final Acts of the Plenipotentiary Conference (Kyoto, 1994) or from reservations by other Members.

The delegation of Mauritania further declares that the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and any amendment introduced by the Plenipotentiary Conference (Kyoto, 1994) in those instruments shall be subject to ratification by the competent national institution.

39

Original: French

For the Kingdom of Cambodia:

In signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), the delegation of the Kingdom of Cambodia reserves for its Government:

1. the right to take all measures deemed necessary to protect the interests of the Kingdom of Cambodia:

a) should a Member fail in any way to observe the provisions of the ITU Constitution and Convention (Geneva, 1992) and its respective Annexes, as well as the texts amended and adopted by the Plenipotentiary Conference (Kyoto, 1994);

b) should the reservations made by other Members be liable to jeopardize the proper operation of the telecommunication services of the Kingdom of Cambodia;

2. the delegation of the Kingdom of Cambodia further reserves for its Government the right to take appropriate measures to settle the arrears due to ITU from the events of 1970 to the present day.

40

Original: Spanish

For Cuba:

In signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), the delegation of the Republic of Cuba declares that:

- In view of the continuing interventionist practice by the Government of the United States of America of setting up radio and television broadcasting stations directed towards Cuban territory for political and destabilizing purposes, in open violation of the provisions and principles which govern telecommunications throughout the world, especially those aimed at facilitating international cooperation and economic and social development between peoples, and to the detriment of the normal operation and development of Cuba's own radiocommunication services, the Cuban Administration reserves the right to take any steps it may deem necessary.

  The consequences of any action which the Cuban Administration might see fit to take on account of the underhand behaviour of the Government of the United States of America will be the sole responsibility of that Government.

- It in no way recognizes the notification, registration or use of frequencies by the Government of the United States of America in that part of Cuban territory in the province of Guantánamo which the United States is occupying by force, contrary to the express will of the people and the Government of Cuba.

- It does not accept the Optional Protocol on the settlement of disputes relating to this Constitution, Convention and Administrative Regulations.

- It reserves for its Government the right to take whatever measures it considers necessary to protect its interests should any other Member countries in any way fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union, (Geneva, 1992) with the Administrative Regulations, and the amendments to the Constitution and Convention contained in the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), or should reservations by other Members in any way jeopardize Cuba's telecommunication services or lead to an increase in its contribution to defraying the expenses of the Union. The delegation of Cuba likewise reserves for its Government the right to make any further declaration or reservation which may be necessary at the time of depositing its instrument of ratification of the Constitution and the Convention, and when ratifying the amending instruments adopted by the Plenipotentiary Conference (Kyoto, 1994)

41

Original: English

For the Socialist Republic of Viet Nam:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the Vietnamese delegation declares on behalf of the Socialist Republic of Viet Nam that it maintains the reservations made at the Nairobi Plenipotentiary Conference (1982) and reaffirmed at the Nice, 1989 and the Geneva, 1992 Plenipotentiary Conferences of the International Telecommunication Union.

42

Original: Spanish

For Mexico:

The delegation of Mexico renews and incorporates by referral the reservations made at world administrative conferences and at the Additional Plenipotentiary Conference (Geneva, 1992), and further declares that it reserves the right to take whatever measures it deems relevant to safeguard its interests should other Members fail in any way to comply with the agreed amendments to the Constitution and the Convention or with any other decision adopted by the Conference, or should the reservations made by them jeopardize its telecommunication services or give rise to an increase in Mexico's contribution towards defraying the Union's expenses.

43

Original: English

For the Republic of Korea:

The delegation of the Republic of Korea reserves the right of its Government to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the provisions of the instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference (1994), or the Annexes attached thereto, or should reservations by other countries jeopardize its interests.

44

Original: English

For Thailand:

The delegation of Thailand reserves the right of its Government to take action that it deems necessary to safeguard its interests should any Member or member fail, in any way, to comply with the requirements of the instruments amending the Constitution and the Convention of the International Telecommunication Union as adopted at Kyoto, 1994 or if any reservation should be made by any Member or member jeopardizing Thailand's telecommunication services or leading to an increase in its share towards defraying the expenses of the Union.

45

Original: French

For the Republic of the Niger:

The delegation of Niger to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right:

1. to take such action as it may consider necessary should any Member of the Union fail in any way to comply with the instruments of the International Telecommunication Union as adopted in Kyoto (September/October 1994) or should any reservations by such Members jeopardize the operation of its telecommunication services;

2. not to accept any consequences of reservations likely to lead to an increase in its contributory share in defraying Union expenditure.

46

Original: Spanish

For Peru:

The delegation of Peru reserves for its Government the right:

1. to take such action as it may consider necessary to protect its interests, should other Members of the Union fail in any way to comply with the provisions adopted at the present Plenipotentiary Conference, or should the reservations made by them jeopardize its telecommunication services;

2. to accept or not to accept the consequences of any other Member States' reservations which might lead to an increase in its share in defraying the expenses of the Union; and

3. to make any other reservation it deems necessary at the time of ratification.

47

Original: French

For the Republic of Senegal:

In signing the Final Acts of the Plenipotentiary Conference, held at Kyoto from 19 September to 14 October 1994, the delegation of the Republic of Senegal declares on behalf of its Government that it accepts no consequences arising from reservations made by other governments which result in an increase in its contributory share in defraying the expenses of the Union.

The Republic of Senegal further reserves the right to take any action it deems necessary to safeguard its interests should any Members fail to comply with the provisions contained in the instruments amending the Constitution and the Convention (Geneva, 1992), as adopted by the Conference, or should reservations by other countries tend to jeopardize the proper operation of its telecommunication services.

48

Original: French

For Austria, Belgium and Luxembourg:

1. The delegations of the above-mentioned countries declare that they maintain the declarations and reservations made at the end of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) and that these declarations and reservations likewise apply to the instruments adopted by the Plenipotentiary Conference (Kyoto, 1994) amending the Constitution and the Convention.

2. They also declare that they reserve the right of their Governments not to recognize any reservations or declarations which may be made by other Members of the Union after the signature of the Final Acts.

49

Original: French

For the Confederation of Switzerland and the Principality of Liechtenstein:

1. The delegations of the above-mentioned countries declare that they maintain the declarations and reservations made at the end of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) and that these declarations and reservations likewise apply to the instruments adopted by the Plenipotentiary Conference (Kyoto, 1994) amending the Constitution and the Convention.

2. They also declare that they reserve the right of their Governments not to recognize any reservations or declarations which may be made by other Members of the Union after the signature of the Final Acts.

50

Original: French

For the Republic of Cape Verde:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of Cape Verde declares on behalf of its Government:

a) that it accepts no consequence of the reservations made by other Governments which might entail an increase in its contribution to defraying the expenditure of the Union;

b) that it reserves for its Government the right to take any steps it may consider necessary to safeguard its interests should any Members not contribute their share to defraying the expenditure of the Union or fail in any way whatever to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union as amended by the Final Acts of this Conference, or if any reservations expressed by other countries were to jeopardize the proper operation of its telecommunication services;

c) that it also reserves for its Government the right to express additional specific reservations to these Final Acts or to any other instrument arising from other relevant ITU conferences which has not yet been ratified until such time as the respective instrument of ratification has been deposited.

51

For the Republic of Angola: *Original: French*

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of Angola declares on behalf of its Government:

a) that it accepts no consequence of the reservations made by other government which might entail an increase in its contribution to defraying the expenditure of the Union;

b) that it reserves for its Government the right to take any steps it may consider necessary to safeguard its interests should any Members not contribute their share to defraying the expenditure of the Union or fail in any way whatever to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union as amended by the Final Acts of this Conference, or if any reservations expressed by other countries were to jeopardize the proper operation of its telecommunication services;

c) that it also reserves for its Government the right to express additional specific reservations to these Final Acts or to any other instrument arising from other relevant ITU conferences which has not yet been ratified until such time as the respective instrument of ratification has been deposited.

52

Original: English

For the Republic of Singapore:

The delegation of the Republic of Singapore reserves for its Government the right to take any action which it considers necessary to safeguard its interests should any Member of the Union fail in any way to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Final Acts of the Kyoto Plenipotentiary Conference, 1994, or the Annexes and Protocols attached thereto or should reservations by any Member of the Union jeopardize the Republic of Singapore's telecommunication services, affect its sovereignty or lead to an increase in its contributory share towards defraying the expenses of the Union.

The delegation of the Republic of Singapore further reserves for its Government the right to make any additional reservations which it considers necessary up to and including the time of its ratification of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992).

53

Original: English

For the Republic of South Africa:

The delegation of the Republic of South Africa declares that it reserves for its Government the right to take any action which it may deem necessary to safeguard its interests should any Member fail to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), its Annexes or the Protocols attached thereto, and as amended by the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), or should reservations or actions by other Members jeopardize its telecommunication services.

54

Original: French

For the Republic of Poland:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of the Republic of Poland declares on behalf of its Government:

1. that it accepts no consequence of the reservations made by other governments which might entail an increase in its contribution to defraying the expenditure of the Union;

2. that it reserves for its Government the right to take any steps it may consider necessary to safeguard its interests should any Members not contribute their share to defraying the expenditure of the Union or fail in any way whatever to comply with the provision of the Constitution and the Convention of the International Telecommunication Union as amended by the Final Acts of this Conference, or if any reservations expressed by other countries were to jeopardize the proper operation of its telecommunication services;

3. that it also reserves for its Government the right to express specific reservations additional to the aforesaid Final Acts or to any other instrument arising from other relevant ITU conferences which has not yet been ratified until such time as the respective instrument of ratification has been deposited.

55

Original: English

For the Czech Republic:

The delegation of the Czech Republic reserves the right of its Government to take such action as it considers necessary to safeguard its interests should any Member not share in defraying the expenses of the Union or should any Member fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union or its Annexes or the Protocols or the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), attached thereto.

56

Original: English

For the Slovak Republic:

The delegation of the Slovak Republic reserves for its Government the right to take action as they may consider necessary, to safeguard their interests, should any Member not share in defraying the expenses of the Union or should any Member fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union or its Annexes or Protocols or the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), attached thereto or finally, should reservations by other countries jeopardize their telecommunication services.

57

Original: English

For Papua New Guinea:

The delegation of Papua New Guinea reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member not share in defraying the expenses of the Union, or should they fail in any other way to comply with the requirements of the International Telecommunication Constitution and Convention (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994), or its Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize the telecommunication services of Papua New Guinea.

58

Original: French

For the Principality of Monaco:

The delegation of the Principality of Monaco reserves for its Government the right to take such action and measures as it may consider necessary to safeguard its national interests should any Member not share in defraying the expenses of the Union or fail in any other way to comply with the requirements of the amendments to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) adopted by this Conference (Kyoto, 1994), or should reservations by other countries be such as to jeopardize its telecommunication services or increase its contribution to defraying the expenses of the Union.

59

Original: French

For the Republic of Côte d'Ivoire:

The delegation of the Republic of Côte d'Ivoire reserves for its Government the right:

a) to take any action it considers necessary to safeguard its interests should any Member fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), as amended by the present Plenipotentiary Conference (Kyoto, 1994);

b) to reject the consequences of any reservations made to the Final Acts of the present Plenipotentiary Conference (Kyoto, 1994) by other Members which might give rise to an increase in its contributory share in defraying the expenses of the Union or which might jeopardize the proper functioning of its telecommunication services;

c) to make reservations or reject any amendments made by the present Conference to the Constitution and the Convention of the Union which might jeopardize the proper functioning of its telecommunication services or directly or indirectly affect its sovereignty.

60

Original: English

For the Republic of Bulgaria:

The delegation of the Republic of Bulgaria to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right:

1. to take any action it considers necessary to safeguard its interests should any Member of the Union fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), or should the consequences of reservations made by other countries jeopardize Bulgarian telecommunication services;

2. not to support any financial measures which may entail an unjustified increase in the share of its contribution to defraying the expenses of the Union;

3. to make any statement or reservation when ratifying the amendments to the Constitution and the Convention of the ITU (Geneva, 1992) adopted by the Plenipotentiary Conference of the Union (Kyoto, 1994).

61

Original: English

For Canada:

The delegation of Canada declares that it reserves for its Government the right to make any statements or reservations when depositing its instruments of ratification for the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994).

62

Original: English

For the Republic of Fiji:

In signing this document which forms part of the Final Acts of the Plenipotentiary Conference (Kyoto, 1994) and taking note of the provisions of No. 16 of Article 32 of the Convention, the delegation of the Republic of Fiji reserves for its Government the right to take such actions as it may consider necessary to safeguard its

interests should any Member fail in any way to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize Fiji's telecommunication services or lead to an increase in its contributory share towards defraying the expenses of the Union.

63

Original: English

For Italy:

The delegation of Italy reserves for its Government the right to take any action which it might consider necessary to safeguard its interest should certain Members not share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), or its Annexes or Protocols attached thereto, or should reservations by other countries be liable to cause an increase in its contributory share in defraying Union expenses or, finally, should reservations by other countries jeopardize its telecommunication services.

64

Original: English

For the Republic of the Philippines:

The delegation of the Republic of the Philippines reserves for its Government the right to take any action it deems necessary and sufficient, consistent with its national law to safeguard its interests, should reservations made by representatives of other States jeopardize its telecommunication services or prejudice its rights as a sovereign country.

The Philippine delegation further reserves for its Government the right to make any declarations or reservations prior to the deposit of the instrument of ratification of the International Telecommunication Constitution and Convention (Geneva, 1992) and its amendments thereto, as approved by the 1994 Kyoto Plenipotentiary Conference.

65

Original: English

For the State of Bahrain, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates:

The above-mentioned delegations to the Plenipotentiary Conference (Kyoto, 1994) declare that their Governments reserve the right to take such action as they may consider necessary to safeguard their interests should any Member not share in defraying the expenses of the Union, or should they fail in any way to comply with the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), or the Resolutions attached thereto, or should reservations made by any Member jeopardize their telecommunication services.

66

Original: English

For the Republic of Hungary:

The delegation of the Republic of Hungary reserves for its Government the right not to accept any financial measure liable to lead to unjustified increases in its contributory share in defraying the expenses of the Union and the right to take any action as it may deem necessary to safeguard its interests if certain Members fail to comply with the provisions of the Constitution and Convention, or if they jeopardize the proper operation of its telecommunication services and the right to make specific reservations and statements prior to ratification of the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994).

67

Original: French

For the Lao People's Democratic Republic:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of the Lao People's Democratic Republic reserves for its Government the right to take any steps which it may consider necessary to safeguard its interests should Members of the Union fail to comply with the provisions of these Final Acts, of the Constitution and the Convention of the International Telecommunication Union, or the Annexes or Protocols attached thereto, or should the reservations made by other countries compromise the proper operation of its telecommunications services.

68

Original: English

For Denmark, the Republic of Estonia, Finland, Iceland, the Republic of Latvia, Norway and Sweden:

At the time of signing the Final Acts of the Kyoto Plenipotentiary Conference the delegations of the above-mentioned countries formally declare that they maintain the declarations and reservations (No. 46) made by their countries when signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992).

69

Original: English

For the United Kingdom of Great Britain and Northern Ireland:

The delegation of the United Kingdom of Great Britain and Northern Ireland reserves for its Government the right to take such action as they may consider necessary to safeguard their interests should any Member fail in any way to comply with the Constitution and Convention of the International Telecommunication Union (Geneva, 1992, as amended by the Plenipotentiary Conference, Kyoto, 1994) or the Annexes thereto, or should reservations by other countries jeopardize their interests.

70

Original: Russian

For the Republic of Belarus, Mongolia, the Russian Federation and Ukraine:

The delegations of the above-mentioned countries reserve for their respective Governments the right to make any statement or reservation when ratifying the amendments of the Constitution and of the Convention of the International Telecommunication Union (Kyoto, 1994), and the right to take any action they may consider necessary to safeguard their interests should any Member of the Union fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union, or should reservations made by other countries jeopardize the operation of the telecommunication services of the above-mentioned countries or lead to an increase in their annual contribution to defraying the expenses of the Union.

71

Original: English

For Turkey:

In signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), the delegation of the Republic of Turkey reserves for its Government the right to take any action as it may consider necessary to safeguard its interests, should any Member in any way fail to comply with the provisions of the instruments amending the Constitution and the Convention (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference or their Annexes or Protocols thereto, or should any reservation made by any Member jeopardize the proper operation of its telecommunication services or lead to an increase in its contribution to defraying the expenses of the Union.

72

Original: English

For the Republic of Kenya:

I

The delegation of the Republic of Kenya reserves for its Government the right to take such action as it may consider necessary and/or appropriate to safeguard and protect its interests should any Member fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and any amendments made thereto by the Plenipotentiary Conference (Kyoto, 1994), and/or any other instruments associated therewith. The declaration further affirms that the Government of the Republic of Kenya does not accept responsibility for the consequences arising thereof out of any reservations made by other Members of the Union.

II

The delegation of the Republic of Kenya recalling reservation No. 90 of the Nairobi Convention, 1982 reaffirms, on behalf of its Government, the letter and intent of the said reservation.

Original: French

For Greece:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of Greece declares:

1. that it reserves for its Government the right:

a) to take any action consistent with its domestic law and with international law that it may consider or deem necessary or useful to protect and safeguard its sovereign and inalienable rights and legitimate interests, should any Member States of the International Telecommunication Union fail in any way to comply with or apply the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and its Annexes and Protocols, as amended by the Final Acts of this Conference (Kyoto, 1994), and Administrative Regulations pertaining to them, or should the acts of any other entities or third parties affect or jeopardize its national sovereignty;

b) to make, under the Vienna Convention on the Law of Treaties of 1969, reservations to the said Final Acts at any time it sees fit between the date of signature and the date of ratification of those instruments and to any other instrument of other relevant conferences of the Union that has not yet been ratified, and not to be bound by any provision of such instruments restricting its sovereign right to make reservations;

c) not to accept any consequences of any reservations by other contracting parties which could, inter alia, lead to an increase in its contributory share in defraying Union expenditure or to other financial implications, or should such reservations jeopardize the proper and efficient operation of the telecommunication services of the Republic of Greece;

2. that it is fully established that the term "country" used in the provisions of these Final Acts and in any other instrument or act of the International Telecommunication Union with regard to its Members and their rights and obligations is regarded as being synonymous in all respects with the term "sovereign State" as legally constituted and internationally recognized.

74

Original: English

For the Federal Republic of Germany:

1. The delegation of the Federal Republic of Germany reserves for its Government the right to take such action as it may deem necessary to safeguard its interests, should certain Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the provisions of the 1994 Kyoto instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other countries be likely to increase its share in defraying the expenses of the Union or jeopardize its telecommunication services.

2. The delegation of the Federal Republic of Germany declares with regard to Article 4 of the Constitution of the International Telecommunication Union (Geneva, 1992) that it maintains the reservations made on behalf of the Federal Republic of Germany when signing the Regulations mentioned in Article 4.

75

Original: French

For Tunisia:

The Tunisian delegation to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), reserves for its Government the right to:

1. take any action which it may consider necessary to safeguard its interests should any Member fail to share in defraying the expenses of the Union or fail in any way whatever to comply with the provisions of the instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference or the Annexes, Protocols or Resolutions attached thereto, or should reservations by other Members jeopardize the proper operation of its telecommunication services;

2. make any statement or reservation until the ratification of the instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as adopted by the Kyoto Plenipotentiary Conference.

76

Original: English

For the Republic of Namibia:

In signing the Final Acts of the Plenipotentiary Conference (Kyoto, 1994), subject to formal ratification, the delegation of the Republic of Namibia reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention, or the Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize Namibia's telecommunication services or lead to an increase in its contributory share towards defraying the expenses of the Union.

77

(This number has not been used.)

78

Original: English

For the Republic of India:

1. In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of the Republic of India does not accept any financial implications for its Government, resulting from any reservations that might be made by any Member on matters pertaining to the finances of the Union.

2. The delegation of the Republic of India further reserves the right of its Government to take any action it deems necessary, to safeguard and protect its interest in the event of any Member failing in any way to comply with one or more provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and amendments made thereto by the Plenipotentiary Conference (Kyoto, 1994), or the Administrative Regulations.

79

Original: English

For New Zealand:

In signing the Final Acts of the International Telecommunication Union Plenipotentiary Conference (Kyoto, 1994) the delegation of the New Zealand Government reiterates the declaration and reservation No. 29 made on signature of the Final Acts of the Plenipotentiary Conference (Geneva, 1992) in relation to any amendments made to the Geneva Constitution and Convention by the Kyoto instruments.

80

Original: French

For the People's Democratic Republic of Algeria, the Commonwealth of the Bahamas, the State of Bahrain, Barbados, the Republic of Cameroon, the Republic of Côte d'Ivoire, Guyana, the Republic of India, the Islamic Republic of Iran, the Hashemite Kingdom of Jordan, the Republic of Kenya, the State of Kuwait, Lebanon, the Kingdom of Morocco, the Sultanate of Oman, the Islamic Republic of Pakistan, Papua New Guinea, the State of Qatar, Saint Vincent and the Grenadines, the Kingdom of Saudi Arabia, the Republic of Senegal, the Syrian Arab Republic, Thailand, the United Arab Emirates and the Republic of Zimbabwe:

These delegations consider that the Administrative Regulations referred in No. 31 of the Constitution are the Radio Regulations and the International Telecommunication Regulations, as amended by competent conferences subsequent to the Additional Plenipotentiary Conference (Geneva, 1992). Proposals were put forward at this Conference to affirm the binding nature of the revised Administrative Regulations; those proposals were not adopted by the competent Committee solely in order to limit the number of amendments that the Conference might make to the Constitution. At the time those proposals were discussed, the "international treaty" aspect incumbent upon all Members who had signed the successive revisions was not questioned.

It is likewise recognized that reservations on the part of Members to the effect that they will not apply all or part of the revision of a Regulation, and declarations to the same effect during the period following the competent conference which has revised a Regulation, are not in conformity with the provisions of the Vienna Convention on the Law of Treaties, which stipulates, in its Article 27, that a party may not invoke the provisions of its domestic law to justify non-execution of a treaty.

The Conference has recognized that a legal void remains with regard to Members who stated, during the period following the competent conference which revised a Regulation, that they did not agree to be bound by revisions of Administrative Regulations.

Bearing in mind the foregoing, and taking into consideration that the World Radiocommunication Conference to be held in 1995 is to review the entire Radio Regulations, the signatories reiterate their sovereign right, shared by all Members of the ITU, over the common resources of the radio-frequency spectrum and the geostationary-satellite orbit. Their participation in the 1995 World Radiocommunication Conference and their acceptance of its decisions will be based on the principle that the international Regulations as revised by that Conference constitute a treaty which binds all the Members who have signed it, in conformity with Nos. 30 and 31 of the Constitution.

81

Original: French

For Portugal:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994), the delegation of Portugal declares on behalf of its Government:

a) that it accepts no consequence of the reservations made by other Governments which might entail an increase in its contribution to defraying the expenditure of the Union;

b) that it reserves for its Government the right to take any steps it may consider necessary to safeguard its interests should any Members not contribute their share to defraying the expenditure of the Union or fail in any way whatever to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union as amended by the Final Acts of this Conference, or if any reservations expressed by other countries were to jeopardize the proper operation of its telecommunication services;

c) that it also reserves for its Government the right to express additional specific reservations to these Final Acts or to any other instrument arising from other relevant ITU conferences which has not yet been ratified until such time as the respective instrument of ratification has been deposited.

82

Original: English

For Japan:

The delegation of Japan reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the amendments of the Constitution and the Convention of the International Telecommunication Union adopted by the Plenipotentiary Conference (Kyoto, 1994), or should reservations by other countries jeopardize in any way its interests.

83

Original: English

For the Federal Republic of Nigeria:

The delegation of the Federal Republic of Nigeria to the Plenipotentiary Conference (Kyoto, 1994), hereby declares that its Government reserves the right to:

1. take any action which it considers necessary to safeguard its interests should certain Members of the Union fail to share in defraying the expenses of the Union or should they fail in any other way to comply with the provisions of the instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) which were adopted by the Plenipotentiary Conference (Kyoto, 1994), or the Annexes and Protocols attached thereto, or should reservations by other Members of the Union endanger in any way the telecommunication services of the Federal Republic of Nigeria;

2. make any statement or reservation until the time of ratification by the Federal Republic of Nigeria of the Constitution and the Convention of the International Telecommunication Union (Kyoto, 1994).

84

Original: English

For the United States of America:

The United States of America refers to Nos. 445 and 446 of the Convention (Geneva, 1992) and notes that in considering the Final Acts of the Plenipotentiary Conference (Kyoto 1994), the United States may find it necessary to make additional declarations or reservations. Accordingly, the United States of America reserves the right to make additional specific declarations or reservations at the time of deposit of its instruments of ratification of the amendments to the Constitution and the Convention (Geneva, 1992).

The United States of America reiterates and incorporates by reference all declarations or reservations made at world administrative conferences and world radiocommunication conferences prior to signature of these Final Acts.

The United States of America does not by signature or by any subsequent ratification of the amendments to the Constitution and Convention adopted by the Plenipotentiary Conference (Kyoto, 1994) consent to be bound by the Administrative Regulations adopted prior to the date of signature of these Final Acts. Nor shall the United States of America be deemed to have consented to be bound by revisions of the Administrative Regulations whether partial or complete revisions, adopted subsequent to the date of signature of these Final Acts, without specific notification to the International Telecommunication Union by the United States of America of its consent to be bound.

85

Original: French

For France:

The French delegation reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the event that certain Members do not share in defraying the expenditure of the Union or fail in whatever manner to comply with the provisions of the amendments to the Constitution and to the Convention of the International Telecommunication Union (Geneva, 1992), adopted by this Conference (Kyoto, 1994), or should reservations made by other countries jeopardize the operation of its telecommunication services or entail an increase in its contributory share in defraying the expenditure of the Union.

86

Original: English

For the Republic of Cyprus:

The delegation of the Republic of Cyprus reserves for its Government the right to take any action it deems necessary to safeguard its interests should any Members of the Union not share in defraying the expenses of the Union, or should they fail in any way to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), and/or Annexes and Protocols thereof, as amended by the Kyoto 1994 instrument, or should reservations by other countries be liable to cause an increase in its contributory share in defraying Union expenses or jeopardize its telecommunication services, or should any other action taken or intended to be taken by any person, physical or juridical directly or indirectly affect its sovereignty.

The delegation of the Republic of Cyprus further reserves for its Government the right to make any other declaration or reservation until and up to the time that the Kyoto 1994 instrument amending the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) is ratified by the Republic of Cyprus.

87

Original: English

For the Kingdom of the Netherlands:

I

The delegation of the Netherlands reserves for its Government the right to take any action which it may consider necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Kyoto instruments (1994), or their Annexes, or the Optional Protocol attached thereto, or should reservations by other countries be liable to cause an increase in its contributory shares in defraying Union expenses, or, finally, should reservations by other countries jeopardize its telecommunication services.

II

The Netherlands delegation formally declares, with regard to Article 54 of the Constitution of the International Telecommunication Union (Geneva, 1992), as amended by the Kyoto instruments (1994), that it maintains the reservations made on behalf of its Government when signing the Administrative Regulations mentioned in Article 4.

88

Original: English

For the Arab Republic of Egypt:

The delegation of the Arab Republic of Egypt reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any other present or future Member fail to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or its Annexes or the Protocols attached thereto, as amended by the 1994 Kyoto instrument or should reservations by other Members jeopardize the efficient operation of its telecommunication services.

89

Original: English

For Ireland:

Taking account of the declarations and reservations deposited by certain Members, the Government of Ireland reiterates the reservations made when signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) and reserves furthermore the right to take such action as it considers necessary to safeguard its interests should any Member fail in any manner to comply with its obligations under the Constitution and Convention of the International Telecommunication Union (Geneva, 1992 as amended by the Plenipotentiary Conference, Kyoto, 1994) or the annexes thereto.

90

Original: English

For the State of Israel:

1. The declaration made by certain delegations in No. 26 of the Final Acts being in flagrant contradiction with the principles and purposes of the International Telecommunication Union is therefore, devoid of any legal validity.

The Government of Israel wishes to put on record that it rejects outright these declarations which politicize and undermine the work of the ITU. The delegation of Israel will proceed on the assumption that they have no bearing whatsoever with respect to the rights and duties of any Member State of the International Telecommunication Union.

Furthermore, in view of the fact that Israel and many Arab States are currently in the midst of negotiations on a solution to the Arab-Israeli conflict, the delegation of Israel finds the Arab Declaration counterproductive and damaging to the cause of peace in the Middle East; it also contradicts the spirit of Resolution 32 which was adopted unanimously at this Kyoto Plenipotentiary Conference on 13 October 1994.

The delegation of Israel will, insofar as concerns the substance of the matter, adopt towards the Members whose delegations have made the above-mentioned Declaration, an attitude of complete reciprocity.

The delegation of Israel further notes that Declaration No. 26 contrary to ITU procedures does not refer to the State of Israel by its full name. As such it introduces to the professional work of the Conference inadmissible elements of discord and enmity, and must be repudiated as a grave violation of recognized rules and norms of international behaviour.

2. Furthermore, after noting various other declarations already deposited, the delegation of Israel reserves for its Government the right to take any action it deems necessary to protect its interests and to safeguard the operation of its telecommunication services should they be affected by the decisions of this Conference or by the reservations made by other delegations.

91

Original: English

For Bangladesh:

After having considered the declarations contained in Document 299 the delegation of Bangladesh reserves the right of its Government to take actions that it deems necessary to safeguard its interests, should any Member or member fail, in any way to comply with the requirements of the instrument amending the Constitution and the Convention of the International Telecommunication Union, as adopted at Kyoto, 1994 (ITU PP-94, Kyoto), or if any reservation should be made by any Member or member jeopardizing the technical and/or commercial operation of the telecommunication services of Bangladesh or leading to any increase in its share towards defraying the expenses of the Union.

92

Original: English

For the Federal Republic of Germany, Australia, Austria, Belgium, Canada, the Republic of Cyprus, Denmark, the Republic of Estonia, the United States of America, Finland, France, Greece, the Republic of Hungary, Ireland, the State of Israel, Italy, Japan, the Republic of Latvia, the Principality of Liechtenstein, Luxembourg, Malta, the Principality of Monaco, Norway, New Zealand, the Kingdom of the Netherlands, the Republic of Poland, Portugal, the United Kingdom of Great Britain and Northern Ireland, Sweden, the Confederation of Switzerland and Turkey:

The delegations of the above-mentioned countries referring to the Declarations made by the Republic of Colombia (No. 37) and the Republic of Kenya (No. 72), inasmuch as these and any similar statements refer to the Bogota Declaration of 3 December 1976 by equatorial countries and to the claims of those countries to exercise sovereign rights over segments of the geostationary-satellite orbit, consider that the claims in question cannot be recognized by this Conference.

Further, the above-mentioned delegations wish to affirm or reaffirm the Declaration made by a number of delegations (No. 73) at the Additional Plenipotentiary Conference (Geneva, 1992) and declarations at conferences referred to therein as if these Declarations were here repeated in full.

The above-mentioned delegations also wish to state that the reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.

93

Original: English

For the Federal Republic of Germany, Finland, France, Iceland, Italy, the Republic of Latvia, the Principality of Monaco, the Kingdom of the Netherlands, Romania, the United Kingdom of Great Britain and Northern Ireland and Turkey

With regard to the declarations of several delegations to express reservations and declarations to the Final Acts of the present Conference at or before the time of deposit of their instruments of ratification, these delegations reserve the right of their Governments not to recognize reservations and declarations made by other Members of the Union after signing the Final Acts of this Conference.

94

Original: English

For the Federal Republic of Germany, Belgium, the Republic of Cyprus, Denmark, the Republic of Estonia, Finland, France, Greece, Ireland, Iceland, Italy, the Republic of Latvia, the Principality of Liechtenstein, Luxembourg, the Principality of Monaco, Norway, the Kingdom of the Netherlands, the Republic of Poland, Romania, the United Kingdom of Great Britain and Northern Ireland, Sweden, the Confederation of Switzerland and Turkey

These delegations, referring to Declaration No. 80 made by the People's Democratic Republic of Algeria, the Commonwealth of the Bahamas, the State of Bahrain, Barbados, the Republic of Cameroon, the Republic of Côte d'Ivoire, Guyana, the Republic of India, the Islamic Republic of Iran, the Hashemite Kingdom of Jordan, the Republic of Kenya, the State of Kuwait, Lebanon, the Kingdom of Morocco, the Sultanate of Oman, the Islamic Republic of Pakistan, Papua New Guinea, the State of Qatar, Saint Vincent and the Grenadines, the Kingdom of Saudi Arabia, the Republic of Senegal, the Syrian Arab Republic, Thailand, the United Arab Emirates and the Republic of Zimbabwe, note that this Declaration was not made at the time of signature of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and does not affect the application of Article 54 of the Constitution to the delegations making this present Declaration.

95

Original: English

For Australia:

After having considered the Declarations and reservations contained in Conference Document 299, the delegation of Australia declares that it reserves for its Government the right to make any statements or reservations when depositing its instruments of ratification for the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994).

96

Original: English

For the Socialist People's Libyan Arab Jamahiriya:

After having considered the Declarations and reservations contained in Document 299 the delegation of the Socialist People's Libyan Arab Jamahiriya to the Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994) reserves for its Government the right to take any action it deems necessary to safeguard its national interests and telecommunication services, should any Member fail to comply with the provisions of the Final Acts of the Kyoto Conference (1994). It also reserves for its Government the right to make any reservation it deems necessary prior to the ratification of these Final Acts if any provision may contradict with the Constitution of the Socialist People's Libyan Arab Jamahiriya.

97

Original: English

For the United States of America:

The United States of America refers to Declaration No. 80 made by many delegations. The United States of America notes that the United States of America does not agree with various points in that Declaration and that Declaration No. 80, which is prospective in nature, was not made at the time of signature of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and does not affect the application to the United States of America of Article 54 of the Constitution (Geneva, 1992).

98

Original: English

For the United States of America:

The United States of America, noting the Statement (No. 40) entered by the delegation of Cuba, recalls its rights to broadcast to Cuba on appropriate frequencies free of jamming or other wrongful interference and reserves its rights with respect to existing interference and any future interference by Cuba with United States broadcasting. Furthermore, the United States of America notes that its presence in Guantanamo is by virtue of an international agreement presently in force; the United States of America reserves the right to meet its radiocommunication requirements there as heretofore.

99

Original: English

For the Kingdom of Tonga:

The delegation of the Kingdom of Tonga with reference to the provision of the Declarations and reservations as contained in Document 299 of 13 October 1994 reserves the right of its Government to take any action that it deems necessary to safeguard its interests should any Member fail to comply with the provisions contained in the instrument amending the Constitution and the Convention (Geneva, 1992) as adopted by the Plenipotentiary Conference (Kyoto, 1994) or should reservations by other administrations jeopardize the proper operation of the Kingdom of Tonga's telecommunication services.

100

Original: English

For The Former Yugoslav Republic of Macedonia:

After having considered the Declarations and reservations contained in Conference Document 299 the delegation of the Republic of Macedonia reserves for its Government the right to take such action as it may deem necessary to safeguard its interests, should certain Members, present or future, not share in defraying the expenses of the Union, or should they fail in any other way to comply with the provisions of the 1994 Kyoto instruments amending the Constitution and the Convention of the ITU (Geneva, 1992), or should reservations by other countries be likely to increase its share in defraying the expenses of the Union or jeopardize its telecommunication services.

101

Original: English

For the Republic of Ghana:

The delegation of the Republic of Ghana after having considered the Declarations contained in Conference Document 299, in signing the Kyoto 1994 Final Acts of the Plenipotentiary Conference of the International Telecommunication Union, reserves the right for the Government of the Republic of Ghana to take any measures it considers appropriate to safeguard its interests.

The Ghana delegation further reserves for the Government of Ghana the right to make any statements and reservations when depositing its instrument of ratification for the Final Acts of the Kyoto 1994 Plenipotentiary Conference of the International Telecommunication Union.

The signatures following are the same as those following the Instruments amending the Constitution and Convention of the ITU (Geneva, 1992).

DECISIONS

RESOLUTIONS

RECOMMENDATIONS

DECISION 1

Expenditure of the Union for the Period 1995 to 1999*

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

Resolution 5 of the Additional Plenipotentiary Conference (Geneva, 1992),

considering

the strategic plans and goals established for the Union and its Sectors for the period 1995 to 1999,

resolves

1.1 that the Council is authorized to draw up the ordinary budgets of the Union in such a way that the total expenditure of the General Secretariat and the three Sectors of the Union does not exceed:

150.6 million Swiss francs for the year 1995;

296.8 million Swiss francs for the years 1996 and 1997;

302.6 million Swiss francs for the years 1998 and 1999;

1.2 that the amounts specified in paragraph 1.1 do not include expenditure for the implementation of Technical Cooperation projects by the Telecommunication Development Bureau;

1.3 that the amounts specified in paragraph 1.1 include expenditure in respect of additional working languages (Arabic, Chinese and Russian), to an amount not exceeding 22.5 million Swiss francs for the years 1995 to 1999;

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* All amounts indicated in this Decision are expressed in Swiss francs with the value at 1 January 1994.

2. that if no Plenipotentiary Conference is held in 1998, the Council shall establish the biennial budgets of the Union for the year 2000 and thereafter, having first obtained approval for the budgeted expenditures from a majority of the Members of the Union;

3. that the Council may authorize expenditure in excess of the limits for conferences, meetings and seminars if such excess can be compensated by sums within the expenditure limits accrued from previous years or charged to the following year;

4. that the Council shall, during each budgetary period, assess retrospectively the changes that have taken place and the changes likely to take place in the current and coming budgetary periods under the following items:

4.1 salary scales, pension contributions and allowances, including post adjustments, established by the United Nations common system and applicable to the staff employed by the Union;

4.2 the exchange rate between the Swiss franc and the US dollar in so far as this affects the staff costs of those on United Nations scales;

4.3 the purchasing power of the Swiss franc in relation to non-staff items of expenditure;

5. that, in the light of this information, the Council may authorize expenditure up to but not beyond the amounts indicated in paragraph 1.1 above, adjusted to take account of paragraphs 4.1, 4.2 and 4.3 above, giving weight to the desirability of achieving savings within the Union, while also recognizing that certain expenditures cannot be adjusted quickly in response to changes outside the Union's control. However, the actual expenditure may not exceed the amount resulting from the actual changes under paragraph 4 above;

6. that the Council shall have the task of effecting every possible economy. To this end, it shall be the duty of the Council to establish the lowest possible authorized level of expenditure commensurate with the needs of the Union, within the limits established by paragraph 1, if necessary taking into account the provisions of paragraph 4;

7. that, if appropriations which the Council may authorize by virtue of paragraphs 1 to 4 above are insufficient to meet the expenditures on unforeseen yet urgent activities which are in the interest of the Union, the Council may exceed by up to 1% the budgetary limits established by the Plenipotentiary Conference. If the proposed appropriations exceed the limit by 1% or more, the Council may authorize them only with the approval of a majority of the Members of the Union after they have been duly consulted; they shall be presented with a full statement of the facts justifying this step;

8. that, in determining the value of the annual contributory unit in any particular year, the Council will take into account the future programme of conferences and meetings and the estimated related costs in order to avoid fluctuations from year to year.

DECISION 2

Procedure Concerning Choice of Contributory Class

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

decides

1. that each Member and member shall inform the Secretary-General before 15 April 1995 of the class of contribution it has chosen from the scale of contributions in Article 33 of the Convention of the International Telecommunication Union (Geneva, 1992);

2. that Members and members which have failed to make known their decision before 15 April 1995 in accordance with the requirements of paragraph 1 above shall be required to continue to contribute the same number of units as they contributed previously;

3. that, at the first session of the Council held after 1 January 1997, a Member or a member may, with the approval of the Council, reduce the level of its contributory class determined under paragraphs 1 and 2 above if its relative contributory position under the applicable scale of contribution is substantially worse than its previous position;

4. that the relevant provisions of the Kyoto 1994 Instruments amending the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) shall be applied as from 1 January 1996.

RESOLUTION 1

Strategic Plan for the Union, 1995-1999

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) relating to strategic policies and plans;

b) Article 19 of the Convention of the International Telecommunication Union (Geneva, 1992) and Resolution 4 of the Additional Plenipotentiary Conference (Geneva, 1992) on the participation of entities and organizations other than administrations in the activities of the Union;

c) Resolution 5 of the Additional Plenipotentiary Conference (Geneva, 1992) on the management of the Union;

d) Resolution 15 of the Additional Plenipotentiary Conference (Geneva, 1992) on consideration of the need to establish a forum to discuss strategies and policies in the changing telecommunication environment,

noting

the challenges faced by the Union in achieving its purposes in the changing telecommunication environment, both in the period covered by the strategic plan for the Union for 1995-1999 and in the following period,

taking into account

a) the decisions of the World Telecommunication Standardization Conference (Helsinki, 1993), the Radiocommunication Assembly and the World Radiocommunication Conference (Geneva, 1993) and the World

Telecommunication Development Conference (Buenos Aires, 1994) concerning the work programme of the Sectors;

b) the decisions of this Conference concerning strategic policy issues including, *inter alia*:

i) the creation of a forum for discussion of telecommunication policies and strategies;

ii) mechanisms to enhance the participation of non-administration entities and organizations in the activities of the Union immediately, and in the longer term, as set out in Resolutions 14 and 15,

recognizing

a) the need to facilitate smooth development of telecommunications for maximum social and economic benefit in the future by:

– promoting a more balanced distribution of telecommunication technology worldwide through non-discriminatory access to modern telecommunication facilities and services and new telecommunication technologies;

– introducing tariff reforms aimed at promoting the rational use of telecommunication networks and the provision of an efficient universal telecommunication service to foster investments, while preparing operators for a more competitive environment, taking into account that tariffs should be cost-orientated and that the geographical characteristics of countries are different;

– developing a common understanding of the regulation of telecommunications at the national level, while preserving each State's sovereign right to regulate its telecommunications;

b) the continuing need to improve the efficiency and effectiveness of the Union's working methods;

c) the need to adapt the ITU's management systems to the operational requirements of the new environment, including its systems for managing financial, human and information resources;

d) the need for synergy with other world and regional agencies concerned with the advancement of telecommunications,

bearing in mind

the growing demands placed on the activities of the Union, the limited resources available to fund them and the consequent need to establish priorities among the Union's activities,

resolves

to adopt the strategic plan for 1995-1999, as annexed to this Resolution, based on the following principles:

1. the goal of the strategic plan is to establish the Union as the international focal point for all matters relating to telecommunications in the global information economy and society of the twenty-first century;

2. this goal is pursued through the Union's mission in the following three domains:

2.1 a technical domain – to promote the development, efficient operation, usefulness and general availability of telecommunication facilities and services;

2.2 a development domain – to promote the development of telecommunications in developing countries and the extension of the benefits of telecommunications to people everywhere;

2.3 a policy domain – to promote the adoption of a broader approach to telecommunication issues in the global information economy and society;

3. the overall strategies for the Union for 1995-1999 are:

3.1 to strengthen the foundations of the Union by:

i) enhancing participation by non-administration entities and organizations, and seeking their views and contributions on:

– the best approaches to the opportunities and challenges for telecommunication development; and

– ways and means to enhance their satisfaction with ITU products and services;

ii) increasing synergy between the activities of the Sectors of the Union;

3.2 to broaden the Union's activities by:

– creating a forum for discussion of telecommunication policies and strategies (see Resolution 2);

– utilizing ITU resources and information systems more effectively;

3.3 to increase the Union's leverage in international affairs by:

– establishing strategic alliances with other concerned international and regional organizations;

– communicating more effectively with the public,

instructs the Secretary-General

1. to present detailed plans for implementing the strategic plan for 1995-1999 in his annual reports to Council, including recommendations to adjust the plan in light of changes in the telecommunication environment, decisions by conferences of the Sectors and changes in the Union's activities and its financial situation;

2. to distribute his report to all Members of the Union, after its consideration by Council, urging them to circulate it to their members participating in the work of the Sectors of the Union, as well as to those members referred to in No. 235 of the Convention (Geneva, 1992) which have contributed to the study,

instructs the Council

1. to oversee further development and implementation of the strategic plan for 1995-1999 in annex hereto, on the basis of the annual reports by the Secretary-General;

2. to present an assessment of the results of the strategic plan for 1995-1999 to the next Plenipotentiary Conference, along with a proposed strategic plan for the period 2000-2003,

invites the Members of the Union

to contribute national insights on policy, regulatory and operational matters to the strategic planning process undertaken by the Union in the period before the next Plenipotentiary Conference, in order to:

- strengthen the effectiveness of the Union in fulfilling its purposes as set out in the instruments of the Union by cooperating in the implementation of the strategic plan; and
- assist the Union in meeting the changing expectations of all its constituents as national structures for the provision of telecommunication services continue to evolve,

invites, moreover, non-administration entities and organizations

to communicate their views on the strategic plan of the Union to the Secretary-General.

Annex: Strategic plan 1995-1999

ANNEX TO RESOLUTION 1

TABLE OF CONTENTS

		Page
I	Introduction	91
II	Overall strategy and priorities of the Union	92
	A The ITU mission	92
	B Changing telecommunication environment	93
	C A general strategic approach	97
	D General policy and programme priorities	100
III	Sectoral strategies and priorities	103
	A Radiocommunication	103
	B Standardization	108
	C Development	111
	D Regional presence	118
IV	Management and personnel strategies and priorities	119
V	Financial considerations	121

INTERNATIONAL TELECOMMUNICATION UNION

STRATEGIC PLAN 1995-1999

I Introduction

1 This strategic plan for the period 1995-1999 reflects the decisions of the Kyoto Plenipotentiary Conference on strategic policies and plans for the ITU.

2 It is intended to provide the strategic framework for the Union's overall activities and budgets for 1995-1999. The Council may adjust the plan as required after considering the report of the Secretary-General.

3 The Additional Plenipotentiary Conference (APP) in December 1992 restructured the Union so that it would be organized to respond to the new environment. Although improved structures and working methods are necessary conditions for success, they are not sufficient. With the new structures in place and the new working methods in the process of being implemented, the strategic focus for the next plenipotentiary period must shift to the activities of the Union. To achieve its purposes, the activities of the ITU must serve the changing needs of its membership – both Member administrations and the members who participate in the Union's work – as efficiently and effectively as possible. The ITU may find it necessary to make further adjustments to the Union's structures and working methods at the 1998 Plenipotentiary Conference. However, the dominant strategic theme in the plenipotentiary period 1995-1998 is better service to the Union's various constituencies and other parties with an interest in its work.

4 The plan is organized as follows:

- Section II summarizes the mission of the ITU as defined in the Geneva Constitution and Convention, outlines the main trends in the telecommunication environment which will create threats and opportunities for the Union in the 1995-1999 timeframe, recommends a general strategy for achieving the ITU's purposes in this period, and sets out specific policies, plans and priorities for the Union as a whole;
- Section III focuses on the challenges facing the Radiocommunication, Standardization and Development Sectors in carrying out the missions they have been given by the Geneva Constitution and Convention, and outlines the strategies which have been developed by the Sectors for responding to these challenges;
- Section IV discusses the organizational, management and personnel strategies that must be put in place to enhance the efficiency and effectiveness of ITU activities;
- Section V presents considerations relating to the financing of ITU activities in the period 1995-1999.

II Overall strategy and priorities of the Union

A The ITU mission

5 The purposes of the ITU are set out in Article 1 of the Geneva Constitution. In essence, the Union's mission covers the following domains:

- **a technical domain:** to promote the development and efficient operation of telecommunication facilities, in order to improve the efficiency of telecommunication services, their usefulness, and their general availability to the public;
- **a development domain:** to promote and offer technical assistance to developing countries in the field of telecommunications, to promote the mobilization of the human and financial

resources needed to develop telecommunications, and to promote the extension of the benefits of new telecommunication technologies to people everywhere;

- **a policy domain:** to promote, at the international level, the adoption of a broader approach to telecommunication issues in the global information economy and society.

This mission can be accomplished by the ITU in cooperation with other world and regional intergovernmental organizations and those non-governmental organizations concerned with telecommunications.

6 Article 1 of the Geneva Constitution also indicates the means intended to achieve this mission. These means are reinforced by the following principles:

- **cooperation** between ITU Member administrations in policy matters with a view to achieving the highest possible degree of harmonization of their actions;
- **participation** by non-administration entities and organizations in the activities of the ITU's Sectors;
- **information exchange** among all ITU participants and with the wider telecommunication community.

B Changing telecommunication environment

7 A number of important trends in the international telecommunication environment will affect the ITU as it seeks to carry out its mission in the 1995-1999 period.

8 **Restructuring of the telecommunication sector:** The telecommunication sector continues to be restructured and liberalized. This is being done by separating telecommunication operations from government administrations and by introducing competition in the provision of telecommunication equipment and services. As a result of these changes, the role of many ITU Member administrations is changing. Some administrations that were operators are now regulators only. At the same time, the character of many

operators and manufacturers is also changing, as monopoly gives way to competition in liberalized segments of the telecommunication market. These trends are changing the membership profile of the ITU and creating new needs and expectations on the part of Members and non-administration participants alike. The priorities of the Union must therefore be re-examined and re-aligned to reflect the changed nature of the communities it is meant to serve.

9 **Technological convergence:** The rapid development and convergence of telecommunications, computer, broadcasting and information technology are redefining the boundaries of the telecommunication industry, giving rise to new product and service opportunities, and posing new questions for government policy-makers and regulators. The development of advanced terrestrial and satellite-mobile communication systems and the parallel development of multimedia communication systems will raise issues concerning the priorities of all three ITU Sectors, the manner in which the benefits of these systems can be extended to developing countries, the regulatory environment of convergent services at the domestic and international level, and the membership profile of the ITU. The Union's response to the phenomenon of technological convergence will determine whether or not it continues to serve the interests of the rapidly expanding telecommunication sector in the twenty-first century.

10 **Globalization:** Global telecommunication consortia are emerging as a result of alliances, mergers and acquisitions between national operators, and through the development of entirely new systems, including mobile-satellite networks intended to provide global coverage through portable, hand-held terminals. The emergence of these global consortia and systems has the potential to change fundamentally the nature of international telecommunications. In the past, international services were jointly provided by national operators. In the future, they will be provided increasingly on a transnational basis. The ITU will of course continue to provide a forum for developing technical, operational, and service standards for global systems, and for allocating spectrum to these services. The question of how policies for global telecommunication systems should be harmonized will be one of the most important and difficult new issues faced by the ITU during the next

plenipotentiary period. The exchange of technical information and regulatory experiences will assist all Members in making informed national policy choices regarding infrastructure alternatives, the role of competition, licensing and restructured regulatory regimes. National regulatory responses to global telecommunication systems are of particular interest.

11 **Global information economy and society:** Technological progress and the globalization of telecommunication operations are closely related to the emergence of today's global information economy and society. These effects are particularly notable in the development of the global economy. Advances in telecommunications have unified world financial, currency and commodity markets in "real-time" trading systems, supported the development of global corporations, and changed the distribution of work between developed and developing countries in the manufacturing and service sectors. As well as supporting the globalization of economic activity, telecommunication and information goods and services are now recognized as important global industries in their own right. Participants in the recently-concluded Uruguay Round of GATT negotiations saw telecommunications as the key to expanding trade in services, as well as to improving trade efficiency in other sectors. Telecommunications also exercise an important influence on worldwide consumer demands, expectations and tastes through the dissemination of advertising and cultural products. These trends are combining to create new expectations concerning international telecommunications on the part of the international community. They are leading to the development of telecommunication-related decisions in other international organizations, most notably in the GATT and the new World Trade Organization (WTO). For the ITU to play "a leading role" in the information economy and society of the twenty-first century, it should establish, in cooperation with international and regional organizations, a vision of the role telecommunications will play in global economic and social development, communicate this vision to other international organizations, and coordinate its activities with them in pursuit of mankind's common goals.

12 **Geopolitical change:** The rise of the global information economy and society has been accompanied by significant geopolitical changes, as structures which were built on military and political foundations have been adjusted to take account of economic and social developments. In this respect, one of the most important trends has been the development of strong regional economic and trading alliances, most notably in Europe, North America and the Asia-Pacific region. The aim of these alliances is to integrate and strengthen the economies of the regions, to position them better for competing in the global economy. In general, regional organizations have recognized the central role played by telecommunications in economic development and competitiveness. Some have therefore sought to develop regional strategies and policies which will support the growth of telecommunications, in order to further regional economic and social development. In some cases, regional institutions have been established that closely mirror the activities of the ITU. The Union's strategies and priorities should address the respective roles and responsibilities of the ITU, other international organizations, and their regional counterparts.

13 **The development gap:** In the information economy and society, telecommunication development should no longer be viewed solely in terms of assistance provided from developed to developing countries. It must be seen in the much broader context of sustainable global development. In this perspective, the development of telecommunications is interdependent with the other elements of economic and social development. They are mutually reinforcing and should be pursued in ways that preserve and enhance the natural and human environment. Since telecommunications are now recognized as an essential infrastructure for all human development, universal access to at least basic telecommunication services should be viewed as a fundamental objective by the international community. A decade ago, the Maitland Commission suggested to the ITU that this goal should be reached by the year 2000. While there have been notable advances in some developing countries, there has been very little progress in the fifty or so least developed countries (LDCs). Overall, the gap between the developed and developing worlds has widened. However, new technologies promise to make it possible to achieve the goal of universal access to basic services and to extend some of the

benefits of new technologies to developing countries. Closing the development gaps between the LDCs and other developing countries, and between the developed and developing worlds, will require a concerted effort between ITU Members and members, between ITU Sectors, and between the ITU and other international and regional organizations.

C A general strategic approach

14 Since its creation, the ITU's fundamental mission has been technical. The greater part of the Union's resources are allocated to this mission, and its greatest successes have been in this area. The ITU is the only international organization with a thorough technical knowledge of telecommunications, not only because Member countries are represented by telecommunication administrations, but because the world's leading suppliers of telecommunication goods and services participate so actively in ITU activities. The Union's strategy builds on its core technical competence in telecommunications.

15 In developing a strategy based on this foundation, it will be necessary to maintain and strengthen the ITU's role in standardization, in radiocommunication, and in the development of telecommunication networks. This will be done through the activities of the three Sectors and by establishing closer links among them.

16 As a result of the changes that have taken place in the structure of the world telecommunication sector, public policies, legislative frameworks and regulatory institutions are now playing a more decisive role in the development of telecommunications. In addition, the emergence of global telecommunication operators and the GATT agreement on a global framework for regulating trade in telecommunication goods and services strongly indicate that reviewing and updating the ITU's role in the regulation of international telecommunications should be a strategic priority for the period 1995-1999. This may require adaptation of the Union's traditional strengths. In particular, the interplay between the activities of the ITU and the WTO on telecommunication matters will have to be considered. Some adjustments in

jurisdiction or procedures may ultimately be necessary. The Union should establish immediately effective liaison with the WTO to identify issues at an early stage and avoid duplication or inconsistent activities. More generally, to maintain ITU's claim to global technical pre-eminence in matters relating to telecommunications, the Union should continue to keep pace with developments in the areas of telecommunication policy, law, regulation and trade.

17 Telecommunication development is a relatively new priority in the ITU mission. Relatively little progress has been made toward the fundamental development goal of universal access to basic telecommunication services in the decade since the Maitland report. The telecommunication needs of developing countries are great, while the resources of the ITU are limited and currently declining. In this situation, the Union's strategy should be to use the leverage provided by its core technical competencies to help achieve its development mission. One of the essential elements of this strategy is improved cooperation and coordination between the Standardization, Radiocommunication and Development Sectors.

18 Strengthening the Union's technical pre-eminence in telecommunications will position the ITU to be a credible partner in development – to the service providers and equipment manufacturers who are driving the development of telecommunications worldwide, to the private investors and public institutions that possess the financial resources needed by developing countries, and to the other international organizations involved in infrastructure, economic and social development programmes which increasingly depend on telecommunications for their success.

19 The policy role of the ITU adopted by the Additional Plenipotentiary Conference (Geneva, 1992) may in the long run prove to be of the greatest strategic significance to the Union. In the 1995-1999 timeframe, the most appropriate strategy for developing the ITU's broad policy role will be to focus the attention of the international community on telecommunication issues in the global information economy and society.

20 The ITU is an intergovernmental organization, and its Members clearly wish it to remain so. The need to preserve the intergovernmental nature of the ITU is therefore a fundamental premise in strategic planning for the Union for the 1995-1999 timeframe. However, great advantage can be derived from enhanced participation of the private sector in the ITU. The ITU's leading role as an international organization and the achievement of its purposes as set out in the Constitution fundamentally depend on the enhanced participation of non-administration entities and organizations. This in turn requires continued consultation with industry participants to ensure that their contributions are rewarded by effective results. The need to enhance the ITU's character as a partnership between the public and private sectors is therefore a fundamental strategic premise.

21 As the Union refines its strategy in the 1995-1999 period, Member administrations must remain ever conscious of the strategic need to maintain and strengthen the relationship between the public and private sectors within the ITU.

22 The Union's strategy in the plenipotentiary period 1995-1998 should be to approach this issue on a practical basis, taking into account:

- the changing roles, needs and functions of Member administrations;

- the associated changes in the wider communications industry, and the changing needs of all ITU participants. On this basis, it will be possible to examine how adequately these needs are served by existing structures and working methods, and thereby determine whether adjustments are required to meet the specific, evolving needs of ITU constituents.

Members must be prepared to adjust the ITU's structures and working methods if it is in the long-term interest of the Union to do so.

D General policy and programme priorities

23 The following policy and programme priorities are recommended for particular attention, within the budgetary limits of the plenipotentiary period 1995-1998:

1 Strengthening the foundations of the Union

24 In order to increase the effectiveness of the ITU, the following actions should be considered for the 1995-1998 plenipotentiary period:

- the needs of ITU Member administrations, non-administration participants and the world telecommunication sector, including telecommunication user groups and development partners, should be systematically analysed to determine what they require and expect from the Union. This should initially be done on a comprehensive basis and as a matter of urgency by the 1995 Council. Further and possibly more targeted analysis should be conducted at regular intervals throughout the plenipotentiary period;

- the participation in Union activities of non-administration entities and organizations should be enhanced. Because of the intergovernmental nature of the ITU, this should be done in the first instance by encouraging national entities and organizations to participate in national delegations and in forums established by Member administrations for developing national positions for ITU meetings and conferences;

- as provided by Resolutions 14 and 15, the terms and conditions under which members participate in Union activities should be reviewed and updated in light of their changing needs and the ITU's changing requirements. A study programme should also be undertaken to determine under what conditions non-profit organizations and the smaller members might take part in ITU

activities. The impact of these changes on the financial balance between the three ITU Sectors should be carefully monitored;

– linkages and synergies between the activities of the three ITU Sectors should be reinforced.

2 Broadening the scope of Union activities

25 At the same time as the Union seeks to strengthen its current core competencies to ensure its technical pre-eminence in international telecommunications, it must take cognizance of the rapid changes taking place in the telecommunication environment and in the needs of its Members:

– a purpose of the Union is to promote, at the international level, a broader approach to telecommunication issues in the global information economy and society. ITU Member administrations realize the need for constant review of their own telecommunication policies and legislation and for coordination with those of other Members in the rapidly changing telecommunication environment. A new forum established by Resolution 2 will provide a framework for discussion of telecommunication policy, without prescriptive regulatory outcomes;

– the implications of the Marrakesh Agreement, including the General Agreement on Trade in Services (GATS), the implications of technological convergence and global telecommunication systems are possible topics for priority consideration in these forums;

– developments which might lead to the need in a future plenipotentiary period to hold a world conference on international telecommunications (WCIT), as provided for in Article 25 of the Constitution (Geneva, 1992), should be kept under review;

- the Union should develop strategies to exploit its information resources more effectively. There is a huge and growing demand for information about telecommunications. By capitalizing on the technical information available through its radiocommunication, standardization, and development study groups, the data collected by the Standardization and Development Sectors, and the telecommunication indicators programme, the ITU could respond to this demand and increase revenues from its publications programme. In developing an ITU information resources strategy along these lines, the terms and conditions under which members should obtain access to ITU information resources must be carefully considered, and care taken to avoid policies which would create incentives for companies simply to purchase ITU information products and services instead of becoming Sector members.

3 Increasing the Union's leverage

26 Broadened and reinforced technical competence in all matters relating to global telecommunications will position the Union to play an increasingly predominant role in issues relating to the global information economy and society. Key priorities in the 1995-1999 timeframe are:

- strategic alliances should be developed with other international and regional organizations which have an important influence on the development of telecommunications. At the international level, cooperation with the new WTO, OECD, the World Bank and UNESCO should be priorities. At the regional level, telecommunication standardization, development and financial organizations are of increasing importance;

- the ITU's relationship with the rest of the United Nations system should be strengthened. In the global information economy and society, telecommunications will be increasingly important for the activities of all international organizations, particularly those

involved in large-scale peace, security and development projects. By working in partnership with other organizations and making its core technical competence in telecommunications available to support their activities, the ITU will leverage its own resources and multiply the effectiveness of its activities;

– the Union's public information capabilities should be increased. At present, the ITU is surely one of the least known international organizations, in spite of the fact that the development of the global telecommunication network is increasingly vital to the welfare of humanity. The Members of the Union have asked it to play a leadership role in the international community. To do this, the ITU must communicate its message more effectively than it does at present, to ensure that governments are aware of the importance of telecommunications as a tool for social and economic development.

III Sectoral strategies and priorities

A Radiocommunication

A.1 The Radiocommunication Sector mission

27 Under the provisions of the Constitution and the Convention (Geneva, 1992), the mission of the ITU Radiocommunication Sector is, *inter alia*, to ensure rational, equitable, efficient and economical use of the radiofrequency spectrum by all radiocommunication services, including those using the geostationary-satellite orbit, and to carry out studies on radiocommunication matters by:

– ensuring, through world radiocommunication conferences, that the Radio Regulations contain at treaty level only those provisions necessary to respond to the needs of the international community;

- meeting the specific needs of Members of a Region through regional radiocommunication conferences;

- coordinating efforts to eliminate harmful interference between radio stations of different countries;

- making recommendations on technical radiocommunication matters through radiocommunication assemblies and study groups;

- providing the products and services necessary to accomplish the Sector's purposes through the Radiocommunication Bureau and the Radio Regulations Board;

- developing an appropriate set of rules of procedure for approval by the Radio Regulations Board and for use in the application of the Radio Regulations and of the decisions of competent radiocommunication conferences.

A.2 The radiocommunication environment

28 Notably, the radiocommunication environment is characterized by:

- technological convergence of information technology and telecommunications (including audiovisual technology);

- rapid technological development, and the widespread application of digital techniques to most space and terrestrial systems, including mobile communications and new television and sound broadcasting systems;

- increasing demand for the limited radio-frequency spectrum and orbital positions for space and terrestrial systems, different services and service providers, and different countries;

- growing competition in the marketplace between "wired" and "wireless" communications;

- growing recognition of the economic value of frequencies and orbital positions leading to new approaches to national spectrum management in some countries;

- the growing role of regional organizations and private sector collaboration.

A.3 The Radiocommunication Sector strategy

29 The strategy of the Radiocommunication Sector is to ensure that the ITU remains the pre-eminent global body for radiocommunications.

The objectives of the Radiocommunication Sector to achieve this strategy are to carry out the functions laid down in the Convention, and specifically in the period 1995-1999:

- to develop and adopt more precise criteria for frequency sharing and coordination of new and existing systems in both space and terrestrial environments;

- to complete the simplification of the Radio Regulations to the extent possible and consider any consequential impact on the Radiocommunication Sector;

- in close collaboration with the Telecommunication Development Sector and the Telecommunication Standardization Sector, as appropriate, to organize information meetings and world and regional seminars, accelerate the development of handbooks, and facilitate the development of automated spectrum management systems;

- to continue to improve the working methods and cost-effectiveness of the Radiocommunication Sector, and to aim at more efficient radiocommunication assemblies and radiocommunication conferences;

- to optimize cooperation with the other Sectors and organizations and to minimize duplication of effort;

- to facilitate the development and introduction of new technologies;

- to implement efficient means in order to promote broader participation by Members, particularly developing countries, and other entities in all the activities of the Radiocommunication Sector;

- to ensure that the Radio Regulations and the rights of Member administrations and service providers are respected;

- to ensure that the Radio Regulations Board carries out its functions, particularly in regard to the use made of frequency bands and satellite orbits, in a manner which maintains the confidence of Member administrations.

A.4 Priorities of the Radiocommunication Sector for 1995-1999

30 The priorities of the Radiocommunication Sector for 1995-1999, in addition to those identified by future conferences, are:

- to facilitate the development and introduction of mobile-satellite services (MSS) and future public land mobile telecommunication systems (FPLMTS), including the development of relevant sharing conditions, taking account of existing services;

- to facilitate the development and introduction of digital television, including high-definition television (HDTV), and digital sound broadcasting;

- to provide assistance, as requested by a world telecommunication development conference, to facilitate the introduction of

modern radio systems to assist the developing countries in raising penetration levels, particularly in rural areas;

- to facilitate timely coordination between new systems and existing systems in both space and terrestrial environments;

- to expand the assistance offered to Member administrations in registering frequency assignments and in applying the Radio Regulations, with special attention to developing countries;

- to ensure that the Radio Regulations are respected in the increasingly competitive and commercial radiocommunication environment;

- in relation to improving the working methods of the Sector, to address options for:

  - early establishment of user-friendly document exchange capability;

  - accelerated development of recommendations and improvement in publication mechanisms (reduce unit cost and time to publish, provide wider distribution and electronic availability);

  - increased use of informatics for the notification and processing of frequency assignments;

  - a flexible organizational structure in the Radiocommunication Bureau with special attention to the training and development of the Bureau's staff;

- to promote the development of a global information infrastructure (GII);

- to encourage the participation by non-administration entities and organizations in the activities of the Radiocommunication Sector.

A.5 Radiocommunication Sector actions

31 Taking into account its mission, environment, strategy, objectives and priorities, the intended actions of the Radiocommunication Sector include:

- conduct of information meetings, world and regional seminars and assistance to administrations with special attention to developing countries, e.g. through the development of handbooks;
- further development of cooperation with other Sectors and organizations and avoidance of duplication;
- responding, as appropriate, to the items in the Buenos Aires Action Plan relating to radio-spectrum management;
- increased use of informatics and information technologies including the development of an automated spectrum management system;
- development of a flexible organizational structure, improvement of working methods, utilization of modern communication media and organization of training and development of the Bureau's staff;
- recognition that the ITU is an organization providing services to administrations and members of the three Sectors;
- enhanced participation by non-administration entities and organizations.

B Standardization

B.1 The Standardization Sector mission

32 Under the provisions of the Constitution and Convention (Geneva, 1992), the mission of the ITU Telecommunication Standardization Sector is to fulfil the purposes of the Union relating to telecommunication

standardization by studying technical, operating and tariff questions and adopting Recommendations on them with a view to standardizing telecommunications on a worldwide basis.

B.2 The standardization environment

33 The standardization environment is characterized by:

- rapid technological change and shortened innovation cycles;
- rapid development and convergence of telecommunication, broadcasting, computer and information technology;
- rapid growth of new products and services;
- heightened competition between and among network operators, service providers and equipment suppliers;
- increasing involvement of non-administration entities in the standardization process;
- the growing influence of regional standardization organizations and industry forums;
- a worldwide shift from a "technology-driven" to a "market-driven" approach to standardization;
- a parallel shift from an all-embracing "theoretical" to a "practical" approach with emphasis on rapid implementation;
- emergence of global telecommunication operators and systems.

B.3 The Standardization Sector strategy

34 The goal of the Standardization Sector is to ensure that the ITU remains the pre-eminent global telecommunication standardization body. Strategies to achieve this goal include:

- adopting a market-oriented approach to standardization;

- delivering high-quality products (i.e. recommendations) on time ("value for money");
- clearly defining the role of the ITU in relation to regional standardization bodies and industry forums;
- developing appropriate agreements and cooperative relationships with these partners;
- within the Sector's area of competence, focusing on high-priority standardization areas;
- continuing to improve the working methods of the Standardization Sector, including improved and accelerated development and approval of recommendations;
- enhancing participation and involvement by non-administration entities and organizations in the standardization process.

B.4 The priorities of the Standardization Sector for 1995-1999

35 The Standardization Sector's priorities for 1995-1999 are:

- to develop global standards for incorporating new technologies, services and capabilities in telecommunication networks, e.g.:
  - intelligent networks (IN);
  - broadband integrated services digital network (B-ISDN);
  - asynchronous transfer mode (ATM);
  - universal personal telecommunication (UPT);
  - multimedia communication systems (MCS);
  - future public land mobile telecommunication systems (FPLMTS) and mobile-satellite systems (MSS);
  - global virtual network service (GVNS);

- to develop global standards required to manage increasingly complex telecommunication networks:
  - telecommunication management network (TMN);
  - standards relating to quality of service and network performance;
  - numbering plans;
- to continue to develop and review tariff and accounting principles for international telecommunications;
- to continue the review of new and existing work and its distribution between the Radiocommunication and Standardization Sectors, bearing in mind the priorities as defined in both Sectors;
- to optimize cooperation with the other Sectors of the Union and to minimize duplication of effort;
- to continue to improve the efficiency of the ITU standardization process;
- to continue to cooperate with other global and regional standardization organizations and industry forums to harmonize the development and implementation of global telecommunication standards;
- with special attention to developing countries, to cooperate with the other Sectors in the organization of information meetings, seminars and workshops, and in the development of case studies, guidelines and handbooks.

C Development

C.1 The Development Sector mission

36 Under the Constitution and Convention (Geneva, 1992), the ITU Development Sector has a dual responsibility reflecting the Union's status as a

United Nations specialized agency and as an executing agency for implementing development projects under the United Nations development system or other funding arrangements. In all its efforts, the ITU Development Sector is working towards the broad aim that all countries in the world should have effective telecommunication networks and services, based on the most appropriate technology. Its mission is:

- to raise awareness of the importance of telecommunications for national economic and social development;

- to provide information and advice on policy and structural options;

- to promote the development, expansion and operation of international, regional and national telecommunication networks in developing countries by reinforcing capabilities for human resources development, planning, management, resource mobilization and research and development, in cooperation with other ITU Sectors and other international and regional organizations and in partnership with the private sector;

- to promote and coordinate programmes to accelerate the transfer of appropriate technologies to the developing countries;

- to encourage participation by industry in telecommunication development in developing countries, and offer advice on the choice and transfer of appropriate technology;

- to give special attention to the requirements of and provide assistance to the least developed Countries (LDCs).

C.2 The development environment

37 The telecommunication development environment is characterized by:

- restructuring and liberalization of the telecommunication sector at the national and international level, so that the provision of telecommunication services is increasingly governed by the laws of competition;

- overall, the gap between developed and developing countries has narrowed slightly in terms of access to basic telephone services, but has widened where advanced telecommunication services are concerned;

- rapid development of telecommunications in some countries, particularly in the Asia-Pacific and Latin America regions, associated with general economic growth;

- little progress in other countries, particularly in the Africa region, where economic growth has stagnated and telecommunications have not been restructured;

- a change in UNDP strategy, which now emphasizes national execution of development projects rather than international execution through specialized agencies;

- a consequent drop in project execution funding which has been only partially offset by a rise in funds-in-trust and voluntary contributions, thereby reducing the financial resources available to the Development Sector to discharge its dual responsibility referred to in paragraph 36;

- increasing emphasis on policy and regulatory frameworks which create open markets and encourage private investment (including foreign investment), with the result that development programmes rely less and less on technical assistance and more and more on partnerships and trade agreements;

- the funds available to the ITU for telecommunication development will remain limited when compared with the needs of developing countries, requiring the ITU to play a catalytic role.

C.3 The Development Sector strategy

38 The strategy of the Development Sector is based on three main areas:

Direct assistance – The Development Sector provides assistance to developing countries, to strengthen, expand and harmonize their telecommunication networks and services by:

- assisting countries to create the necessary policy, strategic and investment environment that will allow and enable the successful development of telecommunications, by mobilizing the support of key decision-makers in all sectors;
- assisting the telecommunication sector to develop and strengthen its institutional capacity;
- assisting the telecommunication sector to develop plans;
- assisting those who are involved in the telecommunication sector to acquire the necessary and appropriate knowledge and expertise in the latest developments in telecommunications.

Partnership – In the second area, the Development Sector plays a catalytic and facilitating role in encouraging all the actors in telecommunications to work together in telecommunication development. More specifically, it promotes and facilitates the active involvement of developed countries and the international community in the development process by:

- working cooperatively with other international and national organizations in order to promote an integrated approach to sustainable development, particularly in rural areas through an integrated rural development (IRD) approach;

- working cooperatively with regional telecommunication organizations and with the global, regional and national development and financing organizations;
- encouraging the private sector to participate in the activities of the Development Sector;
- optimizing cooperation with the other Sectors of the Union and minimizing duplication of effort;
- mobilizing resources in support of telecommunication development projects.

Resource development and mobilization – The Development Sector develops and mobilizes resources, including financial and human resources, technology, information and expertise for telecommunication development, through constant action to:

- identify sources of financing;
- develop human resources management tools and systems;
- develop and manage information databases of interest for the development process.

C.4 Priorities of the Development Sector for 1995-1999

39 The world and regional telecommunication development conferences have identified through their resolutions and through a concrete work programme for the Telecommunication Development Sector, the Buenos Aires Action Plan[1], the priorities specific to the Development Sector and the areas of cooperation with its development partners.

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[1] The official text of the Buenos Aires Action Plan is set out in the Final Report of the World Telecommunication Development Conference (Buenos Aires, 1994).

40 The work programme will be implemented as a matter of urgency and within the available resources in coordination and cooperation with development partners, with emphasis on assistance to the LDCs. It comprises three chapters:

Chapter 1

- The development of recommendations, guidelines, models, etc. to assist, advise and inform, *inter alia*, policy-makers by means of a programme of cooperation among members, the relevant work of the two study groups (and working parties as required), and development conferences.

Chapter 2

- Updating existing programmes and studies;
- implementing projects and activities within 12 new complementary programmes in the areas of:
  - policies, strategies and financing;
  - human resources management and development;
  - guidelines for the elaboration of a business-oriented development plan;
  - development of maritime radiocommunication services;
  - computer-aided network planning;
  - frequency management;
  - improvement of maintenance;
  - mobile cellular radio telephone systems;
  - integrated rural development;
  - broadcasting infrastructure;

  - information services;
  - development of telematics and computer networks;
- providing ad hoc assistance;
- executing of UNDP and funds-in-trust projects.

Chapter 3

- Special programme of assistance for LDCs to ensure the adequate participation of LDCs in implementation of the Buenos Aires Action Plan.

C.5 Development Sector actions

41 The intended actions of the Development Sector in accordance with its mission, priorities and strategies and in pursuance of the decisions of the first World Telecommunication Development Conference (Buenos Aires, 1994) include:

- full implementation of the Buenos Aires Action Plan, with special focus on the needs of LDCs;
- implementation of recommendations of development study groups through field trials and project-type activities;
- updating of existing and preparation of new handbooks/manuals following the transfer of special autonomous groups (GAS) activities (Resolution 7 of the Additional Plenipotentiary Conference (Geneva, 1992));
- encouraging enhanced participation by non-administration entities in the activities of the BDT;
- mobilizing resources for development projects bearing in mind in particular the needs of the LDCs;

- further development of cooperation with other Sectors and organizations for the benefit of telecommunication development and with the aim of avoiding duplication;

- continuing to provide updated statistical information, development indicators and other related reports.

D Regional presence

42 The regional presence of the ITU was established gradually by previous Plenipotentiary Conferences without any clear definition of its objectives and purposes. At the same time, the Plenipotentiary Conference (Nice, 1989) set up the BDT and adopted Resolution 17 to strengthen regional presence without adequately specifying how it fitted together with the various components of the Union, in particular the BDT. After five years of operation of reinforced regional presence and taking account of the conclusions of the world and regional development conferences, the principle of a strong ITU regional presence, with a certain form of delegation of authority and responsibility, should be consolidated.

43 The main purpose of the regional presence must be to enable the Union to be as close as possible to its Members and, within the limits of the available resources, to carry out BDT activities to meet the increasing and diverse requirements of the developing countries in expanding their telecommunication networks and services. To achieve this, ITU regional presence should, in general, serve mostly as technical and logistical support to BDT activities, assisting in the implementation, in the field, of the decisions, recommendations, actions, programmes and projects approved by the Member countries or the relevant Sector of the Union, by means of direct and sustained contacts with the responsible national authorities, regional and subregional organizations and other bodies concerned. To this end, the Conference has redefined the purposes and the mission of regional presence in Resolution 25.

IV Management and personnel strategies and priorities

44 To support the strategies and priorities proposed in this plan, the secretariat should continue the process of management reform which was begun in the plenipotentiary period 1990-1994, following the recommendations made by the consultants and the High Level Committee. Priorities for the period 1995-1999 include:

- continuing to develop and integrate the strategic planning, operational planning, financial management and performance management systems that have been put in place during the plenipotentiary period 1990-1994;
- continuing to improve the efficiency and effectiveness of the ITU's conference services;
- developing and implementing a strategy for electronic and paper publications;
- continuing to develop the ITU information systems and services strategy, particularly services such as TIES[2]/ITUDOC which benefit the membership.

45 The ITU staff are among the Union's most precious resources. To enable the secretariat effectively to assist ITU Members in adapting the organization's activities to the rapidly changing telecommunication environment, a global approach should be taken to the development and management of the ITU's human resources within the framework of the United Nations common system. Key priorities for the period 1995-1999 are:

- **post classification** – the development of post classification criteria which will ensure that due attention is given to:
  - the highly technical requirements of many ITU professional positions which call for specialized expertise but do not entail extensive managerial responsibilities;

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[2] Telecom Information Exchange Services.

- the important managerial requirements of some other positions, where the need for the relevant knowledge, skills, aptitudes and experience outweighs the technical requirements;

- **staffing table** – the profile of established posts and the distribution of permanent and fixed-term contracts should be reviewed in view of the structural changes, the technological developments and the nature of the work :

  - in general, to achieve a better balance between permanent and fixed-term contracts throughout the organization;

  - in particular, to achieve a better balance between the situation of staff in the BDT and elsewhere in the organization;

- **recruitment and promotion** – the development and implementation of recruitment and promotion policies and procedures designed to:

  - ensure equitable geographical representation within the ITU ;

  - improve the representation of women in professional positions;

  - allow for the development of a dynamic workforce by creating suitable positions for the entry of recent university graduates;

  - ensure career development and internal promotions;

- **organizational and career development** – the strengthening of the organization and the enhancement of career development opportunities through:

  - the implementation of a comprehensive in-service training programme, with the provision of the necessary financial resources, having due regard to increasing the number of women in the professional category;

- the use of the entire classification structure of the United Nations common system from G.1 to D.2;

- the provision of career guidance, planning and counselling and performance evaluation services.

V Financial considerations

46 The strategic plan proposed in this report calls upon the ITU to undertake a number of policy and programme initiatives in the plenipotentiary period 1995-1998. This section of the plan outlines the financial factors considered by the Kyoto Plenipotentiary Conference when examining global options for the period 1995-1999.

47 **Income side of the ITU budget**: The ordinary income of the ITU comes from three main sources:

- assessed contributions of Member administrations to the ordinary budget of the Union;

- assessed contributions of members of the ITU Sectors to the ordinary budget of the Union;

- support cost income earmarked to cover the cost of technical cooperation projects executed by the ITU Development Sector on behalf of UNDP and funds-in-trust.

48 An analysis of income trends indicates that:

- assessed contributions from Member administrations to the ordinary budget has reached a plateau; income from these sources appears unlikely to grow dramatically and may begin to decline;

- UNDP funding has declined precipitously in the plenipotentiary period 1990-1994; it appears unlikely that this trend will be reversed because of the change in strategy at UNDP.

49 These income trends are significant for the plenipotentiary period 1995-1998. At the commencement of the period covered by this plan, 86% of the ITU's ordinary income comes from the contributions of Member administrations. A further 12% is contributed by members, while the remaining 2% comes from UNDP and funds-in-trust. Only the contributions of Member administrations are highly predictable.

50 **Expenditure side of the ITU budget**: The ITU has both fixed and variable expenditures:

- approximately 75% of the fixed expenditures are staff costs; the bulk of the remainder is for maintaining and improving physical facilities;

- the variable expenditures are related mainly to the programme of conferences and meetings; approximately 20% of the ITU's total expenditure falls in this class.

51 Against this background, and taking into account the maximum total that the Members estimate they can spend, the Plenipotentiary Conference has adopted Decision 1 establishing the limit of expenditure for the financial period 1995-1999 for a maximum of 750 million Swiss francs, value at 1 January 1994.

52 In the light of the many changes taking place in the telecommunication environment, Resolution 39 provides for a comprehensive study of the financial foundations of the Union during the plenipotentiary period 1995-1998, involving participation by Members and members.

RESOLUTION 2

Establishment of a Forum to Discuss Strategies and Policies in the Changing Telecommunication Environment

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that the telecommunication environment has undergone considerable changes since the 1980s under the combined influence of advances in technology, the globalization of markets and growing user demand for integrated cross-border services increasingly adapted to their needs;

b) that the forces shaping the telecommunication environment have led in many countries to a restructuring of the telecommunication sector, especially the separation of regulatory and operating functions, the gradual liberalization of services and the appearance of new players in this area;

c) that this restructuring of telecommunication policies and regulations, which began in the industrialized countries, is now being followed by regional initiatives to introduce liberalization through new regulatory frameworks, such as the Latin American Blue Paper of the Inter-American Telecommunications Commission (CITEL) and the African Green Paper;

d) that, alongside these regional initiatives, many countries have started liberalizing their telecommunication services and in some cases privatizing them;

e) that, as a result of these changes, the need for a global framework to exchange information on telecommunication policies has been evident for many years;

f) that national telecommunication policies and regulations have to be recognized and understood, so as to allow the development of global markets which can support the harmonious development of telecommunication services,

conscious

a) that the purposes of the Union are, *inter alia*, to promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global information economy and society, to promote the extension of the benefits of the new telecommunication technologies to all the world's inhabitants and to harmonize the actions of Members in the attainment of those ends;

b) that the idea of trying to provide a global framework in order to introduce and develop these new global technologies has already been discussed on many occasions,

recalling

a) that in its report entitled "The Changing Telecommunication Environment", the Advisory Group on Telecommunication Policy noted that the ITU:

- has made relatively little provision for the harmonizing and coordination of national policy considerations;
- with its proven track record of international cooperation, is the only telecommunication organization in which virtually all governments of the world are Members;
- is uniquely positioned to provide a forum for coordination, information exchange, discussion and harmonization of national, regional and international telecommunication policies;

b) that these observations were echoed by the Nice Plenipotentiary Conference (1989), which, in its Resolution 14, took into consideration and recognized:

- that effective policies for telecommunications cannot be determined in isolation by those involved in such activities;

– that the ITU is the only telecommunication organization in which virtually all countries of the world are Members, which makes it an appropriate forum for assisting in the harmonization of national, regional and international telecommunication policies;

c) that, lastly, the Additional Plenipotentiary Conference (Geneva, 1992) continued the debate on the need to establish a policy coordination mechanism (Resolution 15) and recognized the need to establish a forum in which policy coordination between Members would be expedited. The means whereby such coordination could be ensured, however, are not explained. In particular, the question of the nature of such a forum, the scope of its action and the form it might take remain to be settled,

emphasizing

a) that ITU Members realizing the need for constant review of their own telecommunication policies and legislation and for coordination in the rapidly changing telecommunication environment should be able to discuss strategies and policies;

b) that it is necessary for the Union, as an international organization playing a leading role in the field of telecommunications, to organize a forum to facilitate the exchange of information on telecommunication policies;

c) that the forum should be a facilitator for information gathering and exchange, and provide a platform for the periodic discussion, *inter alia*, of broad policy issues, technological advances, service options and opportunities, infrastructure development and financial business considerations;

d) that the forum should give special attention to the interests and needs of the developing countries, where modern technologies and services can contribute significantly to telecommunication infrastructure development,

resolves

1. that a world telecommunication policy forum shall be established to discuss and exchange views and information on telecommunication policy and regulatory matters;

2. that the world telecommunication policy forum shall neither produce prescriptive regulatory outcomes nor produce outputs with binding force; however it shall prepare reports and, where appropriate, opinions for consideration by Members and relevant ITU meetings;

3. that the world telecommunication policy forum shall be open to all Members and entities and organizations other than administrations authorized to participate in the activities of the Union under Article 19 of the Convention (Geneva, 1992) but, if appropriate, may in some cases restrict some sessions to Members only;

4. that the world telecommunication policy forum should be convened once or twice before the next Plenipotentiary Conference in conjunction with other ITU conferences and meetings, depending on topics, scheduling and financial constraints;

5. that the world telecommunication policy forum shall be convened on an ad hoc basis to respond quickly to emerging policy issues arising from the changing telecommunication environment;

6. that Council shall decide on the duration, date, venue, agenda and themes of the world telecommunication policy forum;

7. that the agenda and themes shall be based on a report by the Secretary-General, including input from any conference, assembly or meeting of the Union, and on contributions from Members and members of the Union;

8. that discussions at the world telecommunication policy forum shall be based on contributions from Members and members of the Union, the report of the Secretary-General and the views expressed by the participants on a given topic;

9. that the world telecommunication policy forum shall be convened in conjunction with one of the conferences or meetings of the Union in order to minimize the impact on the budget of the Union;

10. that the world telecommunication policy forum shall adopt its own Rules of Procedure, based on a draft by the Secretary-General which will be examined by the Council,

instructs the Secretary-General

to make the necessary preparations for the world telecommunication policy forum based on the **resolves** above,

instructs the Council

to decide upon the duration, date, venue, agenda and themes of the world telecommunication policy forum,

further instructs the Council

to submit to the next Plenipotentiary Conference a report on the world telecommunication policy forum for evaluation and any necessary action,

invites the next Plenipotentiary Conference

to consider whether to formalize the forum in the Constitution and Convention of the Union, bearing in mind the experience gained during the plenipotentiary period 1995-1998.

RESOLUTION 3

Future Conferences of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

having considered

a) Document 38 submitted by the Secretary-General on planned conferences;

b) the proposals submitted by several Members of the Union;

c) the necessary preparatory work to be carried out both by the Sectors of the Union and by the administrations before each session of a conference,

resolves

1. that the schedule of future conferences shall be as follows:

1.1 Radiocommunication Assembly (RA-95), Geneva, 16-20 October 1995;

1.2 World Radiocommunication Conference (WRC-95), Geneva, 23 October-17 November 1995;

1.3 Regional Telecommunication Development Conference (RTDC), second quarter of 1996;

1.4 Regional Telecommunication Development Conference (RTDC), fourth quarter of 1996;

1.5 World Telecommunication Standardization Conference (WTSC), October 1996, eight days;

1.6 Radiocommunication Assembly (RA-97), October/ November 1997;

1.7 World Radiocommunication Conference (WRC-97), October/November 1997;

1.8 World Telecommunication Development Conference (WTDC), Malta, March/April 1998;

1.9 Plenipotentiary Conference (PP-98), United States of America, between September and December 1998;

1.10 Regional Telecommunication Development Conference (RTDC), second quarter of 1999;

1.11 Radiocommunication Assembly (RA-99), October/November 1999;

1.12 World Radiocommunication Conference (WRC-99), October/November 1999;

2. that:

2.1 the agenda of the Conference referred to in **resolves** 1.2, already established by the Council, shall remain unchanged;

2.2 the agenda of the Conference referred to in **resolves** 1.7 shall be established by the Council, taking into account the Resolutions and Recommendations of WRC-93 and WRC-95;

2.3 the agenda of the Conference referred to in **resolves** 1.12 shall be established by the Council, taking into account the Resolutions and Recommendations of WRC-95 and WRC-97;

3. that the conferences shall be held within the periods indicated in **resolves** 1, the precise dates and venues, where not already decided, being set by the Council after consulting the Members of the Union, and leaving sufficient time between the various conferences. However, in cases where precise dates are specified, they shall not be changed. The durations indicated in **resolves** 1 for conferences for which agendas have already been established shall not be changed; the precise duration of the other conferences shall be decided by the Council after their agendas have been established, within the duration limits indicated in **resolves** 1.

RESOLUTION 4

Duration of Plenipotentiary Conferences of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

noting

a) that Article 8 of the Constitution of the International Telecommunication Union (Geneva, 1992) provides that Plenipotentiary Conferences of the Union shall be convened every four years and that this will enable them to be of shorter duration;

b) the increasing demands on the resources of the Union, on administrations and on delegates involved in international conferences on telecommunication subjects,

resolves

that future Plenipotentiary Conferences shall, unless there is a pressing need otherwise, be limited to a maximum duration of four weeks,

instructs the Secretary-General

to take appropriate measures to facilitate the most efficient use of time and resources during such conferences.

RESOLUTION 5

Invitations to Hold Conferences or Meetings away From Geneva

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

that expenditure on conferences and meetings of the Union is distinctly lower when they are held in Geneva,

considering, however

that there are advantages in holding certain conferences and meetings in countries other than the headquarters country,

bearing in mind

that the United Nations General Assembly, in Resolution 1202 (XII), decided that meetings of organs of the United Nations should, as a general rule, be held at the headquarters of the organ concerned, but that a meeting could be held away from headquarters if an inviting government agreed to defray the additional expenditure involved,

recommends

that world conferences and assemblies of the Union should normally be held at the seat of the Union,

resolves

1. that invitations to hold conferences and assemblies of the Union away from Geneva should not be accepted unless the host government agrees to defray the additional expenditure involved;

2. that invitations to hold development conferences and meetings of the study groups of the Sectors away from Geneva should not be accepted unless the host government provides at least adequate premises and the necessary furniture and equipment free of charge, except that in the case of developing countries equipment need not necessarily be provided free of charge by the host government, if the government so requests.

RESOLUTION 6

Attendance of Liberation Organizations Recognized by the United Nations at Conferences and Meetings of the International Telecommunication Union as Observers

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) Article 8 of the Constitution of the International Telecommunication Union (Geneva, 1992), vesting full powers in Plenipotentiary Conferences;

b) Article 49 of that Constitution, defining the relations of the Union with the United Nations;

c) Article 50 of that Constitution, defining the relations of the Union with other international organizations,

having regard to

relevant resolutions of the United Nations General Assembly dealing with the question of liberation movements,

resolves

that the liberation organizations recognized by the United Nations may attend at any time conferences, assemblies and meetings of the International Telecommunication Union as observers,

instructs the Council

to take the necessary action to implement this Resolution.

RESOLUTION 7

Procedure for Defining a Region for the Purpose of Convening a Regional Radiocommunication Conference

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recognizing

a) that certain provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) (in particular No. 43 of the Constitution and No. 138 of the Convention) relate to the convening of a regional radiocommunication conference;

b) that some regions and areas are defined in the Radio Regulations;

c) that a Plenipotentiary Conference and a world radiocommunication conference have the competence to define a region for a regional radiocommunication conference;

d) that, whereas a regional radiocommunication conference may be convened on a proposal by the Council, the Council has not been explicitly authorized to take a decision on the definition of a region,

considering

a) that it may be necessary to define a region for the purpose of convening a regional radiocommunication conference;

b) that the Council is the most appropriate body for defining a region, when such action is necessary in the interval between competent world radiocommunication conferences or Plenipotentiary Conferences,

resolves

1. that, if and when it becomes necessary to define a region for the purpose of convening a regional radiocommunication conference, the Council shall propose a definition of the region;

2. that all Members of the proposed region shall be consulted on and all Members of the Union informed of that proposal;

3. that the region shall be deemed to have been defined when two thirds of the Members of the proposed region have responded in the affirmative within a time period determined by the Council;

4. that the composition of the region shall be communicated to all Members,

invites the Council

1. to take note of this Resolution and to take any appropriate action;

2. where appropriate, to consider combining the consultation of Members on the definition of the region with the consultation on convening the regional radiocommunication conference.

RESOLUTION 8

Instructions for the Continuation of Work on the Rules of Procedure of Conferences and Meetings of the International Telecommunication Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

Resolution 12 of the Additional Plenipotentiary Conference (Geneva, 1992),

considering

the report which the Council has submitted to this Conference (Document 30 + Corr.1) with a view to obtaining instructions or guidelines from this Conference for the continuation of work on the Rules of Procedure of conferences and meetings of the ITU,

having examined

the aforementioned report,

instructs the Council

1. to continue the preparation and revision of the draft Rules of Procedure, on the basis of the first draft and of the comments submitted by Members, as contained in the report or received by the Secretary-General by 1 March 1995;

2. to ensure, should the preparation of the draft necessitate establishment of the group of experts which the Council is empowered to set up, as it was under the terms of the aforementioned Resolution 12:

2.1 that the group of experts, if set up, or the Secretary-General, submits a preliminary provisional report, along with all related documentation, to the 1996 session of the Council for consideration, and that the provisional report,

together with the Council's views, is circulated to the Member States of the Union for comment;

2.2 that the group of experts, if set up, or the Secretary-General, submits to the 1997 session of the Council for further consideration a final report containing the draft Rules of Procedure, and that the report is subsequently circulated to the Member States at least one year before the next Plenipotentiary Conference;

3. to submit through the Secretary-General a report containing the final draft Rules of Procedure to the 1998 Plenipotentiary Conference for decision,

authorizes the Council

to modify the above timetable, if necessary, in the light of any decision it may take with regard to the establishment of the group of experts and the accomplishment of the work to be carried out.

RESOLUTION 9

Inaugural Meeting of the New Council and 1995 Session of the Council

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

conscious of

the need to have provisional arrangements for the sessions of the new Council, until the entry into force of the 1994 amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992),

noting

that the Council shall be composed of forty-six Members, as now elected,

resolves

1. that the new Council as elected by the present Conference shall meet on 14 October 1994 and perform the duties assigned to it under the Convention (Geneva, 1992) currently in force;

2. that the Chairman and Vice-Chairman shall be elected by the Council at the inaugural meeting of the new Council and shall remain in office until the election of their successors at the opening of the annual session of the Council in 1996.

RESOLUTION 10

Observer Status at Council Meetings for Members of the Union Which Are Not Members of the Council

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

that the number of Members of the Council shall not exceed 25% of the total number of Members of the Union,

recognizing

a) the important responsibilities of the Members elected to the Council, but also that the Members of the Union which are not Members of the Council have a legitimate interest in the work of the Council, its committees and its working groups;

b) that, in other specialized agencies of the United Nations, observer status for Members which are not Members of the governing body is a common practice,

resolves

1. that, for a trial period up to the 1998 Plenipotentiary Conference, any Member of the Union which is not a Member of the Council may, if it gives sufficient notice to the Secretary-General, send one observer, at its own expense, to meetings of the Council, its committees and its working groups;

2. that an observer may receive documents during a meeting, but shall not have the right to vote or to address the meeting,

instructs the Council

to amend its Rules of Procedure accordingly, in order to allow observers of Members which are not Members of the Council to attend on a provisional basis the sessions held from 1995 until the 1998 Plenipotentiary Conference,

further instructs the Council

to report to the 1998 Plenipotentiary Conference on the results of the trial attendance at meetings of the Council, its committees and its working groups during this period of observers from Members which are not Members of the Council,

invites

the 1998 Plenipotentiary Conference to review the attendance at meetings of the Council, its committees and its working groups of observers from Members which are not Members of the Council, and to take any necessary action.

RESOLUTION 11

World and Regional Telecommunication Exhibitions and Forums

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that telecommunication exhibitions and associated forums are of considerable assistance in keeping the membership of the Union and the wider telecommunication community informed of the latest advances in all fields of telecommunications and the possibilities of applying them for the benefit of all Members of the Union, particularly the developing countries;

b) that world and regional TELECOMs fulfil the mandate to keep Members informed of, and offer a universal opportunity for the display of, state-of-the-art technology concerning all aspects of telecommunications and related fields of activity;

c) that regional TELECOMs bring the potential benefits of telecommunications closer to the people of all continents by emphasizing the specific problems of each region and indicating possible solutions to them;

d) that such regional exhibitions and forums organized on a regular basis by the ITU, with no commercial interest, staged at the invitation of Members, are an excellent means of catering for the needs of both developed and developing countries and facilitate the transfer of technology and of essential information to developing countries,

noting

a) that the Secretary-General is fully accountable for TELECOM as a part of the permanent activities of the Union;

b) that, further to a recommendation of the High Level Committee, a board has been established to assist the Secretary-General in the management of TELECOM activities;

c) that TELECOM activities are subject to the ITU Staff Rules and Regulations, publication practices and Financial Regulations, including internal control and internal audit;

d) that the external audit of TELECOM activities should continue to be carried out by the external auditors of the Union,

resolves

1. that the Union should, in collaboration with its Members, continue to organize world telecommunication exhibitions and forums on a regular basis, preferably in the city of the seat of the Union;

2. that the Union should continue to cooperate with Members in organizing regional exhibitions and forums. As far as possible, these events should be synchronized with other important meetings or conferences of the Union, with a view to minimizing expenses and encouraging wide participation;

3. that the management of TELECOM and its structure should be strengthened;

4. that the operational flexibility it needs in order to meet all the challenges of its field of activity should be maintained;

5. that a significant part of any surplus income over expenditure derived from the activities of TELECOM should be used for specific telecommunication development projects, primarily in the least developed countries,

instructs the Secretary-General

1. to enhance the supervision of TELECOM and give dedicated responsibilities to the TELECOM Board, keeping in mind the main objectives of the Union, and ensuring that ties between the Board and TELECOM secretariat are strengthened with a view to implementing the Board's recommendations as effectively and smoothly as possible;

2. to enhance the transparency of TELECOM activities and report on them in a regular annual report to Council, including on action taken with respect to the use of surplus income;

3. to ensure that the TELECOM secretariat, while being governed by the Staff Regulations of the Union, maintains the necessary flexibility in its decision-making process to compete in its semi-commercial environment;

4. to enhance the internal control and internal audit of the accounts for the different TELECOM activities,

instructs the Council

1. to review the annual report on TELECOM activities and give guidance on future trends for those activities;

2. to approve the TELECOM accounts after examination of the report of the external auditors of the Union;

3. to approve the use of surplus TELECOM funds.

RESOLUTION 12

Resumption of Full Participation of the Government of South Africa in the Plenipotentiary Conference and All Other Conferences, Meetings and Activities of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

Resolution 12 of the Plenipotentiary Conference (Nice, 1989) on exclusion of the Government of the Republic of South Africa from the Plenipotentiary Conference and from all other conferences, meetings and activities of the Union,

considering

that the first free democratic elections have taken place in South Africa, in which all people of that Member State of the Union were able to participate as equal citizens, as a result of which a new Government of National Unity was formed in May 1994, following the triumphant culmination of the long and arduous struggle of the people of South Africa for equality, justice and dignity, thus signifying that the policy of apartheid pursued in that country had been ended,

resolves

1. to endorse wholeheartedly the action taken by the Council of the Union at its 1994 session in adopting Resolution 1055, facilitating immediate restoration of the full rights of the Government of National Unity of South Africa in the Union as from 10 May 1994;

2. to confirm the resumption of full participation of the Government of National Unity of South Africa in the conferences, meetings and activities of the Union, including the Plenipotentiary Conference (Kyoto, 1994);

3. to abrogate Resolution 12 of the Plenipotentiary Conference (Nice, 1989).

RESOLUTION 13

Approval of the Memorandum of Understanding Between the Representative of the Government of Japan and the Secretary-General of the International Telecommunication Union Relating to the Plenipotentiary Conference (Kyoto, 1994)

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that a Memorandum of Understanding concerning the arrangements to be made for organizing and financing the Kyoto Plenipotentiary Conference was signed between the Representative of the Government of Japan and the Secretary-General of the ITU, under Council Resolution 83 (amended);

b) that the Memorandum of Understanding has been considered by the Budget Control Committee,

resolves

to approve the Memorandum of Understanding signed between the Representative of the Government of Japan and the Secretary-General.

RESOLUTION 14

Recognition of the Rights and Obligations of all Members of the Sectors of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that the rights and obligations of administrations of Members of the Union are set out in Article 3 of the Constitution (Geneva, 1992);

b) that Article 19 of the Convention (Geneva, 1992) lists the types of entities and organizations which may be authorized to participate in the activities of the Sectors, which are called members of the Sector;

c) that the Council, at its 1993 session, adopted the procedure applicable to the granting of this authorization for the categories of members mentioned in Nos. 234 and 235 of the Convention (Geneva, 1992);

d) that it is desirable to state more precisely the conditions of participation of administrations of Members as well as other authorized members in the activities of the Sectors;

e) that, notwithstanding the provisions of Nos. 239 and 409 of the Convention (Geneva, 1992), only administrations of Members have the right to vote, particularly for the approval of recommendations and questions, in accordance with Article 3 of the Constitution,

recognizing

that entities and organizations authorized according to Article 19 of the Convention, hereinafter called "members", may participate in all activities

of the Sector concerned, with the exception of formal votes and of some treaty-making conferences; in this regard members:

a) are entitled, under the Rules of Procedure of the Sector concerned, to receive from the Bureau of that Sector all the documents which they have requested relating to the Sector's study groups, assemblies or conferences in which they may participate under the relevant provisions;

b) may send contributions to such study groups or conferences, notably those in which they have requested to participate in due time in accordance with the Sector's Rules of Procedure;

c) may send representatives to such meetings, after having announced their names to the Bureau in due time, in accordance with the Sector's Rules of Procedure;

d) may propose items for inclusion in the agendas of such meetings, except in relation to the structure and functioning of the Union;

e) may take part in all discussions and may assume responsibilities such as chairmanship or vice-chairmanship of a study group, working party, expert group, rapporteur's group or any other ad hoc group, according to the competence and availability of their experts;

f) may take part in the drafting work and editorial work necessary prior to the adoption of recommendations,

recognizing further

that coordination between Members and members at the national level has proved to increase the efficiency of the work,

resolves

to invite members to take part in any decision-finding procedure aimed at facilitating the achievement of a consensus in study groups, in particular in the field of standardization,

instructs the Directors of the Bureaux

to develop respective provisions in the Rules of Procedure of their Sectors,

invites administrations of Members

to conduct, at the national level, broad coordination among all members from their countries.

RESOLUTION 15

Review of the Rights and Obligations of all Members of the Sectors of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

noting

a) that the rights and obligations of administrations of Members of the Union are set out in Article 3 of the Constitution (Geneva, 1992);

b) that Article 19 of the Convention (Geneva, 1992) lists the types of entities and organizations which may be authorized to participate in the activities of the Sectors, which are called members of the Sectors according to No. 238 of the Convention (Geneva, 1992);

c) that the Council, at its 1993 session, adopted the procedures applicable to the granting of this authorization for the categories of members mentioned in Nos. 234 and 235 of the Convention (Geneva, 1992),

considering

a) that the strategic plan approved by the Plenipotentiary Conference (Kyoto, 1994) makes reference to the fact that continued participation by non-administration entities and organizations is a prerequisite for achievement of the ITU's purposes;

b) that the plan also states that "Members must remain ever conscious of the strategic need to maintain and strengthen the relationship between the public and private sectors within the ITU" and that "Members must be prepared to adjust ITU's structures and working methods" accordingly;

c) that it is desirable to state more precisely the conditions of participation of all members in the activities of the Sectors (Nos. 86 to 88, 110 to 112 and 134 to 136 of the Constitution (Geneva, 1992));

d) that Sector advisory groups have the responsibility to review priorities and strategies, progress in the implementation of the work programmes and the working methods of their respective Sectors,

recognizing

a) that the ITU must maintain its position as the pre-eminent body in world telecommunications by clearly demonstrating its capacity to respond adequately to the needs of the rapidly changing telecommunication environment;

b) that the majority of work within the study groups has been carried out by the members, who provide not only straight financial support but also a massive resource in terms of experts to study groups and working parties, and that a fair distribution of obligations and rights is therefore essential to stimulate participation in the ITU;

c) that the level of contribution to the ITU and its Sectors should remain a free choice;

d) that members, in making contributions to a particular Sector, expect those contributions to stay within the budget of that Sector;

e) that decision-taking at conferences of treaty-making nature (i.e. Plenipotentiary Conferences, radiocommunication conferences and world conferences on international telecommunications) as well as formal voting is the responsibility of Members;

f) that the new Financial Regulations of the ITU provide that each Sector has its own budget with all costs and revenues clearly identified;

g) that both Members and members actively participate in the Sector advisory groups,

resolves

that the rights and obligations of members should be reviewed, with the aim of enhancing their rights in recognition of their contribution to the work of the ITU, in such a way that their active and effective participation is promoted in order to make the ITU more responsive to the rapidly changing telecommunication environment,

instructs the Secretary-General

to establish a Review Committee to analyse the current situation and the need for the ITU to demonstrate the value of its activities and, taking into account the above **"resolves"**, to make recommendations based on that analysis.

In particular it should be ensured that:

- membership of the Review Committee should be a well-balanced and representative cross section of Members and members;
- any Member or member not on the Committee is able to make written submissions;

- there are appropriate inputs from the advisory groups of the three Sectors;
- the financial management of each Sector should be reviewed, with the aim of giving each Sector maximum budgetary independence and responsibility;
- recommendations, together with proposals for changes to the Constitution and Convention, should in the first place be made to the 1996 session of the Council, which may adopt those within its power, others being forwarded to the 1998 Plenipotentiary Conference,

instructs the Directors of the Bureaux

to initiate a review of the procedures and processes of their Sectors, as set out in the appropriate resolutions, with a view to enhancing the participation of members within their Sectors.

RESOLUTION 16

Refinement of the Radiocommunication Sector and Telecommunication Standardization Sector

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that the ITU should be the pre-eminent global standardization body in the telecommunication field, including radiocommunication;

b) that the ITU is the pre-eminent body for efficient worldwide cooperation in the radio regulatory field;

c) that, by its Resolution 2, the Additional Plenipotentiary Conference (APP) (Geneva, 1992) recognized Nos. 78 and 104 of the Constitution (Geneva, 1992) as an initial allocation of work between the Radiocommunication (ITU-R) and Telecommunication Standardization (ITU-T) Sectors;

d) that Resolution 2 of the APP (Geneva, 1992) outlines general principles and guidelines pertaining to the allocation of work between ITU-R and ITU-T;

e) that, in application of the instructions handed down by the APP (Geneva, 1992), the World Telecommunication Standardization Conference (Helsinki, 1993) and the Radiocommunication Assembly (Geneva, 1993) adopted resolutions that confirmed the allocation of work to ITU-R and ITU-T as envisaged by Resolution 2 of the APP (Geneva, 1992) and established procedures for ongoing review and, as appropriate, allocation of work, in order to achieve goals in terms of effectiveness and efficiency;

f) the need to involve all interested participants of ITU-R and ITU-T in this ongoing review;

g) the consequent need to maintain the review within current mechanisms, as far as possible, so as to reduce the burden on the limited resources of many of the interested participants and on the resources of the Bureaux of the Sectors;

h) that, in order to permit a period of consolidation and adjustment, a significant departure from existing practices would not be advisable at this stage;

i) that the functions and responsibilities of each of the ITU Sectors should be clear and transparent,

resolves

1. that the current process in conformity with Resolution 2 of the APP (Geneva, 1992), providing for ongoing review of new and existing work and its allocation to ITU-R and ITU-T, shall be maintained;

2. that the Directors of the Radiocommunication and Telecommunication Standardization Bureaux shall, with the assistance of the Radiocommunication Advisory Group (RAG) and the Telecommunication Standardization Advisory Group (TSAG), consider further elements for refining the ITU's structure, including any necessary amendments to the Constitution and the Convention, and prepare a preliminary report to the 1996 Council and a final report to the 1998 Council,

instructs the Secretary-General

to encourage all ITU-R and ITU-T participants to participate in the meetings and joint meetings of the RAG and TSAG at an appropriately high level of representation, taking account of the strategic nature of this task,

instructs the Council

1. to consider, on the basis of the report of the Directors to the 1996 Council session, whether the progress of the work carried out in accordance with **resolves** 2 is satisfactory;

2. to prepare a report for consideration by the 1998 Plenipotentiary Conference.

RESOLUTION 17

Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

the need for measures to review priorities and strategies in the Union's radiocommunication and telecommunication standardization activities and to advise the Directors of the Radiocommunication and Telecommunication Standardization Bureaux, and that the Radiocommunication and Telecommunication Standardization Advisory Groups have been set up to that end,

recognizing

a) that the field of telecommunications is constantly evolving;

b) that the activities of the Sectors should be continually reviewed;

c) the importance of the work already commenced on the improvement of working methods in the Radiocommunication and Telecommunication Standardization Sectors by the Radiocommunication Advisory Group and the Telecommunication Standardization Advisory Group, and the desirability that this work should continue,

resolves

1. that world telecommunication standardization conferences and radiocommunication assemblies shall maintain these advisory groups;

2. that these groups shall continue to:

- review priorities and strategies for activities in the respective Sectors;
- review progress in the implementation of the respective work programmes of the Sectors;
- provide guidelines for the work of study groups;
- recommend measures, *inter alia*, to foster cooperation and coordination with other standards bodies, with the Telecommunication Development Sector, within and between the two Sectors, and with the Strategic Planning Unit in the General Secretariat,

instructs the Directors of the Radiocommunication and Telecommunication Standardization Bureaux

1. to continue to support the work of the respective advisory groups, which shall be open to representatives of administrations, entities and organizations authorized in accordance with the provisions of Article 19 of the Convention, and representatives of study groups;

2. to report each year to the members of their respective Sectors and to the Council on the results of the work carried out by their respective advisory groups.

RESOLUTION 18

Review of the ITU's Frequency Coordination and Planning Framework for Satellite Networks

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that Article 44 of the Constitution (Geneva, 1992) sets out the basic principles for the use of the radio-frequency spectrum and the geostationary-satellite orbit;

b) the increasing globalization and diversification of telecommunication systems, particularly satellite networks;

c) that there is growing concern about the accommodation of new satellite networks, including those of new ITU Members, and the need to maintain the integrity of ITU procedures and agreements;

d) that the report of the Voluntary Group of Experts on Simplification of the Radio Regulations to be considered at the 1995 World Radiocommunication Conference (WRC-95) maintains the current coordination procedures, albeit in simplified form;

e) that the agenda for WRC-95, and the provisional agenda for the 1997 World Radiocommunication Conference (WRC-97), includes consideration of the broadcasting-satellite plans for Regions 1 and 3 in Appendices 30 and 30A of the Radio Regulations;

f) that radiocommunication study groups are considering possible improvements to these plans, taking into account that since the plans were devised more modern technologies, including digital techniques, have emerged which may provide more effective and affordable alternative options for the provision of services;

g) that the radiocommunication study groups are also developing technical coordination procedures for satellite networks and have requested the Regulatory Working Party of the Conference Preparatory Meeting (1995) to develop complementary regulatory provisions;

h) the concerns of some Members about lack of compliance with coordination procedures;

i) that many developing countries are in need of assistance in the implementation of satellite network coordination procedures,

resolves to instruct the Director of the Radiocommunication Bureau

1. in consultation with the Radiocommunication Advisory Group and taking into account inputs from the Radio Regulations Board (RRB), to initiate a review of some important issues concerning international satellite network coordination, including:

i) linkages between ITU procedures and commitments to take up notified frequencies and orbital positions;

ii) the ongoing need for the ITU's frequency coordination and planning framework for satellite networks to continue to be relevant to rapidly advancing technological possibilities in order, for example, to facilitate the establishment of multiservice satellite systems,

with the objectives of:

i) ensuring equitable access to the radio-frequency spectrum and the geostationary-satellite orbit, and the efficient establishment and development of satellite networks;

ii) ensuring that international coordination procedures meet the needs of all administrations in establishing their satellite networks, while at the same time safeguarding the interests of other radio services;

iii) examining technological advances in relation to the allotment plans with the aim of determining whether they foster the flexible and efficient use of the radio-frequency spectrum and the geostationary-satellite orbit;

2. to ensure that this review takes account of the ongoing work of the Radiocommunication Sector and, in particular, in the RRB and in radiocommunication study groups;

3. to coordinate activities, as necessary, with the Directors of the other two Bureaux;

4. to make a preliminary report to WRC-95 and a final report to WRC-97,

instructs the Secretary-General

to encourage the participation of all interested parties, including satellite system operators, at an appropriately high level, and to afford the Director all necessary assistance for the successful completion of the review.

RESOLUTION 19

Improved Use of the Technical and Data Storage/Dissemination Facilities of the Radiocommunication Bureau

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the broad range of activities performed by the Radiocommunication Bureau in its technical examination and handling of frequency assignment records and in the storage and dissemination of the relevant data;

b) that the Master International Frequency Register contains records in excess of five million entries, representing over one million frequency assignments;

c) that the Bureau handles more than 70 000 records annually, some of which require detailed technical examination and consideration;

d) that the Union, through its various services, is required to process, document, store and disseminate records and outcomes of the work of the Bureau,

taking into account

a) the sustained efforts made in recent years to improve management of the functions associated with the activities of the Bureau;

b) the sustained heavy workload of the Bureau;

c) the diverse efforts which are required of the Bureau in order to deal with the variety of records, and the resources necessary to fulfil the various types of tasks dealing with technical examination of those records,

resolves

that the costs involved in the technical examination of assignment notifications, for various classes of radio stations, satellite networks, etc., including the costs of electronic data storage, shall continue to be studied,

instructs the Secretary-General

to continue the study and report on its outcome, including possible ways of minimizing the above-mentioned costs,

invites the Council

to consider the matter in the light of the Secretary-General's report.

RESOLUTION 20

Use by the Broadcasting Service of the Bands Additionally Allocated to this Service

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that the World Administrative Radio Conference (Geneva, 1979) (WARC-79) and the World Administrative Radio Conference (Malaga-Torremolinos, 1992) allocated additional HF bands to the broadcasting service;

b) that the use of these bands by the broadcasting service shall be subject to provisions to be established by the world administrative radio conference for the planning of HF bands allocated to this service;

c) that, within these bands, broadcasting stations shall not be brought into service before the date of completion of satisfactory transfer, according to the procedures described in Resolution 8 of WARC-79, of all assignments to the stations in the fixed service operating in accordance with the Table of Frequency Allocations and other provisions of the Radio Regulations, which are recorded in the Master Register and which may be affected by broadcasting operations;

d) that work is proceeding in the Radiocommunication Sector to study alternative planning procedures that might be used to alleviate HF congestion and optimize the use of the HF bands allocated to the broadcasting service;

e) that the results of this work are to be available for the 1995 and 1997 World Radiocommunication Conferences,

resolves

1. that administrations shall comply strictly with the provisions of the Radio Regulations;

2. that broadcasting stations in the bands referred to above shall not be operated until planning is completed and the conditions stipulated in the Radio Regulations are fulfilled,

urges administrations

to participate in and follow the progress of the work currently taking place in the Radiocommunication Sector on the use of the HF bands allocated to the broadcasting service.

RESOLUTION 21

Special Measures Concerning Alternative Calling Procedures on International Telecommunication Networks

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

the difference in tariffs of outgoing telecommunications between Member States of the International Telecommunication Union,

noting

a) the existence of some operating entities which utilize international telecommunication networks outside the scope of bilateral agreements between international telecommunication operators;

b) that such practices adversely affect the revenue derived by some ITU Member States from their international telecommunication services;

c) that such practices are viewed by some ITU Member States as a misuse of their telecommunication networks;

d) that such practices infringe the national law of some Member States,

noting further

a) the right of ITU Member States to suspend their international telecommunication services, as provided for in Article 35 of the Constitution (Geneva, 1992);

b) the right of ITU Member States to enter into bilateral agreements, in accordance with § 1.5 of Article 1 of the International Telecommunication Regulations, concerning the international exchange of telecommunication traffic between the administrations of ITU Member States or recognized operating agencies,

considering further

a) that a Member State should be able to act to prevent the use of its networks for the provision of services other than those authorized by its administration, or for the transmission of information for use by another person without payment for that transmission;

b) that operating agencies should as far as possible set tariffs and operating policies to ensure that the lowest practicable tariffs are available to customers, and that § 6.1.1 of Article 6 of the International Telecommunication Regulations requires administrations to try to avoid too great a dissymetry between the charges applicable in each direction of the same relation,

resolves

1. that parties to bilateral agreements between international telecommunication operators shall take all measures within the constraints of national law to eliminate unauthorized practices not in conformity with such bilateral agreements;

2. that, when practices by an operating entity infringe the national law of a Member State and that Member State informs the Member State having jurisdiction over the said operating entity, the latter Member shall inquire into the matter and take such actions as may be appropriate within the constraints of its national law,

urges Members

to cooperate among themselves to resolve any difficulty arising from the application of this Resolution, in order to ensure that national laws and regulations of ITU Members are respected,

instructs the Telecommunication Standardization Sector

to accelerate its studies concerning these practices with a view to developing appropriate solutions and recommendations,

instructs the Director of the Telecommunication Standardization Bureau

to submit a report to Member States and to the Council on the progress of those studies.

RESOLUTION 22

Apportionment of Revenues in Providing International Telecommunication Services

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the importance of telecommunications for the social and economic development of all countries;

b) that the International Telecommunication Union has an important role to play in promoting the universal development of telecommunication;

c) that the Independent Commission for World-Wide Telecommunications Development, in its report "The Missing Link", recommended, *inter alia*, that Member States of the ITU should consider setting aside a small portion of revenues from calls between developing and industralized countries to be devoted to telecommunications in developing countries;

d) that ITU-T Recommendation D.150, which provides for the apportionment of accounting revenues from international traffic between terminal countries, in principle on a 50/50 basis, has been amended to provide for sharing in a different proportion in some cases where there are differences in the costs of providing and operating telecommunication services;

e) that the ITU, in pursuance of Resolution 23 of the Plenipotentiary Conference (Nice, 1989) and as a follow-up to the recommendation in the "The Missing Link", carried out a study of the costs of providing and operating international telecommunication services between developing and industrialized countries and established that the cost of providing telecommunication services is much higher in developing countries than in developed ones;

f) that ITU-T Study Group 3 is pursuing studies for completion of Recommendation D.140 to establish the principles of cost-orientated accounting rates and accounting rate shares in each relation,

recognizing

a) that the continuing social and economic underdevelopment of a large part of the world is one of the most serious problems affecting not only the countries concerned but also the international community as a whole;

b) that the development of telecommunication infrastructure and services is a precondition for social and economic development;

c) that the uneven penetration of telecommunication facilities globally results in a widening of the gap between the developed and the developing world in terms of economic growth and technological progress;

d) that the trend is towards falling costs of international telecommunication transmission and switching, contributing towards a lowering of accounting rate levels, especially between developed nations, but that the conditions for lowering rates are not uniformly present throughout the world;

e) that raising telecommunication network quality and telephone penetration levels to developed-country levels throughout the world would assist significantly in achieving economic equilibrium and in diminishing existing call and cost imbalances,

recalling

a) the Buenos Aires Declaration adopted by the first World Telecommunication Development Conference (WTDC-94), and in particular the recognition of the need to pay special attention to the requirements of the least developed countries (LDCs) when devising development cooperation programmes;

b) the recommendation in "The Missing Link" that Members should consider a rearrangement of their international traffic accounting procedures in relations between developing and industrialized countries such that a small proportion of call revenue be used for development purposes,

resolves

that, in cases where bilateral agreements are reached on apportioning accounting rates other than on a 50/50 basis, to the advantage of the developing countries concerned, the latter should be able to use the resulting additional revenues for the improvement of their telecommunications,

invites administrations

to consider, in the light of the findings of ITU-T studies, taking such action as may be deemed appropriate and, if necessary, to request the Secretary-General for any assistance in this regard,

instructs the Telecommunication Standardization Sector

to accelerate current studies relating to accounting rates and relating to the completion of relevant recommendations, which take account of the cost of providing service, for the Director of the Telecommunication Standardization Bureau (TSB) to report to the Council so that the latter can in turn prepare a report on the subject of this Resolution to the next Plenipotentiary Conference,

instructs the Council

to examine the report of the Director of the TSB on the studies carried out by the Telecommunication Standardization Sector, to consult Members and to prepare a report to the next Plenipotentiary Conference with any recommendation it may consider appropriate,

instructs the Director of the Telecommunication Development Bureau

in cooperation with the Director of the TSB, to extend any further assistance to administrations, if so requested.

RESOLUTION 23

Implementation of the Buenos Aires Action Plan

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the Buenos Aires Declaration on Global Telecommunication Development for the 21st century;

b) the Buenos Aires Action Plan (BAAP) for the Global Development of Telecommunications established by the first World Telecommunication Development Conference (Buenos Aires, 1994);

c) Article 19 of the Convention (Geneva, 1992) defining the entities and organizations which may be authorized to participate in the activities of the Sectors,

recognizing

a) that the far-reaching objectives of the BAAP cannot be achieved without a joint effort on the part of the whole international telecommunication community;

b) that the ordinary budget of the ITU Development Sector will allow the Telecommunication Development Bureau (BDT) to implement the core actions of the BAAP;

c) that extrabudgetary resources are needed in order to implement projects associated with the 12 programmes of the BAAP as well as for field trials of the outputs and recommendations of the development study groups;

d) that a growing number of members of the ITU Development Sector have shown interest in participating in both study groups and BAAP programmes,

resolves

that Development Sector members as well as other private sector entities should be encouraged to participate in the implementation of the BAAP,

invites

administrations of Members to encourage, at the national level, the participation of Development Sector members and other private sector entities interested in telecommunication in the ITU Development Sector activities, and in particular those related to the BAAP,

instructs the Council

to carry out an annual evaluation of the BAAP, in order to ensure that it is implemented as rapidly as possible,

instructs the Director of the BDT

to take appropriate steps to ensure enhanced participation of Development Sector members and other private sector entities in the implementation of the BAAP within the framework of the relevant provisions of the ITU Convention,

instructs the Secretary-General

to support the action of the Director of the BDT, for the implementation of this Resolution.

RESOLUTION 24

Role of the International Telecommunication Union in the Development of World Telecommunications

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), together with those of the International Telecommunication Regulations (Melbourne, 1988) and the Radio Regulations;

b) the recommendations of the Radiocommunication and Telecommunication Standardization Sectors,

considering also

a) that together these instruments are essential to provide the technical foundations for the planning and provision of telecommunication services throughout the world;

b) that the pace of development of technology and services necessitates the continuing cooperation of all administrations and recognized operating agencies to ensure the worldwide compatibility of telecommunication systems;

c) that the availability of modern telecommunications is vital to the economic, social and cultural progress of all countries,

recognizing

the interests of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), the

International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the General Agreement on Tariffs and Trade (GATT) and other international organizations in certain aspects of telecommunications,

resolves

that the International Telecommunication Union should:

1. continue to work for the harmonization, development and enhancement of telecommunications throughout the world;

2. ensure that all its work reflects its position as the authority responsible within the United Nations system for establishing in a timely manner technical and operational standards for all forms of telecommunications and for ensuring the rational use of the radio-frequency spectrum and of the geostationary-satellite orbit;

3. encourage and promote technical cooperation in the field of telecommunications among Members to the maximum possible extent.

RESOLUTION 25

Regional Presence

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

the relevant provisions of Resolutions 26 of the Plenipotentiary Conference (Nairobi, 1982) and 17 of the Plenipotentiary Conference (Nice, 1989) and Resolutions 6 and 16 of the Additional Plenipotentiary Conference (Geneva, 1992),

having considered

the report by the Secretary-General and the contributions by Members relating to regional presence,

considering

a) the conclusions of the world and regional telecommunication development conferences;

b) the need for enhanced regional presence in order to enable the Telecommunication Development Bureau (BDT) to carry out more effectively its mission in the field, for better dissemination of information on the Union's activities and for relations between the Union and regional and subregional organizations, chiefly those dealing with telecommunications, financing and development;

c) that, in order to enable regional presence to play an effective role, it is necessary to define clearly its objectives and mission, bearing in mind the particular features of the various regions;

d) that the mission of regional presence should be defined in the context of the overall terms of reference of the Development Sector,

noting

a) that the rate of development of telecommunication services in the developing countries of various regions should be stepped up in the coming years, in order to close the telecommunication gap between the North and the South;

b) the constant need to improve the productivity and the effectiveness of the working methods of the Union,

resolves

1. that the principal aim of regional presence is to enable the Union to be as close as possible to its Members, particularly the developing countries, and to be able to satisfy as far as possible, taking into account the available resources, the growing and diversified telecommunication needs of those countries by means of actions in the field;

2. that ITU regional presence must, in general, serve mostly as technical and logistical support to the BDT activities, in order to implement in the field, through direct and sustained contact with the competent national authorities, regional telecommunication organizations and other organizations concerned, the decisions, recommendations, actions, programmes and projects approved by the Union, with the primary aim of promoting and supporting the programmes and activities of the Development Sector;

3. that regional presence serves also to:

- represent, as and when required, the Secretary-General or one of the Directors of the Bureaux of the three Sectors;
- provide necessary support to the Directors of the Radiocommunication and Standardization Bureaux for the organization, in the region concerned, of certain events;
- act, as far as possible, as a link for the exchange and dissemination of information on the activities of the Radiocommunication and Standardization Sectors in the mutual interests of the Union and the countries of the region;

4. that the missions entrusted to the Union's regional presence, as part of activities within the ambit of the BDT, should cover the four basic functions of the Development Sector identified in the strategic plan of the Union, namely: specialized agency, executing agent, resource mobilization and information centre;

5. that so far as their precise content is concerned, these missions should be geared to the specific requirements of each region and should periodically be the subject of a detailed evaluation, in the light of results obtained, the changing requirements of the developing countries and the telecommunication environment, as well as the resources available to the Union;

6. that, in order to carry out their missions, the regional offices of the ITU should:

- have clear guidelines and support from headquarters and cooperate closely on specific subjects with the regional

telecommunication organizations, in line with general ITU policy aimed at strengthening its relations with such organizations, as set out in Resolution 58;

- actively contribute, by means of targeted field activities, to the implementation of all action plans adopted by development conferences, including the Buenos Aires Action Plan, and become more involved in the work of the development study groups and in the preparation of development conferences, specifically in the formulation of issues to be studied by them;

- coordinate activities with concerned organizations in order to optimize the use of resources and avoid duplication of efforts,

instructs the Council1

to set up a limited and balanced group of experts, with the task of:

- carrying out a detailed evaluation of regional presence, taking into consideration previous evaluations, without prejudice to the continuance of existing programmes, projects and activities;

- examining the results of this evaluation and adopting measures aimed at improving the structure and management of the strengthened regional presence, particularly with regard to the identification of responsibilities, functions and duties of regional and area offices,

instructs the Secretary-General and Director of the BDT

to provide both the Council and group of experts with all necessary assistance for this evaluation.

RESOLUTION 26

Improvement of the Union's Capabilities for Providing Technical Assistance and Advice to Developing Countries

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

having taken note

of the sections of the report of the Council dealing with the activities of the Telecommunication Development Sector (Document 20),

recognizing

the technical assistance rendered to developing countries in pursuance of the provisions of the Constitution and Convention (Geneva, 1992),

considering

a) that the volume of the Union's technical assistance needs to be increased and the quality further improved;

b) that in many cases the developing countries, and in particular the least developed countries, need advice of a highly specialized nature and that such advice must often be obtained at short notice;

c) that technical knowledge and experience of great value to the developing countries is also obtainable from or through the Radiocommunication and Telecommunication Standardization Sectors,

resolves

1. that the duties of the Telecommunication Development Bureau (BDT) shall include the provision of technical experts:

1.1 to work with the Radiocommunication and Telecommunication Standardization Bureaux in providing information and advice on subjects of importance to developing countries for the planning, organization, development and operation of their telecommunication systems;

1.2 at the request of administrations, to prepare standard technical specifications for the most commonly used equipment;

1.3 to give prompt and constructive advice, either by correspondence or by mission, in response to practical questions addressed to it by developing countries, Members of the Union;

1.4 to provide an opportunity for expert and high-level consultation for senior personnel from developing countries visiting the seat of the Union;

1.5 to participate in seminars and courses organized at the seat of the Union or elsewhere on specialized aspects of telecommunication subjects;

2. that highly qualified experts shall be recruited, as needed, for periods normally not exceeding one month at a time to complement the expertise provided by the BDT,

instructs the Secretary-General

to include in the annual reports to the Council:

1. the specialities and the type of assistance required from the BDT by the developing countries, taking into account rapid changes in technology;

2. an appraisal of the volume and quality of the technical assistance provided, mentioning any difficulties encountered in meeting these requests,

instructs the Council

1. to consider the Secretary-General's annual reports and to take all necessary measures in order to meet requests for the BDT's services;

2. to include in the budget of the Union the credits necessary to cover the estimated costs of the services of the short-term experts mentioned in resolves 2;

3. to follow closely the development of the volume and quality as well as the type of technical assistance provided by the Union in application of this Resolution.

RESOLUTION 27

Participation of the Union in the United Nations Development Programme, in Other Programmes of the United Nations System and in Other Funding Arrangements

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

having noted

a) No. 45 of the Constitution of the International Telecommunication Union (Nice, 1989) establishing the Telecommunication Development Bureau (BDT);

b) the sections of the report of the Council dealing with the technical cooperation activities of the Union (Document 20) and the decisions of the World Telecommunication Development Conference (Buenos Aires, 1994),

recognizing

a) that the United Nations Development Programme (UNDP), and particularly its inter-country programme, is one of the valuable means of assisting the developing countries in improving their telecommunication services;

b) the action taken by the Council in application of Resolution 16 of the Plenipotentiary Conference (Nairobi, 1982) as regards participation of the Union in UNDP,

expressing its appreciation

of the consideration given to this matter in certain regions by UNDP in making available to the ITU allocations for inter-country projects of technical cooperation to developing countries, while noting however that these allocations do not adequately meet some regions' aspirations,

resolves

that the Union, as part of its dual function as the United Nations specialized agency for telecommunications and a UNDP executing agency, shall continue to participate fully in UNDP activities, within the framework of the Constitution (Geneva, 1992) and under the conditions established by the UNDP Governing Council or by other competent bodies of the United Nations system,

invites UNDP

with a view to strengthening technical cooperation in the telecommunication sector and thereby contributing significantly to an accelerated pace of integration and development, to consider favourably a sufficient increase of the allocations to country and inter-country assistance projects and to sectoral support activities in this sector,

invites Member governments

to pursue this matter appropriately with a view to achieving the objective of this Resolution,

invites those Members of the Union which are also Members of the UNDP Governing Council

to take steps to ensure this Resolution is given favourable consideration in that Council,

instructs the Secretary-General

1. to submit each year to the Council a detailed report on the Union's participation in UNDP and other funding arrangements;

2. to submit to the Council such recommendations as he may deem necessary to improve the efficiency of that participation,

instructs the Council

to take all necessary measures to ensure maximum efficiency of the Union's participation in UNDP activities and other funding arrangements, taking into account the decisions of the UNDP Governing Council and the need to maintain a balance between income and expenditure.

RESOLUTION 28

Special Voluntary Programme for Technical Cooperation

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recognizing

a) the fundamental role of telecommunications in the achievement of balanced economic and social development;

b) the interest of all Members in the expansion of worldwide networks based on well-developed national telecommunication networks,

and recognizing in particular

a) the need to bring telecommunications within easy reach of all mankind by the early part of the next century; and therefore

b) the requirement for specific technical assistance in many countries in order to improve the capacity and efficiency of their telecommunication equipment and networks, and thereby narrow the large gap between the developing and developed countries,

considering

that the needs of the developing countries for technical cooperation and assistance to improve their national networks cannot be fully satisfied by the funds allocated in the ordinary budget of the Union to this purpose nor by the allocation of funds from the United Nations Development Programme to telecommunication projects executed by the ITU,

considering also

that the Union can play a very useful catalytic role in identifying development projects and bringing them to the attention of bilateral and multilateral programme managers with a view to a better matching of resources to needs,

resolves

to maintain and strengthen the Special Voluntary Programme for Technical Cooperation based on financial contributions, expert services, or in any other form of assistance to meet as many of the telecommunication requests of developing countries as possible,

urges Members of the Union, their recognized operating agencies, scientific or industrial organizations and other entities and organizations

to support the Special Voluntary Programme by making available the required resources in whatever form may be convenient to meet the telecommunication needs of the developing countries more effectively,

instructs the Director of the Telecommunication Development Bureau

1. to ascertain the specific types of technical cooperation and assistance required by developing countries and suited to this Special Voluntary Programme;

2. actively to seek wide support for the Programme and regularly to publish the results for the information of all the Members;

3. within existing resources, to provide the necessary administrative and operational structure for the functioning of the Programme;

4. to ensure proper integration of the Programme with other technical cooperation and assistance activities;

5. to submit to the Council an annual report on the development and management of the Programme,

instructs the Council

to review the results achieved by the Programme and take all steps necessary to promote its continued success.

RESOLUTION 29

International Programme for the Development of Communication

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

a) the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948;

b) Resolutions 31/139 and 33/115 adopted by the United Nations General Assembly on 16 December 1976 and on 18 December 1978, respectively;

c) the recommendations of the Intergovernmental Conference for Cooperation Activities, Needs and Programmes for Communication Development (Paris, 1980), and in particular Recommendation viii) of part III of the report of that Conference;

d) Resolution No. 4.21 of the 21st Session of the United Nations Educational, Scientific and Cultural Organization (UNESCO) General Conference (Belgrade, 1980), establishing the International Programme for the Development of Communication (IPDC),

recognizing

a) the importance of the cooperation between the Union and UNESCO for the effective development of the IPDC activities;

b) the good results being achieved through the ITU/IPDC joint efforts concerning the development of broadcasting in Africa;

c) the importance of providing adequate telecommunication infrastructure to meet the objectives of the IPDC;

d) the necessity of maintaining continuous liaison between the Union and the various UNESCO units involved in the work of the IPDC,

reaffirming

the paramount role played in the field of telecommunications within the United Nations system by the Union, which is the main international forum for the consideration and promotion of international cooperation for the improvement and rational use of telecommunications of all kinds,

approves

the measures taken by the Secretary-General for the enhancement of the participation of the Union in the work of the IPDC through the Special Voluntary Programme,

resolves

that the Council and the Secretary-General shall maintain and support the Union's participation in the IPDC, including its Intergovernmental Council, this participation also being directly related to the Union's activities in rendering technical assistance to developing countries,

requests countries Members of UNESCO

to make available greater resources for the telecommunication components of IPDC projects contributing to the development of all communications facilities, set up to improve the quality of life in the developing countries,

instructs the Secretary-General

1. to report to the Council on the development of these activities;

2. to bring this Resolution to the attention of the United Nations General Assembly, the Intergovernmental Council of the IPDC and the Director General of UNESCO,

instructs the Council

to study the reports submitted by the Secretary-General and to take appropriate action to assure technical support by ITU for the work of the IPDC by including in the budget of the Union appropriate credits for maintaining liaison with the Intergovernmental Council, the Secretariat of IPDC and the UNESCO units involved in the work of IPDC.

RESOLUTION 30

Special Measures for the Least Developed Countries

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

United Nations General Assembly Resolution 36/194 of 17 December 1981, which adopted the "Substantial New Programme of Action for the 1980s for the Least Developed Countries" established by the United Nations Conference on the Least Developed Countries (Paris, September 1981), United Nations General Assembly Resolution 45/206 of 21 December 1990 on the Implementation of the Programme of Action for the Least Developed Countries for the 1990s as adopted by the Second United Nations Conference on the Least Developed Countries (Paris, September 1990) and the section of the report of the Council (Document C94/20) which deals with the action taken in application of Resolution 26 of the Plenipotentiary Conference (Nice, 1989),

recognizing

the importance of telecommunications for the development of the countries concerned,

having noted

Resolution 1 of the World Telecommunication Development Conference (Buenos Aires, 1994) and the Buenos Aires Action Plan,

concerned

that the number of LDCs has continued to rise steadily over the years from 25 in 1971 to 47 in 1993,

instructs the Secretary-General

1. to continue to review the state of telecommunication services in the least developed countries, so identified by the United Nations and needing special measures for telecommunication development, and to identify areas of critical weakness requiring priority action;

2. to report his findings to the Council;

3. to propose concrete measures intended to bring about genuine improvements and provide effective assistance to these Least Developed Countries from the Special Voluntary Programme for Technical Cooperation, the Union's own resources and other sources of finance;

4. within existing resources, to provide the necessary administrative and operational structure for proper administration of the resources appropriated for the Least Developed Countries;

5. to report annually on the matter to the Council,

instructs the Council

1. to consider the above-mentioned reports and take appropriate action so that the Union may continue to display its keen interest and cooperate actively in the development of telecommunication services in these countries;

2. to make appropriations for this purpose from the Special Voluntary Programme for Technical Cooperation, the Union's own resources and other sources of finance;

3. to keep the situation under constant review and to report on the matter to the next Plenipotentiary Conference.

RESOLUTION 31

Telecommunication Infrastructure and Socio-Economic and Cultural Development

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recognizing

that the social and economic underdevelopment of a large part of the world is one of the most serious problems affecting not only the countries concerned but also the international community as a whole,

considering

a) that telecommunication facilities and services are not only the consequence of economic growth, but a prerequisite for overall development;

b) that telecommunications are an integral part of the national and international development process;

c) that recent spectacular progress, and particularly the convergence of telecommunication and computer technologies and services, has transformed telecommunications into an agent of change for the information age,

stressing

the important participatory, and not merely infrastructural, role played by telecommunications in the development of agriculture, health, education, transport, industry, human settlement, trade, transfer of information for social welfare and in the general economic and social progress of developing countries,

recalling

a) that the Union's 1994 World Telecommunication Development Report has highlighted the unacceptable imbalance in the distribution of telecommunications and the imperative and urgent need to remedy that imbalance;

b) that in this context the World Telecommunication Development Conference (Buenos Aires, 1994) has *inter alia* called on governments, international agencies and all other parties concerned to accord, particularly in the developing countries, an appropriate higher priority to investment and other related actions for the development of telecommunications,

recognizing

a) that given the constraints of the world economic situation, there is a continuing decline in resources available in most developing countries for investment in various development sectors;

b) that, in this situation, doubts continue to arise as to the interrelated priorities for resource allocation among the various sectors to guide national decisions;

c) that it was therefore necessary to provide decision-makers with relevant and timely information on the role and overall contribution of telecommunications to the totality of planned development;

d) that past studies undertaken at the initiative of the Union for assessing the benefits of telecommunications have had a salutary effect,

appreciating

the various studies that have been carried out as part of the programme of technical cooperation and assistance activities of the Union,

resolves

1. that the Union should continue to organize, conduct or sponsor necessary studies to bring out, in a different and changing context, the contribution of telecommunications to overall development;

2. that the Union should also act as a clearing house for information on the results of similar studies carried out by other national, regional and international bodies,

invites

the administrations and governments of Member States, agencies and organizations of the United Nations system, non-governmental and intergovernmental organizations, financial institutions and providers of telecommunication equipment and services to extend their support for the satisfactory implementation of this Resolution,

urges

all agencies responsible for development aid and assistance, including the International Bank for Reconstruction and Development (IBRD), the United Nations Development Programme (UNDP), as well as donor and recipient Member States of the Union, to attach greater importance to telecommunications in the development process and to accord an appropriate higher priority for resource allocation to this sector,

instructs the Secretary-General

1. to bring this Resolution to the attention of all interested parties, including, in particular, UNDP, IBRD, regional development banks and national development funds for cooperation;

2. to organize studies, from time to time, as necessary, within the available credits;

3. to report annually to the Council on the progress made in the implementation of this Resolution;

4. to arrange for the wide dissemination of the findings of the studies carried out in accordance with this Resolution,

instructs the Council

1. to review the Secretary-General's reports and take appropriate measures to ensure the implementation of this Resolution;

2. to report on the matter to the next Plenipotentiary Conference.

RESOLUTION 32

Technical Assistance to the Palestinian Authority for the Development of Telecommunications

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

a) the Charter of the United Nations and the Universal Declaration of Human Rights;

b) the peace process now in progress in the Middle East and particularly the agreements signed by Israel and the Palestine Liberation Organization,

considering

a) that the peace process has fundamentally changed the situation in the Middle East;

b) that the fundamental principles of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) are designed to strengthen peace and security in the world for the development of international cooperation and better understanding among peoples,

considering further

a) that a reliable telecommunication network is essential for consolidation and enhancement of the common understanding among the peoples concerned;

b) that it is essential for the international community, either jointly through international organizations or by individual action, to assist the Palestinian Authority in developing a modern and reliable telecommunication network infrastructure,

noting

a) the report of the Secretary-General submitted to the Plenipotentiary Conference (Kyoto, 1994) (Document 52);

b) that in a recent study the World Bank recognized that technical assistance in telecommunications for the Palestinian Authority would facilitate the development of a regulatory framework and the transfer of authority over public services from the Israelis to the Palestinians, and help the Palestinian Authority receive training to manage those services,

resolves

to explore and study the needs of the Palestinian Authority in order to improve the telecommunication infrastructure and identify where assistance is needed,

instructs the Secretary-General

to circulate among Members the results of that study, inviting them to contribute to the improvement of the Palestinian Authority's telecommunication networks,

invites Members

to offer assistance needed by the Palestinian Authority based upon that study report, as well as any other available assistance,

instructs the Council

1. to review that report and, together with the three Sectors of the ITU, to find the means of providing the assistance;

2. to cooperate with the World Bank in its projects concerning telecommunications for the Palestinian Authority.

RESOLUTION 33

Assistance and Support to the Republic of Bosnia and Herzegovina for Rebuilding its Telecommunication Network

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

a) the noble principles, purpose and objectives embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights;

b) the efforts of the United Nations to promote sustainable development and the relevant United Nations Security Council resolutions concerning the situation in Bosnia and Herzegovina,

c) the purposes of the Union as enshrined in Article 1 of its Constitution (Geneva, 1992),

recognizing

a) that a reliable telecommunication network is indispensable for promoting the socio-economic development of countries, in particular those having suffered from natural disasters, domestic conflicts or war;

b) that telecommunication facilities in the Republic of Bosnia and Herzegovina have been severely damaged due to the war in that country;

c) that the damage to telecommunications in the Republic of Bosnia and Herzegovina should be of concern to the whole international community, in particular to the International Telecommunication Union, which is the United Nations specialized agency responsible for telecommunications;

d) that, under the present conditions and in the foreseeable future, the Republic of Bosnia and Herzegovina will not be able to bring its telecommunication system up to an acceptable level without help from the international community, bilaterally or through international organizations,

resolves

that special action shall be initiated within the framework of the activities of the Telecommunication Development Sector of the Union, with specialized assistance from the two other Sectors, to provide appropriate assistance and support to the Republic of Bosnia and Herzegovina in rebuilding its telecommunication network,

calls upon Members

to offer all possible assistance and support to the Government of the Republic of Bosnia and Herzegovina, either bilaterally or through – and at any rate in coordination with – the special action of the Union referred to above,

instructs the Council

to allocate the necessary funds within available resources and initiate the action,

instructs the Secretary-General

to invite the Government of the Republic of Bosnia and Herzegovina to report on the current status of its telecommunication network, to put forward its views on how to rebuild it, to coordinate the activities carried out by the three Sectors in accordance with **resolves** above, to ensure that the ITU action in favour of the Republic of Bosnia and Herzegovina is as effective as possible and to report on the matter to the Council.

RESOLUTION 34

Assistance and Support to Liberia, Somalia and Rwanda for Rebuilding their Telecommunication Networks

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

a) the noble principles, purpose and objectives embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights;

b) the efforts of the United Nations to promote sustainable development;

c) the purposes of the Union as enshrined in Article 1 of its Constitution (Geneva, 1992),

recognizing

a) that a reliable telecommunication network is indispensable for promoting the socio-economic development of countries, in particular those having suffered from natural disasters, domestic conflicts or war;

b) that telecommunication facilities in Liberia, Somalia and Rwanda have been severely damaged due to the wars in those countries;

c) that the damage to telecommunications in these Member countries should be of concern to the whole international community, in particular to the International Telecommunication Union, which is the United Nations specialized agency responsible for telecommunications;

d) that, under the present conditions and in the foreseeable future, these countries will not be able to bring their telecommunication systems up to an acceptable level without help from the international community, bilaterally or through international organizations,

resolves

that special action shall be initiated within the framework of the activities of the Telecommunication Development Sector of the Union, with specialized assistance from the two other Sectors, to provide appropriate assistance and support to Liberia, Somalia and Rwanda in rebuilding their telecommunication networks, when the conditions of order and security sought by United Nations resolutions have been achieved,

calls upon Members

to offer all possible assistance and support to the Governments of Liberia, Somalia and Rwanda, either bilaterally or through – and at any rate in coordination with – the special action of the Union referred to above,

instructs the Council

1. to allocate the necessary funds within available resources and initiate the action;

2. to extend, if necessary, the action referred to under **resolves** to other Member countries which find themselves in the same situation and which may so request,

instructs the Secretary-General

1. to invite the Governments of Liberia, Somalia and Rwanda to report on the current status of their telecommunication networks and to put forward their views on how to rebuild them;

2. to coordinate the activities carried out by the three Sectors in accordance with **resolves** above, to ensure that the ITU action in favour of Liberia, Somalia and Rwanda is as effective as possible and to report on the matter to the Council.

RESOLUTION 35

Telecommunication Support for the Protection of the Environment

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that telecommunication and information technologies have an important role to play in protecting the environment and in promoting development activities at low risk to the environment;

b) that application of the latest telecommunication and information technologies, especially those associated with space systems, can be extremely useful in implementing and conducting environment protection activities such as monitoring air, river, harbour and sea pollution, remote sensing, wildlife studies, forestry development, and others;

c) that the application of telecommunication technology can reduce paperwork, which ultimately saves forests;

d) that telecommunication and information technologies respect the environment, and that the related industries can be located in rural areas in order to reduce urban congestion;

e) that in many cases telecommunication and information technologies may facilitate, more economically than other means of communication, rapid decisions relating to the protection of the environment;

f) that there is a need to disseminate information on these aspects, as stated in the Rio Declaration on Environment and Development, Agenda 21,

resolves

that the Union shall give every possible encouragement to an increasing role being played by telecommunication and information technologies in promoting environmental protection and sustainable development,

instructs the Secretary-General

1. to carry out a study, with the assistance of the Directors of the Bureaux, and in collaboration with competent international and regional organizations, on a policy for promoting the use of telecommunication, information and space technologies for applications devoted to the protection of the environment;

2. to prepare a report on this matter for dissemination following consideration by the Council,

instructs the three Sectors

to assist the Secretary-General in the application of this Resolution by providing him with all relevant information and by conducting studies in selected areas for evaluating and highlighting the advantages of telecommunication applications for the protection of the environment,

instructs the Director of the Telecommunication Development Bureau

to organize seminars and training programmes to meet the objectives of this Resolution and to encourage participation in exhibitions and similar activities for the same purpose.

RESOLUTION 36

Telecommunications for Disaster Mitigation and Disaster Relief Operations

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

endorsing

Resolution 7 of the World Telecommunication Development Conference (WTDC) (Buenos Aires, 1994) on disaster communications,

noting

the programme of action of the World Conference on Natural Disaster Reduction (Yokohama, May 1994),

recognizing

the importance of telecommunications for disaster mitigation and disaster relief operations,

considering

a) that the need for an international convention on disaster communications has been stated repeatedly, in particular in paragraphs 12 and 15 of the Tampere Declaration as annexed to WTDC Resolution 7;

b) that telecommunication technology and services can play an important role in disaster mitigation and disaster relief operations,

concerned

that in many cases regulatory barriers and the high cost of services limit the effective use of telecommunications for disaster mitigation and disaster relief operations,

instructs the Council

to address the issues of WTDC Resolution 7 and take appropriate action towards its implementation,

instructs the Secretary-General

to report to the Council at its 1995 session on the measures taken pursuant to WTDC Resolution 7,

urges administrations

to take all practical steps for facilitating the rapid deployment and the effective use of telecommunication equipment for disaster mitigation and for disaster relief operations by reducing and, where possible, removing regulatory barriers and strengthening transborder cooperation between States.

RESOLUTION 37

Training of Refugees

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

having noted

United Nations General Assembly Resolution 36/68 on the implementation of the declaration on the granting of independence to colonial countries and peoples and other resolutions relevant to assistance to refugees,

instructs the Secretary-General

1. to continue his efforts with a view to the application of the United Nations resolution;

2. to collaborate fully with the organizations concerned with the training of refugees, both within and outside the United Nations system;

3. to report to the next Plenipotentiary Conference on the implementation of this Resolution,

invites the Members of the Union

to do even more to receive certain selected refugees and to arrange for their training in telecommunications in professional centres or schools.

RESOLUTION 38

Contributory Shares in Union Expenditure

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that No. 468 of the Convention of the International Telecommunication Union (Geneva, 1992) allows the least developed countries as listed by the United Nations to contribute to Union expenditure in the 1/8 or 1/16 unit class;

b) that, under this provision, the 1/8 or 1/16 unit class may also be chosen by other countries determined by the Council;

c) that some countries with a small population and a low per capita gross national product may encounter financial difficulties in contributing to Union expenditure in the 1/4 unit class;

d) that it is in the interest of the Union that participation should be universal, that all countries should be encouraged to become Members of the Union and that all Members are able to pay their contributions,

instructs the Council

at each session to review, on request, the situation of countries not included in the United Nations list of the least developed countries in order to decide which of them may be considered as being entitled to contribute to Union expenditure in the 1/8 or 1/16 unit class.

RESOLUTION 39

Strengthening the Financial Base of the International Telecommunication Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the adoption of a strategic planning approach to ITU management and budgeting, as recommended by the High Level Committee on the structure and functioning of the ITU;

b) the need to look more closely for savings and revenue options to enable the ITU to take on additional high-priority tasks while containing costs;

c) that entities participating in the work of the ITU should make financial contributions at least in line with the costs attributable to their use of ITU services and to their involvement in the ITU Sectors,

noting

a) the responsibilities assigned to the Plenipotentiary Conference, the Council, the Secretary-General and the Coordination Committee for strategic planning and management of the work of the Union in Articles 8, 10 and 11 of the Constitution and Articles 4, 5 and 6 of the Convention (Geneva, 1992);

b) action taken by the Secretary-General pursuant to Resolution 13 of the Additional Plenipotentiary Conference (Geneva, 1992) on the improved use of the technical and data storage/dissemination facilities of the Radiocommunication Bureau;

c) action taken by the Secretary-General pursuant to Resolution 5 of the Additional Plenipotentiary Conference (Geneva, 1992) to implement improved management practices relating to the transparency of cost allocations and budget controls;

d) the need to ensure that the ordinary budget of the ITU, provided by Members' contributions in accordance with Article 28 of the Constitution (Geneva, 1992), continues to provide a secure base for the services provided to Members in line with the purposes of the Union, and is subject to strict financial discipline under the supervision of the Secretary-General and the Council;

e) that cost recovery is already practised, to some extent, in various ITU activities including the sale of publications, the holding of TELECOMs and the assignment of issuer identification numbers for international telecommunication charge cards,

noting also

the significant number of entities, principally recognized operating agencies, that currently make no financial contribution to the ITU Sectors,

requests

Members to take steps to encourage all entities that they have recognized and sponsored to make an appropriate financial contribution (see **considering** c) above),

resolves

1. that a cost attribution framework be developed to identify clearly the costs connected with specific functions and activities of the ITU;

2. that an examination of the costs and revenue options in ITU activities be undertaken with a view to strengthening the financial base of the Union, including:

2.1 options to reduce costs, where practicable, with close attention to more effective allocation of resources and ranking of activities according to the objectives set out in the strategic plan;

2.2 further steps to encourage wider financial participation by non-Member entities;

2.3 ways of making better use of the ITU's information resources, and, where appropriate, of charging fees for ITU services, particularly where these services are sought on a discretionary basis or to a greater extent than the level of facilities generally provided,

instructs the Secretary-General

1. to conduct a study of the issues and options outlined in **resolves** 1 and 2, and to report his findings and recommendations to the Council;

2. when presenting draft ITU budgets to the Council, to identify offsetting savings and revenue options that can assist the ITU in funding its work without increasing the level of the contributory unit.

RESOLUTION 40

Funding Arrangements for Telecommunication Programmes

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recognizing

a) the essential role of the ITU as the global specialized agency for telecommunications;

b) the economic importance of modern telecommunications to all ITU Member States;

c) the growing demands on the Union to discharge its global responsibilities in relation to the promotion and development of telecommunications in ITU Member States,

noting

a) that the funding arrangements of the ITU have not changed since its establishment;

b) that assessed contributions from Member States to the ordinary budget have reached a plateau,

resolves

that Member States of the ITU should, where necessary, seek new and innovative ways of honouring their responsibilities to contribute to the financial health of the Union, given the derived benefits of telecommunications.

RESOLUTION 41

Settlement of Arrears and Special Arrears Accounts

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

in view of

the report of the Council to the Plenipotentiary Conference on the situation with regard to amounts owed to the Union by Members and members (Document 20) and the note by the Secretary-General on arrears and special arrears accounts (Document 60),

regretting

the increasing level of arrears and non-settlement of special arrears accounts,

considering

that it is in the interest of all Members of the Union to maintain the finances of the Union on a sound footing,

urges

all Members and members in arrears or having special arrears accounts on 31 December 1993 to submit their repayment schedules to the Secretary-General within a period of six months from 15 October 1994, with a view to settling their arrears as quickly as possible,

resolves

that amounts due which have been transferred to special arrears accounts shall not be taken into account when applying No. 169 of the Constitution (Geneva, 1992), provided that the Members concerned have

submitted their repayment schedules to the Secretary-General at the latest by 15 April 1995 and for as long as they strictly comply with it and with the associated conditions,

instructs the Secretary-General

1. to inform the competent authorities of all Members and members in arrears or having special arrears accounts of this Resolution;

2. to negotiate and agree with them, on the basis of each repayment schedule submitted, the terms for the settlement of their debts;

3. to report annually to the Council on the progress made by these Members and members towards repaying their debts as well as on any non-compliance with the agreed terms of settlement,

authorizes the Council

1. to approve any measures, such as temporary reductions in class of contribution under No. 165 of the Constitution (Geneva, 1992), in order to accelerate the settlement of arrears and special arrears accounts;

2. to take appropriate measures in respect of amounts owed by members or of non-compliance with the agreed terms of settlement, such as suspending their participation in the work of the respective Sector(s) of the Union;

3. to review the appropriate level of the Reserve for debtors' accounts;

4. to report to the next Plenipotentiary Conference on the results obtained in pursuance of this Resolution,

urges Members

to assist the Secretary-General and the Council in the application of this Resolution, also in respect of members whose participation in the Union's activities has been previously approved by them in conformity with the provisions of Article 19 of the Convention (Geneva, 1992).

RESOLUTION 42

Special Arrears and Interest Accounts

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

in view of

a) the report of the Council to the Plenipotentiary Conference on the situation with regard to amounts owed to the Union;

b) Resolution 10 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973), Resolution 53 of the Plenipotentiary Conference (Nairobi, 1982) and Resolution 38 of the Plenipotentiary Conference (Nice, 1989),

noting with satisfaction

a) that the Republic of El Salvador has settled its debt with regard to Resolution 10 (Malaga-Torremolinos, 1973);

b) that the Republic of Sudan has, in 1993 and 1994, made a payment for a partial settlement of its debt with regard to Resolution 38 (Nice, 1989);

c) that the Republic of Liberia has initiated steps to make its first payment with regard to Resolution 38 (Nice, 1989);

d) that the Republic of Chad has submitted a payment schedule with regard to Resolution 53 (Nairobi, 1982);

e) that the Islamic Federal Republic of the Comoros has submitted a payment schedule with regard to Resolution 53 (Nairobi, 1982),

regretting

that the Republic of Bolivia and the Dominican Republic with regard to Resolution 10 (Malaga-Torremolinos, 1973), the Republic of Guatemala and the Islamic Republic of Mauritania with regard to Resolution 53 (Nairobi, 1982) and the Republic of Guatemala with regard to Resolution 38 (Nice, 1989) have made no settlements of their debts nor put forward any repayment schedule,

considering

that it is in the interest of all Members of the Union to maintain the finances of the Union on a sound footing,

resolves

1. that the amounts of 169 103 Swiss francs owed for 1988 to 1992 contributions and 17 517.30 Swiss francs owed for interest on overdue payments by the Democratic Republic of Sao Tome and Principe and

2. that the amounts of 90 071.15 Swiss francs owed for interest on overdue payments and 19 437.55 Swiss francs owed for publications by the Republic of Chad

shall be transferred to a special arrears account bearing no interest under the conditions laid down in Resolution 41;

3. that the amount of 27 897.75 Swiss francs owed for interest on overdue payments by the Democratic Republic of Sao Tome and Principe shall be transferred to a special interest account;

4. that the transfer to the special arrears accounts shall not release the Members concerned from the obligation to settle their arrears;

5. that this Resolution shall not in any circumstances be invoked as a precedent,

instructs the Secretary-General

1. to inform the competent authorities of the two Members concerned of this Resolution and of Resolution 41;

2. to report annually to the Council on the progress made by these two Members towards repaying their debts and on the action taken under Resolution 41,

instructs the Council

1. to adopt appropriate measures for the application of this Resolution;

2. to report to the next Plenipotentiary Conference on the results obtained in pursuance of this Resolution;

3. to study ways of settling the special interest account.

RESOLUTION 43

Approval of the Accounts of the Union for the Years 1989 to 1993

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the provisions of No. 53 of the Constitution of the International Telecommunication Union (Geneva, 1992);

b) the report by the Council to the Plenipotentiary Conference)ocument 20), Document 15 and its Addendum 1 relating to the accounts of .e Union for the years 1989 to 1993 and the report of the Finance Committee : the present Conference (Document 186),

resolves

to give its final approval of the accounts of the Union for the years)89 to 1993.

RESOLUTION 44

Auditing of the Accounts of the Union

The Plenipotentiary Conference of the International Telecommuni- ation Union (Kyoto, 1994),

considering

that the external auditor appointed by the Government of the Swiss :onfederation audited the Union accounts for the years 1989 to 1993 most arefully, competently and accurately,

expresses

1. its warmest thanks to the Government of the Swiss :onfederation;

2. the hope that the existing arrangements for the auditing of the Inion accounts may be renewed,

instructs the Secretary-General

to bring this Resolution to the notice of the Government of the Swiss :onfederation.

RESOLUTION 45

Assistance Given by the Government of the Swiss Confederation in Connection with the Finances of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

that the Government of the Swiss Confederation, under the existing arrangements, places at the disposal of the Secretary-General, if necessary and if he so requests, funds to meet the temporary cash requirements of the Union,

expresses

1. its appreciation to the Government of the Swiss Confederation for its generous assistance in financial matters;

2. the hope that the existing arrangements in this field may be renewed,

instructs the Secretary-General

to bring this Resolution to the notice of the Government of the Swiss Confederation.

RESOLUTION 46

Remuneration and Representation Allowances of Elected Officials

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

having regard to

Resolution 42 of the Plenipotentiary Conference (Nice, 1989),

recognizing

that the salaries of elected officials should be set at an adequate level above those paid to appointed staff in the United Nations common system,

resolves

1. that, subject to the measures which could be proposed by the Council to the Members of the Union in accordance with the instructions below, the Secretary-General, the Deputy Secretary-General, the Directors of the Radiocommunication, Telecommunication Standardization and Telecommunication Development Bureaux shall be paid with effect from 1 January 1995 salaries fixed in relation to the maximum salary paid to appointed staff on the basis of the following percentages:

Secretary-General	134%
Deputy Secretary-General, Directors of the Radiocommunication, Telecommunication Standardization and Telecommunication Development Bureaux	123%

2. that the above percentages shall apply to the net base salary at the dependency rate; all other elements of the remuneration shall be derived therefrom by applying the methodology in force in the United Nations common system, provided that an appropriate percentage is applied to each individual element of the remuneration,

instructs the Council

1. if a relevant adjustment is made in common system salary scales, to approve any modification of the salaries of elected officials which might result from the application of the above-mentioned percentages;

2. in the event of overriding factors appearing to the Council to justify a change in the above-mentioned percentages, to propose to the Members of the Union for approval by a majority, revised percentages with appropriate justifications,

further resolves

that representation expenses will be reimbursed against vouchers within the following limits:

	Swiss francs per year
Secretary-General	29 000
Deputy Secretary-General, Directors of the Radiocommunication, Telecommunication Standardization and Telecommunication Development Bureaux	14 500

RESOLUTION 47

Compensation Matters

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

noting

the adoption by the United Nations General Assembly at its 46th session of Resolution 46/192 resulting in the implementation of a pension adjustment system which largely protects the purchasing power of pensions as sought by the Plenipotentiary Conference (Nice, 1989) in its Resolution 43,

considering

a) that the remuneration levels in the professional and higher categories in the common system are no longer competitive when compared to a number of other international civil services;

b) the specific needs of the Union for attracting and retaining highly technical and specialized staff with knowledge of the most recent technological developments;

c) that most civil services and organizations facing similar difficulties have been able to find suitable solutions;

d) that staff motivation should be enhanced through the implementation of an incentive scheme as recommended by the High Level Committee,

concerned

by the increasing number of ad hoc measures taken by some Member States to give additional compensation to their nationals working in the United Nations system in order to compensate for the lack of competitiveness of remuneration levels in the United Nations common system,

recalling

the decision of principle taken by the United Nations General Assembly in Resolution 47/216 to introduce special occupational rates in the common system which still remains to be implemented,

invites the International Civil Service Commission (ICSC) and the United Nations General Assembly

a) to remedy, as a matter of urgency, the problem of lack of competitiveness of the common system compensation scheme for staff in the professional and higher categories;

b) actually to introduce the required flexibility in the United Nations common system to enable small highly technical agencies to be competitive in the labour market from which they draw their workforce;

c) to design and approve a significant incentive scheme in order to enhance staff motivation, as is practised in many civil services and private industries,

instructs the Council

a) to monitor with the greatest attention the question of protection of the purchasing power of pensions;

b) to monitor the responsiveness of the ICSC and United Nations General Assembly in order to ensure that the specific needs of the ITU, as expressed in the present Resolution, are fulfilled.

RESOLUTION 48

Human Resources Management and Development

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

a) Resolution 45 of the Plenipotentiary Conference (Nice, 1989) on in-service training;

b) Resolution 46 of the Plenipotentiary Conference (Nice, 1989) on human resources development,

noting

a) the report of the Council (1994) concerning training and human resources development;

b) the recommendations of the International Civil Service Commission (ICSC), as reported by the Secretary-General in Document 12 entitled "General staff policy and management",

recognizing

the value of the human resources of the Union for the fulfilment of its goals,

recognizing further

the mutual value for the Union and its staff of developing those resources to the fullest extent possible, through various human resources development activities, and in particular in-service training,

considering

a) the impact on the Union and its staff of the continuing evolution of activities in the field of telecommunications and the need for the Union and its human resources to adapt to this evolution;

b) the increasing proportion of credits being allocated to training in the Union budget and the resulting impact on the activities of the Union,

considering further

the importance of strengthening and harmonizing the linkage between different human resources management and development factors,

noting

that the ICSC recognizes human resources management as "a systematic approach, contributing to the efficient and effective utilization of human resources",

recalling

its decisions on recruitment (Resolutions 29 and 41 of the Plenipotentiary Conference (Nice, 1989)) and the report of the Council (1994) concerning the recruitment of ITU staff and of experts for technical assistance missions,

resolves

1. that human resources management and development in the Union should be compatible with the objectives and activities of the ITU;

2. that principles of human resources management and development should be applied with regard to human resources planning, recruitment and selection, training, compensation, job classification, career development criteria, performance appraisal and end of service,

instructs the Secretary-General

1. to establish the "Rules for in-service training of the staff of the ITU" on the basis of the principles approved by the Council and to apply them to the ITU in-service training programme;

2. to prepare medium and long-term human resources development plans in order to respond to the needs of the Union and its staff;

3. to continue to study how human resources management and development principles, taking into account the recommendations of the ICSC, might best be applied within the Union, and report to the Council,

instructs the Council

to allocate the appropriate credits for in-service training in accordance with an established programme, which shall represent at least 1% and at most 3%, to be increased gradually, of the portion of the budget allocated to staff costs,

requests the Council

1. to ensure that the necessary staff and financial resources, as mentioned in Document 28 "Training and human resources development", are made available for reviewing issues related to human resources management and development of the ITU;

2. to examine the Secretary-General's report on this matter and to decide on the action to be taken.

RESOLUTION 49

Organizational Structure and Grading in the ITU

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

a) the High Level Committee recommendations concerning the need to increase delegation of authority within the ITU secretariat;

b) the structural changes implemented following the decisions of the Additional Plenipotentiary Conference (Geneva, 1992) and the resulting reduction in the number of ITU elected officials;

c) the obligation for the Union to apply the job classification system as approved by the United Nations General Assembly for application in all organizations of the United Nations common system,

considering

a) that the ITU should make full use of the United Nations common system grading structure (G.1 to D.2);

b) that posts should be graded at the level resulting from the application of the United Nations common system job classification standards,

instructs the Council

1. to ensure the correct application of the United Nations common system job classification standards for senior management posts, taking into account the level of responsibilities and the delegation of authority;

2. to implement its decision of principle to use the D.2 level for these posts when justified by the United Nations common system standards;

3. to ensure, on the basis of a report by the Secretary-General, that relevant ITU rules and regulations and practices concerning appointments and promotions are applied.

RESOLUTION 50

Recruitment of ITU Staff and Experts for Technical Assistance Missions

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

noting

a) No. 154 of the Constitution (Geneva, 1992);

b) the report by the Council concerning the implementation of Resolution 41 of the Plenipotentiary Conference (Nice, 1989);

c) the section of the report by the Council (Document 20) dealing with the action taken in application of Resolution 29 of the Plenipotentiary Conference (Nice, 1989);

d) the increase in the number of countries from which the staff of the Union is recruited and the improvement in the geographical distribution of appointed staff,

further noting

a) the recommendations of the International Civil Service Commission (ICSC) on recruitment policy and procedures, as reported by the Secretary-General in the conference document entitled "General staff policy and management" (Document 12);

b) the report by the Council concerning the recruitment of ITU staff and of experts for technical assistance missions (Resolutions 29 and 41 of the Plenipotentiary Conference (Nice, 1989)),

considering

a) the need to follow a recruitment policy appropriate to the requirements of the Union, including the redeployment of posts and the recruitment of young specialists, while observing the relevant recommendations of the ICSC;

b) the need to continue to improve the geographical distribution of appointed staff of the Union;

c) the need to encourage the recruitment of women in the professional and higher categories;

d) the constant advances made in the technology and operation of telecommunications and the corresponding need to recruit the most competent specialists to work in the different Bureaux of the ITU and for the Union's technical assistance activities,

considering also

a) the increasing difficulties encountered in the recruitment of experts for technical assistance missions, both quantitatively and qualitatively;

b) the growing demand for highly specialized expertise over short periods both in traditional and new services;

c) the great importance of strengthening technical assistance to developing countries,

having noted

that the Union's needs for highly qualified experts and information concerning vacancies are not adequately disseminated within the countries which are in a position to make such experts available,

wishes to express

its gratitude to the Members which have provided experts from their countries for technical assistance missions,

invites the Members of the Union and entities and organizations other than administrations

1. to increase their efforts to explore all sources of candidates, especially female candidates, for ITU posts and expert posts among the staff of administrations, recognized operating agencies, industry, universities and training institutions, scientific and research bodies, etc., by publicizing the information concerning vacancies as widely as possible and through direct contacts with these potential sources of expertise;

2. to facilitate to the maximum the secondment of the candidates chosen and their reintegration at the end of their assistance missions so that their period of absence does not prove a handicap in their careers;

3. to continue to make available, free of charge, lecturers and the necessary services for seminars organized by the Union,

invites the developing countries Members of the Union

to take particular account of candidates for technical assistance missions presented by other developing countries provided they meet the requirements,

resolves

1. that appointed staff in the professional and higher categories shall continue to be recruited on an international basis and, in general, vacancies for these posts shall be advertised as widely as possible and communicated to the administrations of all Members of the Union; however, reasonable promotion possibilities must continue to be offered to existing staff;

2. that, when filling vacant posts by international recruitment, in choosing between candidates who meet the qualification requirements for a post, preference shall be given to candidates from regions of the world which are insufficiently represented in the staffing of the Union, taking into account the desirable balance between female and male staff;

3. that, when filling vacant posts by international recruitment and when no candidate fulfils all the qualification requirements, recruitment can take place at one grade below on the understanding that a candidate will have to fulfil certain conditions before being given the full responsibilities of the post and the promotion, as the candidate does not meet all the requirements of the post;

4. that, in general, staff in the general service category (grades G.1 to G.7) shall be recruited from among persons resident in Switzerland, or in French territory within 25 km of Geneva. Exceptionally, when vacancies occur at grades G.5, G.6 and G.7 for posts of a technical nature, recruitment may be on an international basis,

instructs the Secretary-General

1. to continue to pursue a recruitment policy designed to improve the geographical representation of the appointed staff in those posts of the Union subject to geographical distribution;

2. to favour, other qualifications being equal, the appointment of women to posts in the professional and higher categories with a view to securing an equitable representation of women in the staff of the Union, subject to **resolves** 2 of this Resolution;

3. to recruit young specialists at the P.1/P.2 level, where appropriate, with a view to improving professionalism within the Union taking into account geographical distribution and the balance between female and male staff;

4. to pay the greatest possible attention to the qualifications, experience and aptitudes of candidates for vacant expert posts at the time of submission of candidatures to beneficiary countries;

5. not to impose strict age limits on candidacies for expert posts but to make sure that candidates who have passed the retirement age fixed in the United Nations common system are fit enough to perform the tasks listed in the vacancy notice;

6. to establish and disseminate, on a regular basis, a list of vacant expert posts which are to be filled during the forthcoming months and to provide information on conditions of service;

7. to continue to keep up to date the register of potential candidates for expert posts with due emphasis on specialists for short-term missions;

8. to submit each year to the Council a report on the measures adopted in pursuance of this Resolution and on the evolution of recruitment issues in general;

9. to continue to observe those recommendations of the ICSC which are applicable to the situation of the Union in matters of recruitment,

invites the Council

to follow with the greatest attention the question of recruitment and to adopt the measures it deems necessary to secure an adequate number of qualified candidates for Union posts and expert posts advertised by the Union.

RESOLUTION 51

ITU Staff Participation in Conferences of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that staff are a key element in the achievement of the Union's objectives;

b) the importance of good human resources management to the achievement of the Union's objectives;

c) the importance of fruitful working relations between the staff and its employer and of staff participation in the management of the Union,

recognizing

the rights of staff under Article 8 of the Staff Rules and Regulations,

noting

the initiative of Council in creating a consultative group comprising staff representatives and Council members,

noting further

a) that Council regularly invites the participation of staff representatives;

b) that this participation is subject each time to prior agreement by Council;

c) that this uncertainty prevents staff representatives from preparing sufficiently in advance,

considering further

that the participation of staff representatives would be beneficial to the Plenipotentiary Conference,

resolves

that staff will henceforth be represented by one person (or a maximum of two persons) who will participate in sessions of the ITU Council and in Plenipotentiary Conferences to state the staff's opinion concerning staff matters at the request of the Chairman of the Committee dealing with staff matters, such participation having no impact on the budget of ITU.

RESOLUTION 52

Rehabilitation of the Provident Fund of the ITU Staff Superannuation and Benevolent Funds

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

the precarious but nonetheless improving financial situation of the Provident Fund at 31 December 1993,

taking into account

that the support measures hitherto applied have been effective,

aware

that the Provident Fund continues to require support in the form of an annual contribution,

instructs the Council

to monitor carefully in coming years the situation of the ITU Staff Superannuation and Benevolent Funds, and in particular the Provident Fund, with a view to taking any measures it considers appropriate,

resolves

to reduce the annual contribution from the ordinary budget to the Provident Fund from 250 000 Swiss francs to a maximum of 200 000 Swiss francs and to maintain the contribution at the necessary level until the Fund is able to meet its obligations.

RESOLUTION 53

Measures to Enable the United Nations to Carry Out Fully any Mandate Under Article 75 of the Charter of the United Nations

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

conscious

of the decision taken by the Plenipotentiary Conference (Malaga-Torremolinos, 1973) to abolish associate membership in the Union and of Additional Protocol III to the International Telecommunication Convention (Nairobi, 1982),

taking into account

that the Plenipotentiary Conference (Nice, 1989) decided not to continue the use of additional protocols and adopted its Resolution 47 on the matter which is also the subject of the present Resolution,

mindful

of the request recently reiterated by the Secretary-General of the United Nations to continue, as in the past, the application, if the need arises, of measures enabling the United Nations to carry out fully any mandate under Article 75 of the Charter of the United Nations,

resolves

1. that the possibility enjoyed by the United Nations, in accordance with the relevant provisions of the International Telecommunication Convention (Montreux, 1965) concerning associated membership, when carrying out any mandate in accordance with Article 75 of the Charter of the United Nations shall be continued under the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992);

2. that each case related to **resolves** 1 shall be considered by the Council of the Union.

RESOLUTION 54

Support to Members Hosting United Nations Peacekeeping Forces

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recognizing

a) that some Members have to rely on the support of the United Nations to aid in resolving conflicts, restoring peace and security and providing humanitarian assistance during times of crisis;

b) that effective telecommunications for United Nations agencies and other aid agencies are vital for the accomplishment of these important missions;

c) that, in carrying out such missions, United Nations peacekeeping operations undertaken pursuant to a mandate from the United Nations Security Council may involve the deployment of United Nations peacekeeping forces and aid agencies (governmental and private) together with their communications facilities,

recognizing further

a) that, in establishing their telecommunication facilities, United Nations peacekeeping forces would normally require the support of a host administration for such matters as application of national telecommunication regulations and frequency assignment;

b) that the time when it is receiving a United Nations peacekeeping force is often when a Member most needs to apply its national regulations but is least able to do so because the situation which has made the United Nations intervention necessary may have rendered the host administration inoperable,

recalling

the Union's responsibility as a specialized agency of the United Nations and its agreement to cooperate with and render all possible assistance to the United Nations in accordance with the Agreement between the United Nations and the International Telecommunication Union (Article VI) and with their respective basic instruments,

consistent with

a) the purposes of the Union set out in Article 1 of the Constitution, and specifically the ITU's mandate to coordinate efforts to eliminate harmful interference and to promote the use of telecommunications to facilitate peaceful relations;

b) the procedures set forth under "Communications" (Annex II, Article IV, Part B) in the MCDA Project[1],

considering

that the purposes of the Union also include providing direct assistance to Members in matters related to the implementation of the provisions of the Radio Regulations, and that the ITU has regularly deployed missions of experts provided by Members,

considering further

that the lack of an effective host administration able to support visiting United Nations military forces and aid agencies may:

- hamper the operations of United Nations peacekeeping forces, thereby hindering the restoration of peace in the region or the provision of humanitarian assistance;
- create situations in which neighbouring Members may suffer harmful interference and disruption to their telecommunication services;
- result in situations in which the long-term interests of the host administration may be compromised because it is unable to exercise its rights in spectrum utilization and international coordination,

instructs the Secretary-General

to study potential roles for the ITU and its Members in the area of frequency management support for selected peacekeeping endeavours, in

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[1] The Project on the Use of Military and Civil Defence Assets for Natural Disaster Relief is under the mandate of the United Nations Department of Humanitarian Affairs and its guidelines refer to the use of such assets in situations where they are used exclusively as part of international humanitarian assistance following a natural disaster.

consultation with the appropriate United Nations entities, taking into account legal, jurisdictional and financial considerations, and to report the findings to Council in 1996,

instructs the Council

to review the Secretary-General's report at its 1996 session and make appropriate recommendations for follow-up by the ITU and its Members.

RESOLUTION 55

Use of the United Nations Telecommunication Network for the Telecommunication Traffic of the Specialized Agencies

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the Agreement between the United Nations and the International Telecommunication Union (Atlantic City, 1947), and in particular Article 16 thereof;

b) that, by its Resolution 50, the Plenipotentiary Conference (Nice, 1989) resolved that the United Nations telecommunication network may carry the traffic of the specialized agencies under specific conditions,

noting

a) that the Secretary-General of the United Nations has requested that the International Telecommunication Union take such action as would allow the use of the United Nations telecommunication network by the specialized agencies;

b) that, since 1989, ITU has been collaborating closely with the United Nations Telecommunication Service in the enhancement of the United Nations telecommunication network,

resolves

that the United Nations telecommunication network may carry the traffic of the specialized agencies which wish to use it, on condition that:

1. the specialized agencies pay for the telecommunication service on the basis of the cost of operation of the service by the United Nations and tariffs established by administrations within the framework of the Constitution and Convention (Geneva, 1992), Administrative Regulations and practices of the Union;

2. the use of the network is restricted to the principal organs of the United Nations, the United Nations offices and programmes, and the specialized agencies of the United Nations;

3. the transmissions are limited to information exchanges concerned with the conduct of the business of the United Nations system;

4. the network is operated in conformity with the Constitution and Convention (Geneva, 1992), Administrative Regulations and practices of the Union,

instructs the Secretary-General

to follow carefully the evolution of the United Nations telecommunication network, to continue cooperation with the United Nations Telecommunication Service and to provide guidance as appropriate,

further instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations.

RESOLUTION 56

Possible Revision of Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

in view of

Resolution 28 of the Plenipotentiary Conference (Buenos Aires, 1952), Resolution 31 of the Plenipotentiary Conference (Geneva, 1959), Resolution 23 of the Plenipotentiary Conference (Montreux, 1965), Resolution 34 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973), Resolution 40 of the Plenipotentiary Conference (Nairobi, 1982), and Resolution 53 of the Plenipotentiary Conference (Nice, 1989),

considering

a) the apparent conflict between the definition of Government Telecommunications contained in the Annex to the Constitution of the International Telecommunication Union (Geneva, 1992) and the provisions of Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies;

b) that the Convention on the Privileges and Immunities of the Specialized Agencies has not been amended in the manner requested by the Plenipotentiary Conferences of Buenos Aires (1952), Geneva (1959), Montreux (1965), Malaga-Torremolinos (1973), Nairobi (1982) and Nice (1989),

resolves

to confirm the decisions of the Plenipotentiary Conferences of Buenos Aires (1952), Geneva (1959), Montreux (1965), Malaga-Torremolinos (1973), Nairobi (1982) and Nice (1989) and of the Additional Plenipotentiary Conference (Geneva, 1992) not to include the Heads of the specialized agencies among the authorities listed in the Annex to the Constitution (Geneva, 1992) as entitled to send or reply to Government Telecommunications,

expresses the hope

that the United Nations will agree to reconsider the matter and, bearing in mind the above decision, will make the necessary amendment to Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies,

instructs the Council

to take the necessary steps with the appropriate organs of the United Nations with a view to reaching a satisfactory solution.

RESOLUTION 57

Joint Inspection Unit

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

Resolution 52 of the Plenipotentiary Conference (Nice, 1989),

having noted

the relevant section of the report of the Council to the Plenipotentiary Conference (Kyoto, 1994),

considering

that it is appropriate that the International Telecommunication Union continue to benefit from the useful role played by the Joint Inspection Unit (JIU) as an independent inspection and evaluation unit of the United Nations system,

instructs the Secretary-General

to continue to cooperate with the JIU and to submit to the Council reports of the JIU having a bearing on the Union, together with comments he considers appropriate,

instructs the Council

to consider the JIU reports submitted by the Secretary-General, and to take action thereon as it deems fit.

RESOLUTION 58

Strengthening of Relations with Regional Telecommunication Organizations

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

acknowledging

that Article 43 of the Constitution states that: "Members 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 ...",

considering

a) that the Union and regional organizations share a common belief that close cooperation can promote regional telecommunication development through, *inter alia*, organizational synergy;

b) that, at the World Telecommunication Development Conference (WTDC) (Buenos Aires, 1994), some regional telecommunication organizations, such as Asia-Pacific Telecommunity (APT), European Conference of Posts and et Telecommunications Administrations (CEPT), Inter-American Telecommunications Committee (CITEL), Caribbean Telecommunications Union (CTU), Panafrican Telecommunications Union (PATU), Permanent Committee on Telecommunications of the League of Arab States (LAS), etc., expressed the need for the Union to cooperate more closely with regional telecommunication organizations;

c) that there is a continued need for the Union to cooperate more closely with regional telecommunication organizations, given the increasing importance of regional organizations concerned with regional issues;

d) that the Convention encourages the participation of the regional telecommunication organizations in the Union's activities and provides for their attendance at conferences of the Union as observers;

e) that the WTDC (Buenos Aires, 1994) requested the Secretary-General to consider the thrust of its Resolution 6 in his report under Resolution 16 of the Additional Plenipotentiary Conference (APP) (Geneva, 1992),

noting

that the Secretary-General's report under Resolution 16 of the APP (Geneva, 1992), when available, should facilitate evaluation by the Council of the Union's own regional presence,

resolves

that the Union should develop stronger relations with regional telecommunication organizations,

instructs the Secretary-General

1. to consult with regional telecommunication organizations at an early date regarding cooperation on the basis envisaged in Resolution 16 of the APP (Geneva, 1992) and Resolution 6 of the WTDC (Buenos Aires, 1994);

2. to submit a report on the results of the consultation to the Council, for consideration at its 1995 session, and to report regularly to the Council thereafter,

instructs the Council

to consider the reports submitted and take appropriate measures, including arranging for dissemination of the findings in the reports and the Council's conclusions to non-Council Members and to regional telecommunication organizations.

RESOLUTION 59

Request to the International Court of Justice for Advisory Opinions

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

in view of

a) Article VII of the Agreement between the United Nations and the International Telecommunication Union which provides that requests for advisory opinions may be addressed to the International Court of Justice by the Plenipotentiary Conference, or by the Council acting in pursuance of an authorization by the Plenipotentiary Conference;

b) the decision of the Council "to affiliate the Union to the Administrative Tribunal of the International Labour Organisation", and the

declaration recognizing the jurisdiction of the Tribunal which was made by the Secretary-General pursuant to that decision;

c) the provisions in the Annex to the Statute of the Administrative Tribunal of the International Labour Organisation under which that Statute applies in its entirety to any intergovernmental organization which has recognized the jurisdiction of the Tribunal in accordance with paragraph 5 of Article II of the Statute of the Tribunal;

d) Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation under which, in consequence of the above-mentioned declaration, the Council of the International Telecommunication Union may submit to the International Court of Justice the question of the validity of a decision given by the Tribunal,

notes

that the Council is authorized to request advisory opinions from the International Court of Justice as provided under Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation.

RESOLUTION 60

Juridical Status

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

in view of

the agreement concluded on 22 July 1971 between the Swiss Federal Council and the International Telecommunication Union to define the legal status of this organization in Switzerland and the associated implementing arrangements,

having noted with satisfaction

the Council's remarks in section 2.2.7.1 of its report to the Plenipotentiary Conference (Document 20) concerning Resolution 56 of the Plenipotentiary Conference (Nice, 1989),

instructs the Secretary-General

to keep the agreement and the manner of its application under review in order to ensure that the privileges and immunities accorded to the ITU are equivalent to those obtained by other organizations of the United Nations family with their headquarters in Switzerland and report to the Council as necessary,

requests the Council

to report as necessary on this subject to the next Plenipotentiary Conference.

RESOLUTION 61

Premises at the Seat of the Union: Construction of the "Montbrillant Building"

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

that the Plenipotentiary Conference (Nice, 1989), in its Resolution 57, authorized the Council:

"1. to consider the study submitted to it by the Secretary-General as soon as possible and to decide on the construction programme;

2. to take the administrative and financial action necessary for the implementation of its decision. The proposals of the Administrative Council and the resulting financial implications shall be submitted to Members for approval in accordance with section 8 of Decision 1,"

having studied

the report of the Council (Document 20) on the preliminary project relating to the new "Montbrillant Building" to provide the Union with the necessary premises,

considering

that adequate premises are required at the seat of the Union in Geneva to organize effective meetings, to provide sufficient office space, to make rational use of office space for all the staff at the seat of the Union and to improve space for the information services, the library and the archives services, as well as to provide the facilities, equipment and storage space necessary for the smooth operation of all services,

aware

that there is an exceptional and unique opportunity for the Union to construct the said building on the plot of land adjacent to its existing building in the rue de Varembé and in closest vicinity to its Tower building in the avenue Giuseppe Motta in Geneva,

resolves

to construct the new "Montbrillant Building", in order to provide the premises and facilities necessary to meet the Union's requirements, in accordance with the financing scheme proposed by the Council in Document 20,

instructs the Secretary-General

1. to confirm to the Swiss authorities the Union's decision to construct the new "Montbrillant Building", and to arrange with them the required financing for the construction project;

2. to organize the building project under efficient management and with due regard to cost, functional design and quality;

3. to ensure that the detailed design and construction of the building and related installations and facilities are carried out in the most appropriate manner;

4. to submit an annual report to the Council on the progress made in the implementation of this Resolution,

instructs the Council

to make all the administrative and financial arrangements and take the decisions necessary to facilitate the implementation of this Resolution, in the light of the annual reports submitted to it by the Secretary-General.

RESOLUTION 62

Interim Limitations in the Use of Official and Working Languages of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

having regard

to Article 29 of the Constitution and Article 35 of the Convention of the International Telecommunication Union (Geneva, 1992),

recalling

Resolution 59 of the Plenipotentiary Conference (Nice, 1989),

conscious

a) of the desirability of making greater use of the official and working languages of the Union, so as to enable a larger number of Members to participate more actively in the work of the Union;

b) of the technological, administrative, financial and staffing advantages thereof;

c) of the need for greater use of the official and working languages in order to permit greater understanding among Members and to achieve fully the Union's purposes,

considering

that the full-scale use of all official and working languages of the Union in the present structure of the Union could involve significant resources which can now hardly be provided,

pursuant to

the provisions of No. 172 of the Constitution (Geneva, 1992),

resolves

1. that the following documents of the Union shall be drawn up in English, French and Spanish only:

– all documents of conferences and assemblies of the Union except* the final texts of Final Acts, protocols, resolutions, questions, recommendations, opinions and handbooks;

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* In these cases, Article 29 of the Constitution shall apply; namely, all six working languages shall be used, and all texts shall be translated.

- the preparatory documents of the study groups of the three Sectors of the ITU except* the final texts of questions, recommendations and handbooks;
- the proposals and contributions to conferences, assemblies and meetings of the three Sectors of the ITU communicated to Members, the originals of which have been submitted in any of the working languages of the Union;
- all other documents for general distribution prepared by the Secretary-General in the course of his duties, except** the weekly circulars of the Radiocommunication Bureau, the circular-letters of the Secretary-General and the Directors of the Bureaux of the three Sectors of the ITU, by agreement between the Secretary-General and the Members or group of Members concerned;

2. that at meetings of the three Sectors of the ITU other than the world conferences, assemblies and study groups included in the programme of work approved by a conference or an assembly, which are governed by Article 29 of the Constitution (Geneva, 1992) and at which all six working languages shall be used, reciprocal interpretation between English, French and Spanish is provided if those Members which require interpretation for one of these languages give at least 90 days notice of their participation in these meetings;

3. that, should the need arise, and by agreement between the Secretary-General and the Members or group of Members concerned, proposals and contributions to a regional development conference should be drawn up in a different subset of the official and working languages, taking into account the working languages of the ITU used in the region, limited to a maximum of three languages;

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* In these cases, Article 29 of the Constitution shall apply; namely, all six working languages shall be used, and all texts shall be translated.

** In these cases, Article 29 of the Constitution shall apply; namely, all six working languages shall be used.

4. that the total expenditure incurred shall remain within the financial limits fixed in Decision 1,

instructs the Secretary-General

1. to organize, after consulting the Members or groups of Members concerned, preparation of the documents of the Union in Arabic, Chinese and Russian as efficiently and economically as possible;

2. to submit a report to the Council on the progress made in this field,

instructs the Council

1. to consider the report of the Secretary-General;

2. to take any necessary action to ensure the general circulation, in the official and working languages of the Union, of the documents chosen by the Members or groups of Members concerned within the credit limits fixed by this Conference.

RESOLUTION 63

Study of the Languages in the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the need to maintain and extend international cooperation between all Members of the Union for the improvement and rational use of telecommunications of all kinds, as well as to promote and to offer technical assistance to developing countries in the field of telecommunications;

b) Article 29 of the Constitution and Article 35 of the Convention (Geneva, 1992) on languages;

c) proposals for the work of the Plenipotentiary Conference on improving the use of languages;

d) Resolution 59 of the Plenipotentiary Conference (Nice, 1989) on "Limitations in the Use of Working Languages";

e) the desirability of making greater use of the official and working languages of the Union so as to enable a larger number of Members to participate more actively in the work of the Union,

conscious of

the impact on the finances and operation of the Union of the use of multiple languages,

recognizing

the need to adopt efficient, effective and balanced policies on the use of languages in the Union,

noting

the wide range of views on the optimum balance of working languages to be used in meetings, documents and publications versus the associated cost and timeliness of production of documents and publications,

resolves

that a study be conducted to address the relevant issues in order to provide a report with recommendations for consideration at the 1998 Plenipotentiary Conference,

instructs the Council and the Secretary-General

a) to carry out a study of the effective and efficient use of languages to be used in the Union, considering, *inter alia*:

1. practices followed by other United Nations and international organizations;

2. the role that emerging modern technological tools may play in the future;

3. the interests of different language groups;

b) to produce, no later than 1996, a report on the results of the study together with alternative recommendations;

c) to distribute this report to all Members for comment before submitting it to the 1998 Plenipotentiary Conference.

RESOLUTION 64

Non-Discriminatory Access to Modern Telecommunication Facilities and Services

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

having examined

the "Buenos Aires Initiative" Resolution on "Non-Discriminatory Access to Modern Telecommunication Facilities and Services" submitted by the Secretary-General at the behest of the World Telecommunication Development Conference (Buenos Aires, 1994),

taking into account

the importance of telecommunications for political, economic, social and cultural progress,

taking into account also

a) that the International Telecommunication Union plays an important role in the promotion of global telecommunication development;

b) that, to this end, the Union coordinates efforts aimed at securing harmonious development of telecommunication facilities,

taking into account further

the need to draw up proposals on issues determining worldwide telecommunication development strategy, and to facilitate the mobilization of the necessary resources to that end,

noting

a) that modern telecommunication facilities and services are established, in the main, on the basis of recommendations of the Telecommunication Standardization Sector (ITU-T) and the Radiocommunication Sector (ITU-R);

b) that ITU-T and ITU-R recommendations are the result of the collective efforts of all those taking part in the standardization process within ITU and are adopted by consensus by the Members of the Union;

c) that limitations on the access to telecommunication facilities and services on which national telecommunication development depends and which are established on the basis of ITU-T and ITU-R recommendations constitute an obstacle to the harmonious development and compatibility of telecommunications worldwide,

recognizing

that full harmonization of telecommunication networks is impossible unless all countries participating in the work of the Union, without exception, have non-discriminatory access to new telecommunication technologies and modern telecommunication facilities and services, without prejudice to national regulations and international commitments within the competence of other international organizations,

resolves

1. that there should be non-discriminatory access to telecommunication technologies, facilities and services established on the basis of ITU-T and ITU-R recommendations;

2. that the ITU should facilitate non-discriminatory access to telecommunication technologies, facilities and services established on the basis of ITU-T and ITU-R recommendations;

3. that the ITU should encourage to the greatest extent possible cooperation among the Members of the Union on the question of non-discriminatory access to telecommunication technologies, facilities and services established on the basis of ITU-T and ITU-R recommendations with a view to satisfying user demand for modern telecommunication services,

invites the governments of the Members of the Union

1. to help telecommunication equipment manufacturers and service providers in ensuring that telecommunication facilities and services established on the basis of ITU-T and ITU-R recommendations may be generally available to the public without any discrimination;

2. to cooperate with one another in the implementation of this Resolution,

instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations with a view to bringing to the attention of the world community the viewpoint of ITU, as a specialized agency of the United Nations, on the issue of non-discriminatory access to new telecommunication technologies and modern telecommunication facilities and services as an important factor for world technological progress.

RESOLUTION 65

Remote Access to ITU Information Services

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) the instructions given in Resolution 62 of the Plenipotentiary Conference (Nice, 1989);

b) the instructions given in Resolution 14 of the Additional Plenipotentiary Conference (Geneva, 1992);

c) that information exchange with ITU Members and members and with the wider telecommunication community is one of the essential means for the achievement of the ITU's purposes as defined in Article 1 of the Constitution (Geneva, 1992);

d) that the Bureaux are mandated by the Convention (Geneva, 1992) (Nos. 178, 203 and 220) to "exchange with members data in machine-readable form"; and

e) the increasing opportunities provided by the convergence of telecommunications, computers and other technologies, particularly the increased availability and affordability of worldwide communications and information networks,

recognizing

a) the need to provide policy guidance for the Council to enable it to take the necessary decisions for execution by the Secretary-General and Directors of the Bureaux;

b) the severe pressures on the budget of the Union,

instructs the Council

1. to authorize, within appropriate budgetary constraints, the systematic maintenance of ITU information in electronic form widely accessible and the progressive development at the Union's headquarters and, as far as possible, at ITU regional/area offices, of facilities giving all participants in ITU activities remote access to appropriate information services;

2. to consult with the advisory groups of the three Sectors of the ITU in order to assist the Council in further developing these facilities and services,

instructs the Secretary-General

1. in consultation with the Coordination Committee and the advisory groups of the three Sectors of the ITU, to submit to Council detailed recommendations with proposed cost estimates for the extension of remote access information exchange facilities and services;

2. to ensure that these recommendations pay particular attention and respond to the problems that may face developing countries;

3. to use technical assistance programmes to support the related training and technology requirements of the developing countries.

RESOLUTION 66

Access to Documents and Publications of the Union

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) recommendation 46 of the High Level Committee ("Tomorrow's ITU: The Challenges of Change", Geneva, April 1991);

b) the need for efficient marketing and distribution of documentation and publications of the Union to promote increased use of ITU recommendations and other publications;

c) the evolution of electronic information handling;

d) the development of new technologies for publishing (for example CD-ROM, on-line access to databases, etc.);

e) the desirability of cooperation with bodies engaged in relevant standards development;

f) matters connected with the Union's copyright in its publications;

g) the need to sustain the revenue derived from publications as a means of recovering costs of production, marketing and sales to the Union;

h) the need to provide a timely and efficient global standardization process,

considering further

a) that a primary purpose of the Union is to extend the benefits of new telecommunication technologies to all the world's inhabitants;

b) the need to ensure a coherent financing and pricing policy which will assure the continuity of publications, including the development of new products and of modern methods of distribution,

resolves

1. that all documentation of the Union available in electronic form intended to facilitate the timely development of recommendations of the Union be made electronically accessible to any Member or member;

2. that all official publications that are made available in databases of the Union for electronic distribution, including recommendations of the Union made available in publication format by the Radiocommunication Sector or the Telecommunication Standardization Sector, should be made accessible by electronic means with appropriate provision for payment to the Union for a particular publication requested. A request for such a publication obliges the purchaser not to duplicate it for distribution or sale external to the purchaser's organization. Such a publication may be utilized in the receiving organization, to further the work of the Union or any standards body developing related standards, to provide guidance for product or service development and implementation and to serve as support for documentation associated with a product or service;

3. that none of the above is intended to dilute the copyright held by the Union so that any entity desiring to duplicate publications of the Union for resale must obtain an agreement for such purpose,

instructs the Secretary-General

1. to take the necessary steps to facilitate the implementation of this Resolution;

2. to ensure that paper publications are made available as quickly as possible so as not to deprive Members or members not possessing electronic facilities of access to publications of the Union;

3. to implement, within the financial constraints of the Union, strategies and mechanisms to enable all Members and members to acquire and use the facilities required to access the electronic documents and publications of the Union;

4. to ensure that prices for all forms of publications of the Union are reasonable in order to stimulate their wide distribution;

5. to seek consultation with the advisory groups of the three Sectors of the ITU to assist in developing policies on publications.

RESOLUTION 67

Updating of Definitions

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

a) that the Annexes to the Constitution and to the Convention of the International Telecommunication Union (Geneva, 1992) contain definitions of certain terms used in the Constitution, in the Convention and in the Administrative Regulations;

b) that, as a result of technical progress and the development of operating methods, it might be desirable to revise some of these definitions,

instructs the Secretary-General

to submit to the Council any changes accepted by a conference to definitions which are in the Annexes to the Constitution and Convention (Geneva, 1992), for subsequent transmission to the Plenipotentiary Conference for any action the latter may deem appropriate.

RESOLUTION 68

World Telecommunication Day

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

considering

the opportunity which the annual celebration of World Telecommunication Day represents to promote the Union,

bearing in mind

Resolution 46 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973), instituting a World Telecommunication Day celebrated annually on 17 May,

invites administrations of Members

to celebrate the day annually by organizing appropriate national programmes, involving their recognized operating agencies, scientific or industrial organizations and other relevant entities, with a view to:

- increasing awareness of the vital role of telecommunications for the welfare of humanity;
- fostering interest in telecommunications in universities and other educational establishments with a view to attracting new and young talents into the profession;
- disseminating information on telecommunication issues and on the leadership role of the Union in international telecommunications;

- strengthening the Union by making national telecommunication entities and organizations and development and financial institutions more aware of the benefits of becoming a member of the Sectors of the Union;
- supporting the main strategic objectives of the Union,

invites the Council

to adopt a specific topic for each World Telecommunication Day,

instructs the Secretary-General

to provide telecommunication administrations with information and assistance to coordinate their preparations for holding World Telecommunication Day.

RESOLUTION 69

Provisional Application of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) by Members of the Union Which Have Not Yet Become States Parties to Those Instruments

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

recalling

Resolution 1 of the Additional Plenipotentiary Conference of the Union (Geneva, 1992) on the provisional application of certain parts of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and Recommendation 1 of that Conference on the deposit of instruments and entry into force of the said Constitution and Convention,

noting

that, although the said Constitution and Convention entered into force on 1 July 1994 between Members having deposited their instruments of ratification, acceptance, approval or accession before that date, only 56 out of the 184 Members of the Union have deposited with the Secretary-General their respective instruments of consent to be bound by the said treaties,

mindful

of its call for expeditious deposit of such instruments as contained in Recommendation 1 of this Conference,

considering

that it is indispensable, for the proper functioning of the Union as an intergovernmental organization, that it be governed by one single set of provisions and rules as contained in its basic instrument, the Constitution (Geneva, 1992), and in the Convention (Geneva, 1992), the provisions of which complement those of the said Constitution,

resolves

to appeal to all Members of the Union which have not yet become States Parties to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) provisionally to apply the provisions thereof, until such time as they have become States Parties thereto by depositing with the Secretary-General their respective instruments of consent to be bound by the two treaties, and to confirm that the provisions of No. 210 of the said Constitution shall continue to apply until such time of deposit.

RECOMMENDATION 1

Deposit of Instruments Relating to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992)

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

taking into account

Recommendation 1 of the Additional Plenipotentiary Conference (Geneva, 1992) on the deposit of instruments and the entry into force of the Constitution and Convention of the International Telecommunication Union,

considering

that, pursuant to No. 238 of Article 58 of the Constitution, the instruments of the Union referred to above entered into force on 1 July 1994 between Members having deposited their instrument of ratification, acceptance, approval or accession before that date,

considering further

that it is in the interest of the Union that all Members become parties to the said Constitution and the Convention as soon as possible,

invites

all the Members of the Union which have not already done so to expedite their respective national procedures for ratification, acceptance or approval of (see Article 52 of the Constitution), or accession to (see Article 53 of the Constitution) the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and to deposit their respective "single instrument" with the Secretary-General as soon as possible,

instructs the Secretary-General

to bring this Recommendation to the attention of all the Members of the Union and to recall its contents periodically, as he sees fit, to those Members of the Union which have not yet deposited their respective instrument.

RECOMMENDATION 2

Unrestricted Transmission of News and the Right to Communicate

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

in view of

a) the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948;

b) the Preamble and Articles 1, 33, 34 and 35 of the Constitution of the International Telecommunication Union (Geneva, 1992);

c) the provision of the Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning the free flow of ideas by words and images and the declaration on the basic principles, adopted by the XXth session of the UNESCO General Conference, concerning the contribution of the mass media to strengthening peace and international understanding, to the promotion of human rights and to countering racialism, apartheid and incitement to war and the relevant resolutions of the XXIst session of the UNESCO General Conference;

d) the recommendations of the World Conference on Human Rights adopted in Vienna in 1993, to the effect that the promotion and protection of human rights is a matter of priority for the international community,

conscious of

the noble principles that news should be freely transmitted and that the right to communicate is a basic human right,

conscious also of

the importance of the fact that these noble principles will promote the dissemination of news, thus strengthening peace, cooperation, mutual understanding between peoples and the spiritual enrichment of the human personality, as well as dissemination of culture and education among all people irrespective of their race, sex, language or religion,

recommends

that Members of the Union facilitate the unrestricted transmission of news by telecommunication services.

RECOMMENDATION 3

Favourable Treatment for Developing Countries

The Plenipotentiary Conference of the International Telecommunication Union (Kyoto, 1994),

in view of

a) the purpose of the Union, which is to maintain and extend international cooperation for the improvement and rational use of telecommunications of all kinds;

b) the ever-widening gap between the economic growth and technological progress of the developed and the developing countries;

c) the fact that the economic power of developed countries is founded on, or linked with, the high level of their technology, which is reflected in extensive and growing international markets, whereas the economies of developing countries are relatively weak and often in deficit because they are in the process of assimilating or acquiring technology,

recommends

1. that developed countries take into account requests for favourable treatment made by developing countries in service, commercial or other relations in telecommunications, thus helping to achieve the desired economic equilibrium conducive to a relaxation of present world tensions;

2. that the classification of countries in one or the other of these economic categories can be based on the criteria of per capita income, gross national income, national telephone development or any other mutually agreed parameters selected from those internationally recognized by the specialized information sources of the United Nations,

recommends further

that Members of the Union make available to the General Secretariat any relevant information on the implementation of this Recommendation,

instructs the Secretary-General

to monitor on the basis of information received from Members the extent to which any favourable treatment has been extended to developing countries by the developed countries,

instructs the Council

to review the results achieved and take any steps necessary to promote the objectives of this Recommendation.

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