

**CONSTITUTION OF
THE INTERNATIONAL
TELECOMMUNICATION UNION^{*)}**

^{*)} *Note by the General Secretariat:* In accordance with Resolution 70 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference on the inclusion of gender mainstreaming in ITU, the language used in the basic instruments of the Union (Constitution and Conversion) is to be considered as gender neutral.

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 among all its
PP-98 Member States for the improvement and rational use of telecommunications of all kinds;

- 3A** *a bis)* to promote and enhance participation of entities and organizations in the activities of the Union and foster fruitful cooperation and partnership between them and Member States for the fulfilment of the overall objectives as embodied in the purposes of the Union;
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- 4** *b)* to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote the mobilization of the material, human and financial resources needed for its implementation, as well as access to information;
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- 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 Member States and promote fruitful and constructive cooperation and partnership between Member States and Sector Members in the attainment of those ends;
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- 9** *g)* to promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global information 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 the registration of radio-frequency assignments and, for space services, of any associated orbital position in the geostationary-satellite orbit or of any associated characteristics of satellites in other orbits, in order to avoid harmful interference between radio stations of different countries;
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- 12** *b)* coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum for radiocommunication services and of the geostationary-satellite and other satellite orbits;
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- 13** *c)* facilitate the worldwide standardization of telecommunications, with a satisfactory quality of service;
- 14** *d)* foster international cooperation and solidarity in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;
- 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 Member States and Sector Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunications on a sound basis;
- 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.
- 19A** *j)* promote participation of concerned entities in the activities of the Union and cooperation with regional and other organizations for the fulfilment of the purposes of the Union.

ARTICLE 2

Composition of the Union

20 The International Telecommunication Union is an intergovern-
PP-98 mental organization in which Member States and Sector Members, hav-
ing well-defined rights and obligations, cooperate for the fulfilment of
the purposes of the Union. It shall, having regard to the principle of uni-
versality and the desirability of universal participation in the Union, be
composed of:

21 *a)* any State which is a Member State of the International Telecom-
PP-98 munication Union as a Party to any International Telecommuni-
cation 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 Arti-
cle 53 of this Constitution;

23 *c)* any other State, not a Member of the United Nations, which
PP-98 applies for membership of the Union and which, after having
secured approval of such application by two-thirds of the Member
States of the Union, accedes to this Constitution and the Conven-
tion 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 con-
sult the Member States of the Union; a Member State shall be
deemed to have abstained if it has not replied within four months
after its opinion has been requested.

ARTICLE 3

PP-98 **Rights and Obligations of Member States
and Sector Members**

24 1 Member States and Sector Members shall have the rights and shall
PP-98 be subject to the obligations provided for in this Constitution and the
Convention.

- 25**
PP-98 2 Rights of Member States in respect of their participation in the conferences, meetings and consultations of the Union are:
- 26**
PP-98 a) all Member States shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or as members of the Radio Regulations Board;
- 27**
PP-98 b) subject to the provisions of Nos. 169 and 210 of this Constitution, each Member State shall have one vote at all plenipotentiary conferences, all world conferences and all Sector assemblies and study group meetings and, if it is a Member State of the Council, all sessions of that Council. At regional conferences, only the Member States of the region concerned shall have the right to vote;
- 28**
PP-98 c) subject to the provisions of Nos. 169 and 210 of this Constitution, each Member State shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional conferences, only the Member States of the region concerned shall have the right to vote.
- 28A**
PP-98 3 In respect of their participation in activities of the Union, Sector Members shall be entitled to participate fully in the activities of the Sector of which they are members, subject to relevant provisions of this Constitution and the Convention:
- 28B**
PP-98 a) they may provide chairmen and vice-chairmen of Sector assemblies and meetings and world telecommunication development conferences;
- 28C**
PP-98 b) they shall be entitled, subject to the relevant provisions of the Convention and relevant decisions adopted in this regard by the Plenipotentiary Conference, to take part in the adoption of Questions and Recommendations and in decisions relating to the working methods and procedures of the Sector concerned.

ARTICLE 4

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 Member States:
- PP-98**
- 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 Member States are bound to abide by the provisions of this
PP-98 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 Member States are also bound to take the necessary steps to
PP-98 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 assemblies;
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- 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 Member States. It shall be convened every four years.
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- 48** 2 On the basis of proposals by Member States and taking account of reports by the Council, the Plenipotentiary Conference shall:
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- 49** *a)* determine the general policies for fulfilling the purposes of the Union prescribed in Article 1 of this Constitution;
- 50** *b)* consider the reports by the Council on the activities of the Union since the previous plenipotentiary conference and on the policy and strategic planning of the Union;
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- 51** *c)* in the light of its decisions taken on the reports referred to in No. 50 above, establish the strategic plan for the Union and the basis for the budget of the Union, and determine related financial limits, until the next plenipotentiary conference, after considering all relevant aspects of the work of the Union in that period;
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PP-02

- 51A** *c bis)* establish, using the procedures described in Nos. 161D to 161G of
PP-98 this Constitution, the total number of contributory units for the period up to the next plenipotentiary conference on the basis of the classes of contribution announced by Member States;
- 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 Member States which are to serve on the Council;
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- 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, put forward by Member States, in accordance with the provisions of Article 55 of this Constitution and the relevant provisions of the Convention, respectively;
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- 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;
- 58A** *jbis)* adopt and amend the General Rules of conferences, assemblies and meetings of the Union;
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- 59** *k)* deal with such other telecommunication questions as may be necessary.
- 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;
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- 59B** *a)* by a decision of the preceding ordinary Plenipotentiary Conference;
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- 59C** *b)* should two-thirds of the Member States individually so request the
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PP-98 Secretary-General;
- 59D** *c)* at the proposal of the Council with the approval of at least
PP-94 two-thirds of the Member States.
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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 Member States 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 and the
PP-94 Directors of the Bureaux shall be elected among the candidates
PP-98 proposed by Member States as their nationals and shall all be
PP-02 nationals of different Member States, and at their election due
consideration should be given to equitable geographical
distribution amongst the regions of the world; 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
PP-94 their individual capacity from among the candidates proposed by
PP-98 Member States as their nationals. Each Member State may
PP-02 propose only one candidate. The members of the Radio Regula-
tions Board shall not be nationals of the same Member State as the
Director of the Radiocommunication Bureau; at their election, due
consideration should be given to equitable geographical distri-
bution amongst the regions of the world and to the principles
embodied in No. 93 of this Constitution.
- 64** 2 Provisions relating to taking up duties, vacancy and re-eligibility
PP-02 are contained in the Convention.

ARTICLE 10

The Council

- 65** 1) The Council shall be composed of Member States elected by
PP-98 the Plenipotentiary Conference in accordance with the provisions of No. 61 of this Constitution.
- 66** 2) Each Member State of the Council shall appoint a person to
serve on the Council who may be assisted by one or more advisers.
- 67** (SUP)
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- 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 implementa-
PP-98 tion by the Member States of the provisions of this Constitution, of the
Convention, of the Administrative Regulations, of the decisions of the
Plenipotentiary Conference, and, where appropriate, of the decisions of
other conferences and meetings of the Union, and perform any duties
assigned to it by the Plenipotentiary Conference.
- 70** 2) The Council shall consider broad telecommunication policy
PP-98 issues in accordance with the guidelines given by the Plenipotentiary
PP-02 Conference to ensure that the Union's policies and strategy fully respond
to changes in the telecommunication environment.
- 70A** 2 bis) The Council shall prepare a report on the policy and
PP-02 strategic planning recommended for the Union, together with their
financial implications, using the specific data prepared by the Secretary-
General under No. 74A below.
- 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 participa-
tion of the Union in the appropriate programmes of the United Nations.

ARTICLE 11

General Secretariat

- 73** 1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.
- 73A** 2) The functions of the Secretary-General are specified in the
PP-98 Convention. In addition, the Secretary-General shall:
- 74** a) coordinate the Union's activities, with the assistance of the
PP-98 Coordination Committee;
- 74A** b) prepare, with the assistance of the Coordination Committee, and
PP-98 provide to the Member States and Sector Members, such specific
PP-02 information as may be required for the preparation of a report on the policies and strategic plan for the Union, and coordinate the implementation of the plan; this report shall be communicated to the Member States and Sector Members for review during the last two regularly scheduled sessions of the Council before a plenipotentiary conference;
- 75** c) take all the actions required to ensure economic use of the Union's
PP-98 resources and be responsible to the Council for all the administrative and financial aspects of the Union's activities;
- 76** d) act as the legal representative of the Union.
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- 76A** 3) The Secretary-General may act as depositary of special
PP-98 arrangements established in conformity with Article 42 of this Constitution.
- 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) The functions of the Radiocommunication Sector shall be, bearing in mind the particular concerns of developing countries, to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication:
- PP-98**
- by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radiocommunication services, including those using the geostationary-satellite or other satellite orbits, subject to the provisions of Article 44 of this Constitution, and
 - by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.
- 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;
- PP-98**
- 84** d) radiocommunication study groups;
- 84A** *dbis*) the Radiocommunication Advisory Group;
- PP-98**

- 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 Member States;
PP-98
- 88** *b)* any entity or organization which becomes a Sector Member in
PP-98 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 to three years; however, following the application of the relevant provisions of the Convention, such a conference need not be convened or an additional one may be convened.
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- 91** 3 Radiocommunication assemblies shall also normally be convened every two to three years, and may be associated in place and time with world radiocommunication conferences so as to improve the efficiency and effectiveness of the Radiocommunication Sector. Radiocommunication assemblies shall provide the necessary technical bases for the work of the world radiocommunication conferences and respond to all requests from world radiocommunication conferences. The duties of the radiocommunication assemblies are specified in the Convention.
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- 92** 4 The decisions of a world radiocommunication conference, of a
PP-98 radiocommunication assembly and of a regional radiocommunication
 conference shall in all circumstances be in conformity with this Consti-
 tution and the Convention. The decisions of a radiocommunication
 assembly or of a regional radiocommunication conference shall also in
 all circumstances be in conformity with the Radio Regulations. When
 adopting resolutions and decisions, the conferences shall take into
 account the foreseeable financial implications and should avoid adopting
 resolutions and decisions which might give rise to expenditure in excess
 of the financial limits laid down by the Plenipotentiary Conference.

ARTICLE 14

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.
- 93A** 1 *bis*) The Radio Regulations Board is composed of not more than either
PP-98 12 members, or of a number corresponding to 6% of the total number of
 Member States, whichever is the greater.
- 94** 2 The duties of the Radio Regulations Board shall consist of:
- 95** a) the approval of Rules of Procedure, which include technical criteria,
PP-98 in accordance with the Radio Regulations and with any decision
PP-02 which may be taken by competent radiocommunication conferences.
 These Rules of Procedure shall be used by the Director and the
 Bureau in the application of the Radio Regulations to register
 frequency assignments made by Member States. These Rules shall
 be developed in a transparent manner and shall be open to comment
 by administrations and, in case of continuing disagreement, the
 matter shall be submitted to the next 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**
PP-98 *c)* the performance of any additional duties, concerned with the assignment and utilization of frequencies, as indicated in No. 78 of this Constitution, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference or by the Council with the consent of a majority of the Member States, in preparation for, or in pursuance of the decisions of, such a conference.
- 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**
PP-98 2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a member thereof, or from any public or private organization or person. Members of the Board shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 98 above.
- 100**
PP-98 3) Member States and Sector Members shall respect the exclusively international character of the duties of the members of the Board and refrain from attempting to influence them in the performance of their Board duties.
- 101** 4 The working methods of the Radio Regulations Board are defined in the Convention.

ARTICLE 15

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Radiocommunication Study Groups and Advisory Group

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The respective duties of the radiocommunication study groups and advisory group 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) The functions of the Telecommunication Standardization Sector shall be, bearing in mind the particular concerns of the developing countries, to fulfil the purposes of the Union relating to telecommunication standardization, as stated in Article 1 of this Constitution, by studying technical, operating and tariff questions and adopting recommendations on them with a view to standardizing telecommunications on a worldwide basis.
- PP-98**
- 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 assemblies;
- PP-98**
- 108** b) telecommunication standardization study groups;
- 108A** *b bis*) the Telecommunication Standardization Advisory Group;
- PP-98**
- 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 Member States;
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- 112** *b)* any entity or organization which becomes a Sector Member in
PP-98 accordance with the relevant provisions of the Convention.

ARTICLE 18

PP-98 **World Telecommunication Standardization
Assemblies**

- 113** 1 The duties of world telecommunication standardization assem-
PP-98 blies are specified in the Convention.
- 114** 2 World telecommunication standardization assemblies shall be
PP-98 convened every four years; however, an additional assembly may be held
in accordance with the relevant provisions of the Convention.
- 115** 3 Decisions of world telecommunication standardization assemblies
PP-98 must in all circumstances be in conformity with this Constitution, the
Convention and the Administrative Regulations. When adopting resolu-
tions and decisions, the assemblies shall take into account the foreseeable
financial implications and should avoid adopting resolutions and deci-
sions which might give rise to expenditure in excess of the financial
limits laid down by the Plenipotentiary Conference.

ARTICLE 19

PP-98 **Telecommunication Standardization Study Groups
and Advisory Group**

- 116** The respective duties of the telecommunication standardization
PP-98 study groups and advisory group 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) 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, especially by means of partnership, the development, expansion and operation of telecommunication networks and services, particularly in developing countries, taking into account the activities of other relevant bodies, by reinforcing capabilities for human resources development, planning, management, resource mobilization, and research and development;
- PP-98**

- 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;
- 132A** *b bis)* the Telecommunication Development Advisory Group;

- 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 Member States;
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- 136 b) any entity or organization which becomes a Sector Member in accordance with the relevant provisions of the Convention.
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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 Telecommunication development conferences shall not produce Final Acts. Their conclusions shall take the form of resolutions, decisions, recommendations or reports. These conclusions must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.
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- 143 5 The duties of telecommunication development conferences are specified in the Convention.

ARTICLE 23

PP-98 **Telecommunication Development Study Groups
and Advisory Group**

- 144 The respective duties of telecommunication development study
PP-98 groups and advisory group are specified in the Convention.

ARTICLE 24

Telecommunication Development Bureau

- 145 The functions of the Director of the Telecommunication Develop-
ment Bureau are specified in the Convention.

CHAPTER IVA

PP02

Working Methods of the Sectors**145A**
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The radiocommunication assembly, the world telecommunication standardization assembly and the world telecommunication development conference may establish and adopt working methods and procedures for the management of the activities of their respective Sectors. These working methods and procedures must be compatible with this Constitution, the Convention and the Administrative Regulations, and in particular Nos. 246D to 246H of 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 telecommunica-
PP-98 tions shall in all circumstances be in conformity with this Constitution and the Convention. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.

ARTICLE 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) Member States and Sector Members shall respect the exclusively international character of the duties of these elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.
PP-98
- 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 State a national of which has been elected Secretary-General, Deputy Secretary-General or Director of a Bureau shall refrain, as far as possible, from recalling that national between two plenipotentiary conferences.
PP-98

- 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:
PP-98
- 159A** a) the contributions of its Member States and Sector Members;
PP-98
- 159B** b) other revenues as identified in the Convention or in the Financial Regulations.
PP-98
- 159C** 2*bis*) Each Member State and Sector Member shall pay a sum equivalent to the number of units in the class of contribution it has chosen in accordance with Nos. 160 to 161I below.
PP-98
- 159D** 2*ter*) Expenses incurred by the regional conferences referred to in No. 43 of this Constitution shall be borne:
PP-98
PP-02
- 159E** a) by all the Member States of the region concerned, in accordance with their class of contribution;
PP-02
- 159F** b) by any Member States of other regions which have participated in such conferences, in accordance with their class of contribution;
PP-02

- 159G** c) by authorized Sector Members and other authorized organizations
PP-02 which have participated in such conferences, in accordance with the provisions of the Convention.
- 160** 3 1) Member States and Sector Members shall be free to choose
PP-98 their class of contribution for defraying Union expenses.
- 161** 2) The choice by Member States shall be made at a
PP-98 plenipotentiary conference in accordance with the scale of classes of contribution and conditions contained in the Convention and with the procedures described below.
- 161A** 3) The choice by Sector Members shall be made in accordance
PP-98 with the scale of classes of contribution and conditions contained in the Convention and with the procedures described below.
- 161B** 3 bis) 1) At its session preceding the plenipotentiary conference, the
PP-98 Council shall fix the provisional amount of the contributory unit, on the basis of the draft financial plan for the corresponding period and total number of contributory units.
- 161C** 2) The Secretary-General shall inform the Member States and
PP-98 Sector Members of the provisional amount of the contributory unit as determined under No. 161B above and invite the Member States to notify, no later than one week prior to the date set for the opening of the plenipotentiary conference, the class of contribution they have provisionally chosen.
- 161D** 3) The plenipotentiary conference shall, during its first week,
PP-98 determine the provisional upper limit of the amount of the contributory unit resulting from the steps taken by the Secretary-General in pursuance of Nos. 161B and 161C above, and taking account of any changes in class of contribution notified by Member States to the Secretary-General as well as classes of contribution remaining unchanged.
- 161E** 4) Bearing in mind the draft financial plan as revised, the
PP-98
PP-02 plenipotentiary conference shall, as soon as possible, determine the definitive upper limit of the amount of the contributory unit and set the date, which shall be a date within the penultimate week of the plenipotentiary conference, by which Member States, upon invitation by the Secretary-General, shall announce their definitive choice of class of contribution.

- 161F**
PP-98 5) Member States which have failed to notify the Secretary-General of their decision by the date set by the plenipotentiary conference shall retain the class of contribution previously chosen.
- 161G**
PP-98 6) The plenipotentiary conference shall then approve the definitive financial plan on the basis of the total number of contributory units corresponding to the definitive classes of contribution chosen by the Member States and classes of contribution of the Sector Members at the date on which the financial plan is approved.
- 161H**
PP-98 3^{ter}) 1) The Secretary-General shall inform the Sector Members of the definitive upper limit of the amount of the contributory unit and invite them to notify, within three months from the closing date of the plenipotentiary conference, the class of contribution they have chosen.
- 161I**
PP-98 2) Sector Members which have failed to notify the Secretary-General of their decision within this three-month period shall retain the class of contribution previously chosen.
- 162**
PP-98 3) Amendments to the scale of classes of contribution adopted by a plenipotentiary conference shall apply for the selection of the class of contribution during the following plenipotentiary conference.
- 163**
PP-94
PP-98 4) The class of contribution chosen by a Member State or a Sector Member is applicable as of the first biennial budget after a plenipotentiary conference.
- 164**
PP-98 (SUP)
- 165**
PP-98 5) When choosing its class of contribution, a Member State shall not reduce it by more than two classes of contribution and the Council shall indicate to it the manner in which the reduction shall be gradually implemented over the period between plenipotentiary conferences. However, under exceptional circumstances such as natural disasters necessitating international aid programmes, the Plenipotentiary Conference may authorize a greater reduction in the number of contributory units when so requested by a Member State which has established that it can no longer maintain its contribution at the class originally chosen.

- 165A** *5 bis)* Under exceptional circumstances such as natural disasters
PP-98 necessitating international aid programmes, the Council may authorize a reduction in the number of contributory units when so requested by a Member State which has established that it can no longer maintain its contribution at the class originally chosen.
- 165B** *5 ter)* Member States and Sector Members may at any time choose a
PP-98 class of contribution higher than the one already adopted by them.
- 166 and 167** (SUP)
PP-98
- 168** 8 Member States and Sector Members shall pay in advance their
PP-98 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 State which is in arrears in its payments to the Union
PP-98 shall lose its right to vote as defined in Nos. 27 and 28 of this Constitution for so long as the amount of its arrears equals or exceeds the amount of the contribution due for the two preceding years.
- 170** 10 Specific provisions governing the financial contributions by Sec-
PP-98 tor Members and by other international organizations are contained in the Convention.

ARTICLE 29

Languages

- 171** 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 Plenipotent-
ary Conference, these languages shall be used for drawing up and pub-
lishing 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 pre-
vail.

- 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 PP-98 The Union shall enjoy in the territory of each of its Member States such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

ARTICLE 32

General Rules of Conferences, Assemblies and Meetings of the Union

- 177 PP-98 PP-02 1 The General Rules of conferences, assemblies and meetings of the Union adopted by the Plenipotentiary Conference shall apply to the preparation of conferences and assemblies and to the organization of the work and conduct of the discussions of conferences, assemblies and meetings of the Union, as well as to the election of Member States of the Council, of the Secretary-General, of the Deputy Secretary-General, of the Directors of the Bureaux of the Sectors and of the members of the Radio Regulations Board.
- 178 PP-98 PP-02 2 Conferences, assemblies and the Council may adopt such rules as they consider to be essential in addition to those in Chapter II of the General Rules of conferences, assemblies and meetings of the Union. Such additional rules must, however, be compatible with this Constitution, the Convention and the aforesaid Chapter II; those adopted by conferences or assemblies shall be published as documents of the conference or assembly concerned.

CHAPTER VI

General Provisions Relating to Telecommunications

ARTICLE 33

**The Right of the Public to Use the International
Telecommunication Service**

179 Member States recognize the right of the public to correspond by
PP-98 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 Member States reserve the right to stop, in accordance with their
PP-98 national law, the transmission of any private telegram which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

181 2 Member States also reserve the right to cut off, in accordance with
PP-98 their national law, any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency.

ARTICLE 35

Suspension of Services

182 Each Member State reserves the right to suspend the international
PP-98 telecommunication service, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Member States through the Secretary-General.

ARTICLE 36

Responsibility

183 Member States accept no responsibility towards users of the inter-
PP-98 national telecommunication services, particularly as regards claims for damages.

ARTICLE 37

Secrecy of Telecommunications

184 1 Member States agree to take all possible measures, compatible
PP-98 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 corre-
spondence 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**
PP-98 1 Member States shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.
- 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**
PP-98 3 Member States shall safeguard these channels and installations within their jurisdiction.
- 189**
PP-98 4 Unless other conditions are laid down by special arrangements, each Member State shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.
- 189A**
PP-98 5 Member States recognize the necessity of taking practical measures to prevent the operation of electrical apparatus and installations of all kinds from disrupting the operation of telecommunication installations within the jurisdiction of other Member States.

ARTICLE 39

Notification of Infringements

- 190**
PP-98 In order to facilitate the application of the provisions of Article 6 of this Constitution, Member States undertake to inform and, as appropriate, assist one another with regard to infringements of the provisions of this Constitution, of the Convention and of the Administrative Regulations.

ARTICLE 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**
PP-98 Member States reserve for themselves, for the operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Member States in general. Such arrangements, however, shall not be in conflict with the terms of this Constitution, of the Convention or of the Administrative Regulations, so far as concerns the harmful interference which their operation might cause to the radio services of other Member States, and in general so far as concerns the technical harm which their operation might cause to the operation of other telecommunication services of other Member States.

ARTICLE 43

**Regional Conferences, Arrangements
and Organizations**

194 Member States reserve the right to convene regional conferences,
PP-98 to make regional arrangements and to form regional organizations, for
the purpose of settling telecommunication questions which are suscepti-
ble 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

PP-98 **Use of the Radio-Frequency Spectrum and
of the Geostationary-Satellite and
Other Satellite Orbits**

195 1 Member States shall endeavour to limit the number of frequencies
PP-02 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, Member States shall
PP-98 bear in mind that radio frequencies and any associated orbits, including
the geostationary-satellite orbit, are limited natural resources and that
they must be used rationally, efficiently and economically, in conformity
with the provisions of the Radio Regulations, so that countries or groups
of countries may have equitable access to those orbits and frequencies,
taking into account the special needs of the developing countries and the
geographical situation of particular countries.

ARTICLE 45

Harmful Interference

197 1 All stations, whatever their purpose, must be established and
PP-98 operated in such a manner as not to cause harmful interference to the
radio services or communications of other Member States or of recog-
nized 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 State undertakes to require the operating agencies
PP-98 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 Member States recognize the necessity of taking all
PP-98 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** Member States agree to take the steps required to prevent the
PP-98 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 Member States retain their entire freedom with regard to military
PP-98 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 provi-
sions 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**
PP-02 In furtherance of complete international coordination on matters affecting telecommunication, the Union should cooperate with international organizations having related interests and activities.

ARTICLE 51

Relations With Non-Member States

- 207**
PP-98 Each Member State reserves for itself and for the recognized operating agencies the right to fix the conditions on which it admits telecommunications exchanged with a State which is not a Member State of the Union. If a telecommunication originating in the territory of such a State is accepted by a Member State, it must be transmitted and, in so far as it follows the telecommunication channels of a Member State, the obligatory provisions of this Constitution, of the Convention and of the Administrative Regulations and the usual charges shall apply to it.

CHAPTER IX

Final Provisions

ARTICLE 52

Ratification, Acceptance or Approval

- 208** 1 This Constitution and the Convention shall be simultaneously
PP-98 ratified, accepted or approved by any signatory Member State, in accordance with its constitutional rules, in one single instrument. This instrument shall be deposited, in as short a time as possible, with the Secretary-General. The Secretary-General shall notify the Member States of each deposit of any such instrument.
- 209** 2 1) During a period of two years from the date of entry into
PP-98 force of this Constitution and the Convention, a signatory Member State, even though it may not have deposited an instrument of ratification, acceptance or approval, in accordance with No. 208 above, shall enjoy the rights conferred on Member States in Nos. 25 to 28 of this Constitution.
- 210** 2) From the end of a period of two years from the date of entry
PP-98 into force of this Constitution and the Convention, a signatory Member State which has not deposited an instrument of ratification, acceptance or approval, in accordance with No. 208 above, shall no longer be entitled to vote at any conference of the Union, at any session of the Council, at any meeting of any of the Sectors of the Union, or during any consultation by correspondence conducted in accordance with the provisions of this Constitution and of the Convention until it has so deposited such an instrument. Its rights, other than voting rights, shall not be affected.
- 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 State which is not a signatory to this Constitution and
PP-98 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-
PP-98 General, who shall notify the Member States of each deposit of any such instrument when it is received and shall forward to each of them a certified copy thereof.
- 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.

- 216A** *2 bis)* The Administrative Regulations referred to in No. 216 above shall remain in force, subject to such revisions as may be adopted in application of Nos. 89 and 146 of this Constitution and brought into force. Any revision of the Administrative Regulations, either partial or complete, shall enter into force on the date or dates specified therein only for the Member States which, prior to such date or dates, have notified the Secretary-General of their consent to be bound by that revision.
- PP-98**
- 217** (SUP)
- PP-98**
- 217A** *3 bis)* A Member State shall notify its consent to be bound by a partial or complete revision of the Administrative Regulations by depositing with the Secretary-General an instrument of ratification, acceptance or approval of that revision or of accession thereto or by notifying the Secretary-General of its consent to be bound by that revision.
- PP-98**
- 217B** *3 ter)* Any Member State may also notify the Secretary-General that its ratification, acceptance or approval of, or accession to, amendments to this Constitution or the Convention in accordance with Article 55 of the Constitution or Article 42 of the Convention shall constitute consent to be bound by any revision of the Administrative Regulations, either partial or complete, adopted by a competent conference prior to the signature of the said amendments to this Constitution or to the Convention.
- PP-98**
- 217C** *3 quater)* The notification referred to in No. 217B above shall be given at the time of the deposit by the Member State of its instrument of ratification, acceptance or approval of, or accession to, the amendments to this Constitution or to the Convention.
- PP-98**
- 217D** *3 penter)* Any revision of the Administrative Regulations shall apply provisionally, as from the date of entry into force of the revision, in respect of any Member State that has signed the revision and has not notified the Secretary-General of its consent to be bound in accordance with Nos. 217A and 217B above. Such provisional application only takes effect if the Member State in question did not oppose it at the time of signature of the revision.
- PP-98**
- 218** 4 Such provisional application shall continue for a Member State until it notifies the Secretary-General of its decision concerning its consent to be bound by any such revision.
- PP-98**

219 to 221 (SUP)
PP-98

221A *5 bis*) If a Member State fails to notify the Secretary-General of its decision concerning its consent to be bound under No. 218 above within thirty-six months following the date or dates of entry into force of the revision, that Member State shall be deemed to have consented to be bound by that revision.
PP-98

221B *5 ter*) Any provisional application within the meaning of No. 217D or any consent to be bound within the meaning of No. 221A shall be subject to any reservation as may have been made by the Member State concerned at the time of signature of the revision. Any consent to be bound within the meaning of Nos. 216A, 217A, 217B and 218 above shall be subject to any reservation as may have been made by the Member State concerned at the time of signature of the Administrative Regulations or revision thereto, provided that it maintains the reservation when notifying the Secretary-General of its consent to be bound.
PP-98

222 (SUP)
PP-98

223 7 The Secretary-General shall inform Member States promptly of any notification received pursuant to this Article.
PP-98

ARTICLE 55

Provisions for Amending this Constitution

224 1 Any Member State may propose any amendment to this Constitution. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Member States, reach the Secretary-General not later than eight months prior to the opening date fixed for the plenipotentiary conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, publish any such proposal for the information of all the Member States.
PP-98
PP-02

225 2 Any proposed modification to any amendment submitted in accordance with No. 224 above may, however, be submitted at any time by a Member State or by its delegation at the plenipotentiary conference.
PP-98

- 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 this Article, which shall prevail, the General Rules of conferences, assemblies and meetings of the Union shall apply.
PP-98
PP-02
- 229** 6 Any amendments to this Constitution adopted by a plenipotentiary conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the conference between Member States having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Constitution and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.
PP-98
- 230** 7 The Secretary-General shall notify all Member States of the deposit of each instrument of ratification, acceptance, approval or accession.
PP-98
- 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 Member States may settle their disputes on questions relating to
PP-98 the interpretation or application of this Constitution, of the Convention or of the Administrative Regulations by negotiation, through diplomatic channels, or according to procedures established by bilateral or multi-lateral 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
PP-98 State 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
PP-98 Relating to this Constitution, to the Convention, and to the Administrative Regulations shall be applicable as between Member States parties to that Protocol.

ARTICLE 57

Denunciation of this Constitution and the Convention

236 1 Each Member State which has ratified, accepted, approved or
PP-98 acceded to this Constitution and the Convention shall have the right to denounce them. In such a case, this Constitution and the Convention shall be denounced simultaneously in one single instrument, by a notification addressed to the Secretary-General. Upon receipt of such notification, the Secretary-General shall advise the other Member States thereof.

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, adopted by the Additional
PP-02 Plenipotentiary Conference (Geneva, 1992), shall enter into force on 1 July 1994 between Member States 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
PP-98 the Arabic, Chinese, English, French, Russian and Spanish languages shall remain deposited in the archives of the Union. The Secretary-General shall forward, in the languages requested, a certified true copy to each of the signatory Member States.
- 242** 5 In the event of any discrepancy among the various language
versions of this Constitution and the Convention, the French text shall prevail.

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:
- 1001A** *Member State:* A State which is considered to be a Member of
PP-98 the International Telecommunication Union in application of Article 2 of this Constitution.
- 1001B** *Sector Member:* An entity or organization authorized in accordance with Article 19 of the Convention to participate in the activities of a Sector.
PP-98
- 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 State.
PP-98

Each Member State shall be free to make up its delegation as it wishes. In particular, it may include in its delegation, *inter alia*, in the capacity of delegates, advisers or 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 State to a plenipotentiary conference, or a person representing a government or an administration of a Member State at another conference or at a meeting of the Union.
- 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 State in whose territory the head office of the agency is situated, or by the Member State which has authorized this operating agency to establish and operate a telecommunication service on its territory.
- 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^{*)}**

^{*)} *Note by the General Secretariat:* In accordance with Resolution 70 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference on the inclusion of gender mainstreaming in ITU, the language used in the basic instruments of the Union (Constitution and Convention) is to be considered as gender neutral.

**CONVENTION OF
THE INTERNATIONAL
TELECOMMUNICATION UNION**

CHAPTER I

Functioning of the Union

SECTION 1

ARTICLE 1

Plenipotentiary Conference

- 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 Member States.
- 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 Member States have individually
PP-98 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
PP-98 of the Member States.

ARTICLE 2

Elections and Related Matters**The Council**

7 1 Except in the case of vacancies arising in the circumstances
PP-98 described in Nos. 10 to 12 below, the Member States elected to the Council shall hold office until the date on which a new Council is elected. They shall be eligible for reelection.

8 2 1) If, between two plenipotentiary conferences, a seat becomes
PP-98 vacant on the Council, it shall pass by right to the Member State from the same region as the Member State whose seat is vacated which had obtained at the previous election the largest number of votes among those not elected.

9 2) When for any reason a vacant seat cannot be filled
PP-98 according to the procedure of No. 8 above, the Chairman of the Council shall invite the other Member States of the region to seek election within one month of such an invitation being issued. At the end of this period, the Chairman of the Council shall invite Member States to elect a new Member State of the Council. The election shall be carried out by secret ballot by correspondence. The same majority as indicated above will be required. The new Member State of the Council shall hold office until the election of the new Council by the next competent plenipotentiary conference.

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

11 a) when a Member State of the Council does not have a
PP-02 representative in attendance at two consecutive ordinary sessions of the Council;

12 b) when a Member State resigns its membership of the Council.
PP-98

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 Member States 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 State 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 three 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 State concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 21 above.

ARTICLE 3

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Other Conferences and Assemblies

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

- 24** *a)* one or two world radiocommunication conferences;
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- 25** *b)* one world telecommunication standardization assembly;
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- 26** *c)* one world telecommunication development conference;
- 27** *d)* one or two radiocommunication assemblies.
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- 28** 2 Exceptionally, within the period between Plenipotentiary Conferences:
- 29** (SUP)
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- 30** – an additional world telecommunication standardization assembly
PP-98 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 or
PP-98 assembly of the Sector concerned, if approved by the Council; in the case of a radiocommunication assembly, the recommendation of the assembly shall be transmitted to the following world radiocommunication conference for comments for the attention of the Council;
- 34** *c)* at the request of at least one-quarter of the Member States, which
PP-98 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 Member States belong-
PP-98 ing 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
PP-98 conference or an assembly of a Sector may be fixed by a plenipotentiary conference.
- 42** 2) In the absence of such a decision, the Council shall
PP-98 determine the precise place and the exact dates of a world conference or an assembly of a Sector with the concurrence of a majority of the Member States, and of a regional conference with the concurrence of a majority of the Member States belonging to the region concerned; in both cases the provisions of No. 47 below shall apply.
- 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 Member States in the
PP-98 case of a world conference or an assembly of a Sector, or of at least one-quarter of the Member States belonging to the region concerned in the case of a regional conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or
- 45** b) on a proposal of the Council.
- 46** 2) In the cases specified in Nos. 44 and 45 above, the changes
PP-98 proposed shall not be finally adopted until accepted by a majority of the Member States, in the case of a world conference or an assembly of a Sector, or by a majority of the Member States belonging to the region concerned, in the case of a regional conference, subject to the provisions of No. 47 below.
- 47** 7 In the consultations referred to in Nos. 42, 46, 118, 123 and 138 of
PP-98 this Convention and in Nos. 26, 28, 29, 31 and 36 of the General Rules of
PP-02 conferences, assemblies and meetings of the Union, Member States which have not replied within the time-limits specified by the Council shall be regarded as not participating in the consultations, and in consequence shall not be taken into account in computing the majority. If the number of replies does not exceed one-half of the Member States consulted, a further consultation shall take place, the results of which shall be decisive regardless of the number of votes cast.
- 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 number of Member States of the Council shall be determined by the Plenipotentiary Conference which is held every four years.
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- 50A 2) This number shall not exceed 25% of the total number of Member States.
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- 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 Member States, or on the initiative of the Chairman under the conditions provided for in No. 18 of this Convention.
PP-98
- 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 Member States, taking into account the principle of rotation between the regions. They shall serve until the opening of the next ordinary session and shall not be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.
PP-98

- 56** 5 The person appointed to serve on the Council by a Member State
PP-98 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
PP-98 by the representative of each Member State of the Council, belonging to
PP-02 the category of developing countries, the list of which is established by the United Nations Development Programme, in that capacity at Council sessions, shall be borne by the Union.
- 58** 7 The representative of each Member State of the Council shall
PP-98 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
PP-98 Directors of the Bureaux may participate as of right in the deliberations of the Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to the representatives of its Member States.
- 60A** 9 *bis*) A Member State which is not a Member State of the Council may,
PP-98 with prior notice to the Secretary-General, send one observer at its own
PP-02 expense to meetings of the Council, its committees and its working groups. An observer shall not have the right to vote.
- 60B** 9 *ter*) Sector Members may be represented as observers at meetings of
PP-02 the Council, its committees and its working groups, subject to the conditions established by the Council, including conditions relating to the number of such observers and the procedures for appointing them.
- 61** 10 The Council shall consider each year the report prepared by the
PP-98 Secretary-General on implementation of the strategic plan adopted by the Plenipotentiary Conference and shall take appropriate action.

- 61A** 10 *bis*) While at all times respecting the financial limits as adopted by the
PP-02 Plenipotentiary Conference, the Council may, as necessary, review and update the strategic plan which forms the basis of the corresponding operational plans and inform the Member States and Sector Members accordingly.
- 61B** 10 *ter*) The Council shall adopt its own Rules of Procedure.
PP-02
- 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:
- 62A** 1) receive and review the specific data for strategic planning
PP-02 that is provided by the Secretary-General as noted in No. 74A of the Constitution and, in the last but one ordinary session of the Council before the next plenipotentiary conference, initiate the preparation of a draft new strategic plan for the Union, drawing upon input from Member States, Sector Members and the Sector advisory groups, and produce a coordinated draft new strategic plan at least four months before that plenipotentiary conference;
- 62B** 1 *bis*) establish a calendar for the development of strategic and
PP-02 financial plans for the Union, and of operational plans for each Sector and for the General Secretariat, so as to allow for the development of appropriate linkage among the plans;
- 63** 1 *ter*) 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 and representation of women in the Professional and higher categories in the staff of the Union and monitor the implementation of such decisions;
PP-98
- 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**
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PP-02
- 7) review and approve the biennial budget of the Union, and consider the budget forecast (included in the financial operating report prepared by the Secretary-General under No. 101 of this Convention) for the two-year period following a given budget period, taking account of the decisions of the Plenipotentiary Conference in relation to No. 50 of the Constitution and of the financial limits set by the Plenipotentiary Conference in accordance with No. 51 of the Constitution; it shall ensure the strictest possible economy but be mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible. In so doing, the Council shall take into account the priorities established by the Plenipotentiary Conference as expressed in the strategic plan for the Union, the views of the Coordination Committee as contained in the report by the Secretary-General mentioned in No. 86 of this Convention 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**
PP-98
- 9) arrange for the convening of the conferences and assemblies of the Union and provide, with the consent of a majority of the Member States in the case of a world conference or assembly, or of a majority of the Member States belonging to the region concerned in the case of a regional conference, appropriate directives to the General Secretariat and the Sectors of the Union with regard to their technical and other assistance in the preparation for and organization of conferences and assemblies;
- 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**
PP-98
PP-02 13) take any necessary steps, with the agreement of a majority of the Member States, provisionally to resolve questions not covered by the Constitution, this Convention and the Administrative Regulations and which cannot await the next competent conference for settlement;
- 80**
PP-94 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;
- 81**
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PP-02 15) send to Member States, within 30 days 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**
PP-98 *c)* prepare, with the assistance of the Coordination Committee, and submit to the Council a report indicating changes in the telecommunication environment since the last plenipotentiary conference and containing recommended action relating to the Union's future policies and strategy, together with their financial implications;
- 86A**
PP-98 *c bis)* coordinate implementation of the strategic plan adopted by the Plenipotentiary Conference and prepare an annual report on this implementation for review by the Council;
- 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;
- 87A**
PP-98
PP-02 *dbis)* prepare annually a four-year rolling operational plan of activities to be undertaken by the staff of the General Secretariat consistent with the strategic plan, covering the subsequent year and the following three-year period, including financial implications, taking due account of the financial plan as approved by the plenipotentiary conference; this four-year operational plan shall be reviewed by the advisory groups of all three Sectors, and shall be reviewed and approved annually 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;

^{*)} *Note by the General Secretariat:* "No. 342 of this Convention" should read "No. 49 of the General Rules of conferences, assemblies and meetings of the Union".

- 100** **PP-98** *q)* after consultation with the Coordination Committee and making all possible economies, prepare and submit to the Council a biennial draft budget covering the expenditures of the Union, taking account of the financial limits laid down by the Plenipotentiary Conference. This draft shall consist of a consolidated budget, including cost-based budgets for the three Sectors, prepared in accordance with the budget guidelines issued by the Secretary-General, and comprising two versions. One version shall be for zero growth of the contributory unit, the other for a growth less than or equal to any limit fixed by the Plenipotentiary Conference, after any drawing on the Reserve Account. The budget resolution, after approval by the Council, shall be sent for information to all Member States;
- 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** **PP-98** *s)* with the assistance of the Coordination Committee, prepare an annual report on the activities of the Union which, after approval by the Council, shall be sent to all Member States;
- 102A** **PP-98** *s bis)* manage the special arrangements referred to in No. 76A of the Constitution, the cost of this management being borne by the signatories of the arrangement in a manner agreed between them and the Secretary-General.
- 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) 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 unani-
PP-98 mously. In the absence of the support of the majority in the Committee, its Chairman may in exceptional circumstances take decisions, on the Chairman's own responsibility, when judging that the decision of the matters in question is urgent and cannot await the next session of the Council. In such circumstances the Chairman shall report promptly in writing on such matters to the Member States of the Council, setting forth the reasons for such action together with any other written views submitted by other members of the Committee. If in such circumstances the matters are not urgent, but nevertheless important, they shall be submitted for consideration by the next session of the Council.
- 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
PP-02 Committee and will be made available on request to Member States 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 identification of topics to be studied by the radiocommunication assembly and the radiocommunication study groups, as well as matters that the assembly shall consider in relation to future radiocommunication conferences.
PP-98
- 118** 2) The general scope of this agenda should be established four to six years in advance, and the final agenda shall be established by the Council preferably two years before the conference, with the concurrence of a majority of the Member States, subject to the provisions of No. 47 of this Convention. These two versions of the agenda shall be established on the basis of the recommendations of the world radiocommunication conference, in accordance with No. 126 of this Convention.
PP-94
PP-98

- 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 Member States. Such
PP-98 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 radiocom-
PP-98 munication conference shall not be finally adopted until accepted by a majority of the Member States, subject to the provisions of No. 47 of this Convention.
- 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.

- 129A** 1 *bis*) The radiocommunication assembly is authorized to adopt the working methods and procedures for the management of the Sector's activities in accordance with No. 145A of the Constitution.
PP-02
- 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, and consider the reports of the radiocommunication advisory group prepared in accordance with No. 160H of this Convention;
PP-98
- 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 following world radiocommunication conference on the progress in matters that may be included in the agenda of future radiocommunication conferences;
PP-98
- 136A** 7) decide on the need to maintain, terminate or establish other groups and appoint their chairmen and vice-chairmen;
PP-02
- 136B** 8) establish the terms of reference for the groups referred to in No. 136A above; such groups shall not adopt questions or recommendations.
PP-02

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.

137A 4 A radiocommunication assembly may assign specific matters within its competence, except those relating to the procedures contained in the Radio Regulations, to the radiocommunication advisory group indicating the action required on those matters.
PP-98
PP-02

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 Member States of the region concerned.
PP-98

ARTICLE 10

Radio Regulations Board

139 (SUP)
PP-98

140 2 In addition to the duties specified in Article 14 of the Constitution, the Board shall:
PP-02

1) 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;

2) also, independently of the Radiocommunication Bureau, at the request of one or more of the interested administrations, consider appeals against decisions made by the Radiocommunication Bureau regarding frequency assignments.

141 3 The members of the Board shall participate, in an advisory
PP-02 capacity, in radiocommunication conferences. In this case, they shall not participate in these conferences as members of their national delegations.

141A *3 bis)* Two members of the Board, designated by the Board, shall
PP-02 participate, in an advisory capacity, in plenipotentiary conferences and radiocommunication assemblies. In these cases, the two members designated by the Board shall not participate in these conferences or assemblies 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.

142A *4 bis)* The members of the Board shall, while in the exercise of their
PP-02 duties for the Union, as specified in the Constitution and Convention, or while on mission for the Union, enjoy functional privileges and immunities equivalent to those granted to the elected officials of the Union by each Member State, subject to the relevant provisions of the national legislation or other applicable legislation in each Member State. Such functional privileges and immunities are granted to members of the Board for the purposes of the Union and not for their personal advantage. The Union may and shall withdraw the immunity granted to a member of the Board whenever it considers that such immunity is contrary to the orderly administration of justice and its withdrawal is not prejudicial to the interests of 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, of
PP-02 up to five days' duration, 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. However, if the Board deems necessary, depending upon the matters to be considered, it may increase the number of its meetings. Exceptionally, the meetings may be of up to two weeks' duration.
- 146** 3) The Board shall endeavour to reach its decisions unani-
mously. 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 Consti-
tution, 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 radiocommuni-
cation assembly.
- 149** 2 1) The radiocommunication study groups shall study questions
PP-98 adopted in accordance with a procedure established by the radiocommu-
nication assembly and prepare draft recommendations to be adopted in
accordance with the procedure set forth in Nos. 246A to 247 of this
Convention.
- 149A** 1 *bis*) The radiocommunication study groups shall also study
PP-98 topics identified in resolutions and recommendations of world radiocom-
munication conferences. The results of such studies shall be included in
recommendations or in the reports prepared in accordance with No. 156
below.
- 150** 2) The study of the above questions and topics shall, subject to
PP-98 No. 158 below, focus on the following:

- 151** *a)* use of the radio-frequency spectrum in terrestrial and space radio-
PP-98 communication and of the geostationary-satellite and other satel-
 lite orbits;
- 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 ques-
PP-98 tions, but when they involve comparing technical or operational alterna-
 tives, economic factors may be taken into consideration.
- 156** 3 The radiocommunication study groups shall also carry out pre-
 paratory 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 enumer-
 ated in Nos. 151 to 154 above and in No. 193 of this Convention in rela-
 tion 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 11A

PP-98

Radiocommunication Advisory Group

- 160A** 1 The radiocommunication advisory group shall be open to representatives of administrations of Member States and representatives of Sector Members and to chairmen of the study groups and other groups, and will act through the Director.
PP-98
PP-02
- 160B** 2 The radiocommunication advisory group shall:
PP-98
- 160C** 1) review priorities, programmes, operations, financial matters and strategies related to radiocommunication assemblies, study groups and other groups and the preparation of radiocommunication conferences, and any specific matters as directed by a conference of the Union, a radiocommunication assembly or the Council;
PP-98
PP-02

- 160CA** 1 *bis*) review the implementation of the operational plan of the
PP-02 preceding period in order to identify areas in which the Bureau has not
achieved or was not able to achieve the objectives laid down in that plan,
and advise the Director on the necessary corrective measures;
- 160D** 2) review progress in the implementation of the programme of
PP-98 work established under No. 132 of this Convention;
- 160E** 3) provide guidelines for the work of study groups;
PP-98
- 160F** 4) recommend measures, *inter alia*, to foster cooperation and
PP-98 coordination with other standards bodies, with the Telecommunication
Standardization Sector, the Telecommunication Development Sector and
the General Secretariat;
- 160G** 5) adopt its own working procedures compatible with those
PP-98 adopted by the radiocommunication assembly;
- 160H** 6) prepare a report for the Director of the
PP-98 Radiocommunication Bureau indicating action in respect of the above
items;
- 160I** 7) prepare a report for the Radiocommunication Assembly on
PP-02 the matters assigned to it in accordance with No. 137A of this
Convention and transmit it to the Director for submission to the
assembly.

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 other
PP-98 groups and the Bureau, communicate to the Member States and
PP-02 Sector Members the results of this preparatory work, collect their
comments and submit a consolidated report to the conference
which may include proposals of a regulatory nature;
- 165** *b)* participate as of right, but in an advisory capacity, in the
PP-02 deliberations of radiocommunication conferences, of the radio-
communication assembly and of the radiocommunication study
groups and other 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 prepara-
tions 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 Member States the Rules of Procedure of the
PP-98 Board, collect comments thereon received from administrations
PP-02 and submit them to the Board;
- 170** *c)* process information received from administrations in application
PP-02 of the relevant provisions of the Radio Regulations and regional
agreements and their associated Rules of Procedure 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 Proce-
dure;

- 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 other groups and be responsible for the organization of that work;
PP-02
- 175A** 3 bis) provide the necessary support for the radiocommunication advisory group, and report each year to Member States and Sector Members and to the Council on the results of the work of the advisory group.
PP-98
- 175B** 3 ter) take practical measures to facilitate the participation of developing countries in the radiocommunication study groups and other groups.
PP-98
- 176** 4) also undertake the following:
- 177** a) carry out studies to furnish advice with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur, and with a view to the equitable, effective and economical use of the geostationary-satellite and other satellite orbits, taking into account the needs of Member States requiring assistance, the specific needs of developing countries, as well as the special geographical situation of particular countries;
PP-98

- 178** *b)* exchange with Member States and Sector Members data in machine-readable and other forms, prepare and keep up to date any documents and databases of the Radiocommunication Sector, and arrange, with the Secretary-General, as appropriate, for their publication in the working languages of the Union in accordance with No. 172 of the Constitution;
- PP-98**
- 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, a report on the activities of the Sector covering the period since the last conference shall be submitted to the Council and, for information, to Member States and Sector Members;
- PP-98**
- 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.
- 181A** *f)* prepare annually a rolling four-year operational plan that covers the subsequent year and the following three-year period, including financial implications of activities to be undertaken by the Bureau in support of the Sector as a whole; this four-year operational plan shall be reviewed by the radiocommunication advisory group in accordance with Article 11A of this Convention, and shall be reviewed and approved annually by the Council;
- PP-98**
PP-02
- 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

PP-98

ARTICLE 13

**World Telecommunication
Standardization Assembly**

- 184**
PP-98 1 In accordance with No. 104 of the Constitution, a world telecommunication standardization assembly shall be convened to consider specific matters related to telecommunication standardization.
- 184A**
PP-02 1 *bis*) The world telecommunication standardization assembly is authorized to adopt the working methods and procedures for the management of the Sector's activities in accordance with No. 145A of the Constitution.
- 185**
PP-98 2 The questions to be studied by a world telecommunication standardization assembly, on which recommendations shall be issued, shall be those adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, or the Council.
- 186**
PP-98 3 In accordance with No. 104 of the Constitution, the assembly shall:
- 187**
PP-98
PP-02 a) consider the reports of study groups prepared in accordance with No. 194 of this Convention and approve, modify or reject draft recommendations contained in those reports, and consider the reports of the telecommunication standardization advisory group in accordance with Nos. 197H and 197I of this Convention;
- 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**
PP-98 *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.
- 191A**
PP-02 *f)* decide on the need to maintain, terminate or establish other groups and appoint their chairmen and vice-chairmen;
- 191B**
PP-02 *g)* establish the terms of reference for the groups referred to in No. 191A above; such groups shall not adopt questions or recommendations.
- 191C**
PP-98 4 A world telecommunication standardization assembly may assign specific matters within its competence to the telecommunication standardization advisory group indicating the action required on those matters.
- 191D**
PP-98
PP-02 5 A world telecommunication standardization assembly shall be presided over by a chairman 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 chairman elected by the assembly itself. The chairman shall be assisted by vice-chairmen elected by the assembly.

ARTICLE 14

Telecommunication Standardization Study Groups

- 192**
PP-98 1 1) Telecommunication standardization study groups shall study questions adopted in accordance with a procedure established by the world telecommunication standardization assembly and prepare draft recommendations to be adopted in accordance with the procedure set forth in Nos. 246A to 247 of this Convention.

- 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**
PP-98 3) Each study group shall prepare for the world telecommunication standardization assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 192 above, and any draft new or revised recommendations for consideration by the assembly.
- 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
PP-98 Telecommunication Standardization Sector, measures should be taken to foster cooperation and coordination with other organizations concerned with telecommunication standardization and with the Radiocommunication Sector and the Telecommunication Development Sector. A world telecommunication standardization assembly shall determine the specific duties, conditions of participation and rules of procedure for these measures.

ARTICLE 14A

PP-98 Telecommunication Standardization Advisory Group

197A 1 The telecommunication standardization advisory group shall be
PP-98 open to representatives of administrations of Member States and
PP-02 representatives of Sector Members and to chairmen of the study groups and other groups.

197B 2 The telecommunication standardization advisory group shall:
PP-98

197C 1) review priorities, programmes, operations, financial matters
PP-98 and strategies for activities in the Telecommunication Standardization Sector;

197CA 1 *bis*) review the implementation of the operational plan of the
PP-02 preceding period in order to identify areas in which the Bureau has not achieved or was not able to achieve the objectives laid down in that plan, and advise the Director on the necessary corrective measures;

197D 2) review progress in the implementation of the programme of
PP-98 work established under No. 188 of this Convention;

197E 3) provide guidelines for the work of study groups;
PP-98

197F 4) recommend measures, *inter alia*, to foster cooperation and
PP-98 coordination with other relevant bodies, with the Radiocommunication Sector, the Telecommunication Development Sector and the General Secretariat;

197G 5) adopt its own working procedures compatible with those
PP-98 adopted by the world telecommunication standardization assembly;

197H 6) prepare a report for the Director of the Telecommunication
PP-98 Standardization Bureau indicating action in respect of the above items.

197I 7) prepare a report for the world telecommunication standardi-
PP-98 zation assembly on the matters assigned to it in accordance with
 No. 191A and transmit it to the Director for submission to the assembly.

ARTICLE 15

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
PP-98 telecommunication standardization assembly, in consultation with
PP-02 the chairmen of the telecommunication standardization study
 groups and other groups;

201 b) participate, as of right, but in an advisory capacity, in the
PP-98 deliberations of world telecommunication standardization assem-
PP-02 blies and of the telecommunication standardization study groups
 and other groups. The Director shall make all necessary
 preparations for assemblies and meetings of the Telecom-
 munication 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
PP-98 of the relevant provisions of the International Telecommunication Regulations or decisions of the world telecommunication standardization assembly and prepare it, where appropriate, in a suitable form for publication;
- 203** d) exchange with Member States and Sector Members data in
PP-98 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 assembly
PP-98 a report on the activities of the Sector since the last assembly; the Director shall also submit to the Council and to the Member States and Sector Members such a report covering the two-year period since the last assembly, unless a second assembly is convened;
- 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.
- 205A** g) prepare annually a rolling four-year operational plan that covers
PP-98 the subsequent year and the following three-year period, including
PP-02 financial implications of activities to be undertaken by the Bureau in support of the Sector as a whole; this four-year operational plan shall be reviewed by the telecommunication standardization advisory group in accordance with Article 14A of this Convention, and shall be reviewed and approved annually by the Council;
- 205B** h) provide the necessary support for the telecommunication
PP-98 standardization advisory group, and report each year to Member States and Sector Members and to the Council on the results of its work;
- 205C** i) provide assistance to developing countries in the preparatory work
PP-98 for world standardization assemblies, particularly with regard to matters of a priority nature for those countries.

- 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

- 207A** 1 The world telecommunication development conference is
PP-02 authorized to adopt the working methods and procedures for the management of the Sector's activities in accordance with No. 145A of the Constitution.
- 208** 1 *bis*) 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;
- 209A** a *bis*) decide on the need to maintain, terminate or establish other groups
PP-02 and appoint their chairmen and vice-chairmen;

- 209B** *ater)* establish the terms of reference for the groups referred to in
PP-02 No. 209A above; such groups shall not adopt questions or recommendations.
- 210** *b)* regional telecommunication development conferences shall
PP-02 consider questions and priorities relating to telecommunication development, taking into account the needs 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
PP-98 shall be prepared by the Director of the Telecommunication Development Bureau and be submitted by the Secretary-General to the Council for approval with the concurrence of a majority of the Member States in the case of a world conference, or of a majority of the Member States belonging to the region concerned in the case of a regional conference, subject to the provisions of No. 47 of this Convention.
- 213A** 3 A telecommunication development conference may assign
PP-98 specific matters within its competence to the telecommunication development advisory group, indicating the recommended action on those
PP-02 matters.

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.
- 215A** 3 Each telecommunication development study group shall prepare
PP-98 for the world telecommunication development conference a report indicating the progress of work and any draft new or revised recommendations for consideration by the conference.
- 215B** 4 Telecommunication development study groups shall study ques-
PP-98 tions and prepare draft recommendations to be adopted in accordance with the procedures set out in Nos. 246A to 247 of this Convention.

ARTICLE 17A

PP-98 **Telecommunication Development
Advisory Group**

- 215C** 1 The telecommunication development advisory group shall be open
PP-98 to representatives of administrations of Member States and
PP-02 representatives of Sector Members and to chairmen and vice-chairmen of
study groups and other groups.
- 215D** 2 The telecommunication development advisory group shall:
PP-98
- 215E** 1) review priorities, programmes, operations, financial matters
PP-98 and strategies for activities in the Telecommunication Development
Sector;
- 215EA** 1 *bis*) review the implementation of the operational plan of the
PP-98 preceding period in order to identify areas in which the Bureau has not
PP-02 achieved or was not able to achieve the objectives laid down in that plan,
and advise the Director on the necessary corrective measures.
- 215F** 2) review progress in the implementation of the programme of
PP-98 work established under No. 209 of this Convention;
- 215G** 3) provide guidelines for the work of study groups;
PP-98
- 215H** 4) recommend measures, *inter alia*, to foster cooperation and
PP-98 coordination with the Radiocommunication Sector, the Telecommuni-
cation Standardization Sector and the General Secretariat, as well as with
other relevant development and financial institutions.
- 215I** 5) adopt its own working procedures compatible with those
PP-98 adopted by the world telecommunication development conference.
- 215J** 6) prepare a report for the Director of the Telecommunication
PP-98 Development Bureau indicating action in respect of the above items.

- 215JA** *6 bis*) prepare a report for the world telecommunication development conference on the matters assigned to it in accordance with No. 213A of this Convention and transmit it to the Director for submission to the conference.
PP-02
- 215K** 3 Representatives of bilateral cooperation and development aid agencies and multilateral development institutions may be invited by the Director to participate in the meetings of the advisory group.
PP-98

ARTICLE 18

PP-98 **Telecommunication Development Bureau**

- 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 and other 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;
PP-02
- 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 Member States and Sector Members such a report covering the two-year period since the last conference;
PP-98
- 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;
PP-98
- 223A** *g)* prepare annually a rolling four-year operational plan that covers the subsequent year and the following three-year period, including financial implications of activities to be undertaken by the Bureau in support of the Sector as a whole; this four-year operational plan shall be reviewed by the telecommunication development advisory group in accordance with Article 17A of this Convention, and shall be reviewed and approved annually by the Council;
PP-98
PP-02
- 223B** *h)* provide the necessary support for the telecommunication development advisory group, and report each year to the Member States and Sector Members and to the Council on the results of its work.
PP-98
- 224** 3 The Director shall work collegially with the other elected officials in order to ensure that the Union's catalytic role in stimulating telecommunication development is strengthened and shall make the necessary arrangements with the Director of the Bureau concerned for initiating suitable action, including the convening of information meetings on the activities of the Sector concerned.
PP-98

- 225** 4 At the request of the Member States concerned, the Director, with
PP-98 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** (SUP)
PP-98

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 State concerned;
PP-98
- 230** b) other entities dealing with telecommunication matters which are approved by the Member State concerned;
PP-98
- 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 State concerned shall be forwarded by the latter to the Secretary-General.
PP-98
- 234** 4 Any request from an entity referred to in No. 230 above submitted by the Member State concerned shall be handled in conformity with a procedure established by the Council. Such a request shall be reviewed by the Council with respect to its conformity with the above procedure.
PP-98
- 234A** 4 *bis*) Alternatively, a request from an entity listed in No. 229 or 230 above to become a Sector Member may be sent direct to the Secretary-General. Those Member States authorizing such entities to send a request directly to the Secretary-General shall inform the latter accordingly. Entities whose Member State has not provided such notice to the Secretary-General shall not have the option of direct application. The Secretary-General shall regularly update and publish a list of those Member States that have authorized entities under their jurisdiction or sovereignty to apply directly.
PP-98
- 234B** 4 *ter*) Upon receipt, directly from an entity, of a request under No. 234A above, the Secretary-General shall, on the basis of criteria defined by the Council, ensure that the function and purposes of the candidate are in conformity with the purposes of the Union. The Secretary-General shall then, without delay, inform the applicant's Member State inviting approval of the application. If the Secretary-General receives no objection from the Member State within four months, a reminder telegram shall be sent. If the Secretary-General receives no objection within four months after the date of dispatch of the reminder telegram, the application shall be regarded as approved. If an objection is received from the Member State by the Secretary-General, the applicant shall be invited by the Secretary-General to contact the Member State concerned.
PP-98

- 234C** *4 quater*) When authorizing direct application, a Member State may
PP-98 notify the Secretary-General that it assigns authority to the Secretary-General to approve any application by an entity under its jurisdiction or sovereignty.
- 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
PP-98 of this Convention that are authorized to participate in the work of each Sector and shall, at appropriate intervals, publish and distribute these lists to all Member States and Sector Members concerned and to the Director of the Bureau concerned. That Director shall advise such entities and organizations of the action taken on their requests, and shall inform the relevant Member States.
- 238** 8 The conditions of participation in the Sectors by entities and organizations contained in the lists referred to in No. 237 above are
PP-98 specified in this Article, in Article 33 and in other relevant provisions of this Convention. The provisions of Nos. 25 to 28 of the Constitution do not apply to them.
- 239** 9 A Sector Member may act on behalf of the Member State which
PP-94 has approved it, provided that the Member State informs the Director of
PP-98 the Bureau concerned that it is authorized to do so.
- 240** 10 Any Sector Member has the right to denounce such participation
PP-98 by notifying the Secretary-General. Such participation may also be denounced, where appropriate, by the Member State concerned or, in case of the Sector Member approved pursuant to No. 234C above, in accordance with criteria and procedures determined by the Council. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

- 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.
- 241A** 12 The assembly or conference of a Sector may decide to admit entities or organizations to participate as Associates in the work of a given study group or subgroups thereof following the principles set out below:
PP-98
- 241B** 1) An entity or organization referred to in Nos. 229 to 231 above may apply to participate in the work of a given study group as an Associate.
PP-98
- 241C** 2) In cases where a Sector has decided to admit Associates, the Secretary-General shall apply to the applicants the relevant provisions of this Article, taking account of the size of the entity or organization and any other relevant criteria.
PP-98
- 241D** 3) Associates admitted to participate in a given study group are not entered in the list referred to in No. 237 above.
PP-98
- 241E** 4) The conditions governing participation in the work of a study group are specified in Nos. 248B and 483A of this Convention.
PP-98

ARTICLE 20

Conduct of Business of Study Groups

- 242** 1 The radiocommunication assembly, the world telecommunication standardization assembly and the world telecommunication development conference shall appoint the chairman and one vice-chairman or more for each study group. In appointing chairmen and vice-chairmen, particular consideration shall be given to the requirements of competence and equitable geographical distribution, and to the need to promote more efficient participation by the developing countries.
PP-98

- 243**
PP-98 2 If the workload of any study group requires, the assembly or conference shall appoint such additional vice-chairmen as it deems necessary.
- 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.
- 246A**
PP-98 *5 bis*) 1) Member States and Sector Members shall adopt questions to be studied in accordance with procedures established by the relevant conference or assembly, as appropriate, including the indication whether or not a resulting recommendation shall be the subject of a formal consultation of Member States.
- 246B**
PP-98 2) Recommendations resulting from the study of the above questions are adopted by a study group in accordance with procedures established by the relevant conference or assembly, as appropriate. Those recommendations which do not require formal consultation of Member States for their approval shall be considered as approved.
- 246C**
PP-98 3) A recommendation requiring formal consultation of Member States shall be either treated in accordance with No. 247 below or transmitted to the relevant conference or assembly, as appropriate.

- 246D**
PP-98 4) Nos. 246A and 246B above shall not be used for questions and recommendations having policy or regulatory implications such as:
- 246E**
PP-98 a) questions and recommendations approved by the Radiocommunication Sector relevant to the work of radiocommunication conferences, and other categories of questions and recommendations that may be decided by the radiocommunication assembly;
- 246F**
PP-98 b) questions and recommendations approved by the Telecommunication Standardization Sector which relate to tariff and accounting issues, and relevant numbering and addressing plans;
- 246G**
PP-98 c) questions and recommendations approved by the Telecommunication Development Sector which relate to regulatory, policy and financial issues;
- 246H**
PP-98 d) questions and recommendations where there is any doubt about their scope.
- 247**
PP-98 6 Study groups may initiate action for obtaining approval from Member States for recommendations completed between two assemblies or conferences. The procedures to be applied for obtaining such approval shall be those approved by the competent assembly or conference, as appropriate.
- 247A**
PP-98 *6 bis*) Recommendations approved in application of Nos. 246B or 247 above shall have the same status as ones approved by the conference or assembly 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.
- 248A**
PP-98 *7 bis*) Following a procedure developed by the Sector concerned, the Director of a Bureau may, in consultation with the chairman of the study group concerned, invite an organization which does not participate in the Sector to send representatives to take part in the study of a specific matter in the study group concerned or its subordinate groups.

- 248B** *7 ter)* An Associate, as referred to in No. 241A of this Convention, will be permitted to participate in the work of the selected study group without taking part in any decision-making or liaison activity of that study group.
PP-98
- 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

PP-98

**Specific Provisions Regarding
Conferences and Assemblies**

PP-02

ARTICLE 23

PP-02

Admission to Plenipotentiary Conferences**255 to 266**

(SUP)

PP-02

267

1

The following shall be admitted to plenipotentiary conferences:

268*a)*

delegations;

268A*b)*

the elected officials, in an advisory capacity;

PP-02

268B*c)*

the Radio Regulations Board, in accordance with No. 141A of this Convention, in an advisory capacity;

PP-02

269*d)*

observers of the following organizations, agencies and entities:

PP-94

PP-02

269A*i)* the United Nations;

PP-02

269B*ii)* regional telecommunication organizations mentioned in Article 43 of the Constitution;

PP-02

269C*iii)* intergovernmental organizations operating satellite systems;

PP-02

269D*iv)* the specialized agencies of the United Nations and the International Atomic Energy Agency;

PP-02

269E*v)* Sector Members referred to in Nos. 229 and 231 of this Convention and organizations of an international character representing them.

PP-02

269F

2

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

PP-02

ARTICLE 24

PP-02 Admission to Radiocommunication Conferences

270 to 275 (SUP)
PP-02

276 1 The following shall be admitted to radiocommunication
PP-02 conferences:

277 a) delegations;

278 b) observers of organizations and agencies referred to in Nos. 269A
PP-02 to 269D of this Convention;

279 c) observers of other international organizations invited by the
PP-02 government and admitted by the conference in accordance with the relevant provisions of Chapter I of the General Rules of conferences, assemblies and meetings of the Union;

280 d) observers representing Sector Members of the Radiocom-
PP-98 munication Sector duly authorized by the Member State concerned;

281 (SUP)
PP-02

282 e) observers of Member States participating in a non-voting capacity
PP-98 in a regional radiocommunication conference of a region other
PP-02 than that to which the said Member States belong;

282A f) in an advisory capacity, the elected officials, when the conference
PP-02 is discussing matters coming within their competence, and the members of the Radio Regulations Board.

ARTICLE 25

**PP-98 Admission to Radiocommunication Assemblies,
PP-02 World Telecommunication Standardization
Assemblies and Telecommunication
Development Conferences**

283 to 294 (SUP)
PP-02

- 295** 1 The following shall be admitted to the assembly or conference:
PP-02
- 296** a) delegations;
- 297** b) observers of the following organizations and agencies:
PP-02
- 298** (SUP)
PP-02
- 298A** i) regional telecommunication organizations mentioned in
PP-02 Article 43 of the Constitution;
- 298B** ii) intergovernmental organizations operating satellite systems;
PP-02
- 298C** iii) any other regional organization or other international
PP-02 organization dealing with matters of interest to the assembly
or conference;
- 298D** iv) the United Nations;
PP-02
- 298E** v) the specialized agencies of the United Nations and the
PP-02 International Atomic Energy Agency;
- 298F** c) representatives of Sector Members concerned.
PP-02
- 298G** 2 The elected officials, the General Secretariat and the Bureaux of
PP-02 the Union, as appropriate, shall be represented at the assembly or
conference in an advisory capacity. Two members of the Radio
Regulations Board, designated by the Board, shall participate in radio-
communication assemblies in an advisory capacity.

PP-02 (SUP) ARTICLES 26 to 30

ARTICLE 31

Credentials for Conferences

- 324** 1 The delegation sent by a Member State to a plenipotentiary
PP-98 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 State concerned to the host government. In the case of a conference held in the Swiss Confederation, a delegation may also be provisionally accredited by the head of the permanent delegation of the Member State concerned to the United Nations Office at Geneva.
- PP-98**
- 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 State concerned, subject to the provisions of Nos. 169 and 210 of the Constitution, and to sign the final acts.
- PP-98**
- 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; to that end, Member States should send their credentials, prior to the opening date of the conference, to the Secretary-General who shall transmit them to the secretariat of the conference as soon as the latter has been established. The committee referred to in No. 68 of the General Rules of conferences, assemblies and meetings of the Union 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 State concerned.
- PP-98**
- PP-02**
- 335** 6 As a general rule, Member States should endeavour to send their own delegations to conferences of the Union. However, if a Member State is unable, for exceptional reasons, to send its own delegation, it may give the delegation of another Member State powers to vote and sign on its behalf. Such powers must be conveyed by means of an instrument signed by one of the authorities mentioned in Nos. 325 or 326 above.
- PP-98**
- 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 State or an authorized entity or organization intending to send a delegation or representatives to a telecommunication standardization assembly, a telecommunication development conference or a radiocommunication assembly shall so inform the Director of the Bureau of the Sector concerned, indicating the names and functions of the members of the delegation or of the representatives.
- PP-98**

PP-98 (SUP) CHAPTER III

ARTICLE 32

**General Rules of Conferences, Assemblies
and Meetings of the Union**

PP-02

339A 1 The General Rules of conferences, assemblies and meetings of the
PP-98 Union are adopted by the Plenipotentiary Conference. The provisions
PP-02 governing the procedure for amending those Rules and the entry into
force of amendments are contained in the Rules themselves.

340 2 The General Rules of conferences, assemblies and meetings of the
PP-98 Union shall apply without prejudice to the amendment provisions
PP-02 contained in Article 55 of the Constitution and in Article 42 of this
Convention.

PP-98

ARTICLE 32A

Right to Vote

340A 1 At all meetings of a conference, assembly or other meeting, the
PP-98 delegation of a Member State duly accredited by that Member State to
take part in the work of the conference, assembly or other meeting shall
be entitled to one vote in accordance with Article 3 of the Constitution.

340B 2 The delegation of a Member State shall exercise the right to vote
PP-98 under the conditions described in Article 31 of this Convention.

340C 3 When a Member State is not represented by an administration at a
PP-98 radiocommunication assembly, a world telecommunication standardiza-
tion assembly or a telecommunication development conference, the
representatives of the recognized operating agencies of the Member State
concerned shall, as a whole, and regardless of their number, be entitled to
a single vote, subject to the provisions of No. 239 of this Convention.
The provisions of Nos. 335 to 338 of this Convention concerning the
transfer of powers shall apply to the above conferences and assemblies.

PP-98

ARTICLE 32B

Reservations

340D 1 As a general rule, any delegation whose views are not shared by
PP-98 the remaining delegations shall endeavour, as far as possible, to conform to the opinion of the majority.

340E 2 Any Member State that, during a plenipotentiary conference,
PP-98 reserves its right to make reservations as specified in its declaration when signing the final acts, may make reservations regarding an amendment to the Constitution or to this Convention until such time as its instrument of ratification, acceptance or approval of or accession to the amendment has been deposited with the Secretary-General.

340F 3 If any decision appears to a delegation to be such as to prevent its
PP-98 government from consenting to be bound by the revision of the Administrative Regulations, this delegation may make reservations, final or provisional, regarding that decision, at the end of the conference adopting that revision; any such reservations may be made by a delegation on behalf of a Member State which is not participating in the competent conference and which has given that delegation proxy powers to sign the final acts in accordance with the provisions of Article 31 of this Convention.

340G 4 A reservation made following a conference shall only be valid if
PP-98 the Member State which made it formally confirms it when notifying its consent to be bound by the amended or revised instrument adopted by the conference at the close of which it made the reservation in question.

341 to 467 (SUP)
PP-98

CHAPTER IV

Other Provisions

ARTICLE 33

Finances

- 468**
PP-98 1) The scale from which each Member State, subject to the provisions of No. 468A below, and Sector Member, subject to the provisions of No. 468B below, shall choose its class of contribution, in conformity with the relevant provisions of Article 28 of the Constitution, shall be as follows:
- 40 unit class 8 unit class
 - 35 unit class 5 unit class
 - 30 unit class 4 unit class
 - 28 unit class 3 unit class
 - 25 unit class 2 unit class
 - 23 unit class 1 1/2 unit class
 - 20 unit class 1 unit class
 - 18 unit class 1/2 unit class
 - 15 unit class 1/4 unit class
 - 13 unit class 1/8 unit class
 - 10 unit class 1/16 unit class
- 468A**
PP-98 *1 bis*) Only Member States listed by the United Nations as least developed countries and those determined by the Council may select the 1/8 and 1/16 unit classes of contribution.
- 468B**
PP-98 *1 ter*) Sector Members may not select a class of contribution lower than 1/2 unit, with the exception of Sector Members of the Telecommunication Development Sector, which may select the 1/4, 1/8 and 1/16 unit classes. However, the 1/16 unit class is reserved for Sector Members of developing countries as determined by the list established by the United Nations Development Programme (UNDP) to be reviewed by the ITU Council.
- 469**
PP-98 2) In addition to the classes of contribution listed in No. 468 above, any Member State or Sector Member may choose a number of contributory units over 40.

470 3) The Secretary-General shall communicate promptly to each
PP-98 Member State not represented at the Plenipotentiary Conference the
decision of each Member State as to the class of contribution to be paid
by it.

471 (SUP)
PP-98

472 2 1) Every new Member State and Sector Member shall, in
PP-98 respect of the year of its accession or admission, pay a contribution cal-
culated as from the first day of the month of accession or admission, as
the case may be.

473 2) Should a Member State denounce the Constitution and this
PP-98 Convention or a Sector Member denounce its participation in a Sector, its
contribution shall be paid up to the last day of the month in which such
denunciation takes effect in accordance with No. 237 of the Constitution
or No. 240 of this Convention, respectively.

474 3 The amounts due shall bear interest from the beginning of the
PP-98 fourth month of each financial year of the Union at 3% (three per cent)
per annum during the following three months, and at 6% (six per cent)
per annum from the beginning of the seventh month.

475 (SUP)
PP-98

476 4 1) The organizations referred to in Nos. 269A to 269E of this
PP-94 Convention and other organizations of an international character (unless
PP-98 they have been exempted by the Council, subject to reciprocity) and
PP-02 Sector Members which participate, in accordance with the provisions of
this Convention, in a plenipotentiary conference, in a conference,
assembly or meeting of a Sector of the Union, or in a world conference
on international telecommunications, shall share in defraying the
expenses of the conferences, assemblies and meetings in which they
participate on the basis of the cost of these conferences and meetings and
in accordance with the Financial Regulations. Nevertheless, Sector
Members will not be charged separately for their attendance at a
conference, assembly or meeting of their respective Sectors, except in the
case of regional radiocommunication conferences.

477 2) Any Sector Member appearing in the lists mentioned in
PP-98 No. 237 of this Convention shall share in defraying the expenses of the Sector in accordance with Nos. 480 and 480A below.

478 and 479 (SUP)
PP-98

480 5) The amount of the contribution per unit payable towards the
PP-94 expenses of each Sector concerned shall be set at 1/5 of the contributory
PP-98 unit of the Member States. These contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of No. 474 above.

480A 5 *bis*) When a Sector Member contributes to defraying the
PP-98 expenses of the Union under No. 159 of the Constitution, the Sector for which the contribution is made should be identified.

481 to 483 (SUP)
PP-98

483A 4 *bis*) Associates as described in No. 241A of this Convention shall share
PP-98 in defraying the expenses of the Sector and the study group and subordinate groups in which they participate, as determined by the Council.

484 5 The Council shall determine criteria for the application of cost
PP-94 recovery for some products and services of the Union.
PP-98

485 6 The Union shall maintain a reserve account in order to provide
PP-94 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 7 1) The Secretary-General may, in agreement with the Coordination
PP-94 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
PP-94 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) Languages other than those mentioned in the relevant provi-
PP-98 sions of Article 29 of the Constitution may be used:
- 491** a) if an application is made to the Secretary-General to provide for
PP-98 the use of an additional language or languages, oral or written, on
 a permanent or an ad hoc basis, provided that the additional cost
 so incurred shall be borne by those Member States which have
 made or supported the application;
- 492** b) if, at conferences and meetings of the Union, after informing the
PP-98 Secretary-General or the Director of the Bureau concerned, any
 delegation itself makes arrangements at its own expense for oral
 translation from its own language into any one of the languages
 referred to in the relevant provision of Article 29 of the Constitu-
 tion.

493 2) In the case provided for in No. 491 above, the Secretary-
PP-98 General shall comply to the extent practicable with the application,
having first obtained from the Member States concerned an undertaking
that the cost incurred will be duly repaid by them to the Union.

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
PP-98 Article 29 of the Constitution may be published in languages other than
those specified therein, provided that the Member States requesting such
publication undertake to defray the whole of the cost of translation and
publication involved.

CHAPTER V

**Various Provisions Related to the Operation
of Telecommunication Services**

ARTICLE 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 Member States and Sector Members concerned in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 42 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.
- PP-98**
- 498** 2 Administrations of Member States and Sector Members which operate international telecommunication services shall come to an agreement with regard to the amount of their debits and credits.
- PP-98**
- 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**
PP-98

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

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

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

ARTICLE 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
PP-98 Member States with the exception of those which have previously notified, through the Secretary-General, that they do not admit this language for that category of correspondence.
- 506** 3 Member States which do not admit private telegrams in secret
PP-98 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 Member States which are not involved in the dispute, but which are parties to the agreement, the application of which caused the dispute.
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- 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 State may propose any amendment to this Convention. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Member States, reach the Secretary-General not later than eight months prior to the opening date fixed for the Plenipotentiary Conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, forward any such proposal to all the Member States.
- PP-98**

- 520** 2 Any proposed modification to any amendment submitted in accordance with No. 519 above may, however, be submitted at any time by a Member State or by its delegation at the Plenipotentiary Conference.
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- 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 this Article, which shall prevail, the General Rules of conferences, assemblies and meetings of the Union shall apply.
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- 524** 6 Any amendments to this Convention adopted by a plenipotentiary conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the conference between Member States having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Convention and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.
PP-98
- 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 Member States of the deposit of each instrument of ratification, acceptance, approval or accession.
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- 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:

PP-94
PP-98

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

in accordance with the relevant provisions of this Convention.

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.

