CONSTITUȚIA UNIUNII INTERNAȚIONALE DE TELECOMUNICAȚII*

SEMNATĂ LA GENEVA LA 22 DECEMBRIE 1992

CONSTITUTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

SIGNED AT GENEVA ON DECEMBER 22, 1992

* *În vigoare pentru Republica Moldova din 18 februarie 1997*

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 co-operation between all Members of the Union for the improvement and rational use of telecommunications of all kinds;

4 (b) to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote the mobilization of the material and financial resources needed for implementation;

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

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

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

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

(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.

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

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

(b) coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum and of the geostationary-satellite orbit for radiocommunication services;

(c) facilitate the world-wide standardization of telecommunications, with a satisfactory quality of service;

(d) foster international co-operation 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;

(e) co-ordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;

(f) foster collaboration among its Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;

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

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

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

Article 2

Composition of the Union

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

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

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

23 (c) any other State, not a Member of the United Nations, which applies for membership of the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Constitution and the Convention in accordance with Article 53 of this Constitution. If such application for membership is made during the interval between two Plenipotentiary Conferences, the Secretary-General shall consult the Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

Article 3

Rights and obligations of Members

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

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

26 (a) all Members shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or as members of the Radio Regulations Board;

27 (b) subject to the provisions of Nos. 169 and 210 of this Constitution, each Member shall have one vote at all Plenipotentiary Conferences, all world conferences and all radiocommunication assemblies and study group meetings and, if it is a Member of the Council, all sessions of

that Council. At regional conferences, only the Members of the region concerned shall have the right to vote;

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

Article 4
Instruments of the Union

29 1. The instruments of the Union are:

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

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

31 3. The provisions of both this Constitution and the Convention are further complemented by those of the Administrative Regulations, enumerated below, which regulate the use of telecommunications and shall be binding on all Members:

- International Telecommunication Regulations,
- Radio Regulations.

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

Article 5
Definitions

33 Unless the context otherwise requires:

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

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

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

Article 6

Execution of the instruments of the Union

37 1. The Members are bound to abide by the provisions of this Constitution, the Convention and the Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 48 of this Constitution.

38 2. The Members are also bound to take the necessary steps to impose the observance of the provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

Article 7

Structure of the Union

39 The Union shall comprise:

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

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

42 (c) world conferences on international telecommunications;

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

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

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

46 (g) the General Secretariat.

Article 8

Plenipotentiary Conference

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

48 2. The Plenipotentiary Conference shall:

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

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

51 (c) establish the basis for the budget of the Union and determine, in the light of its decisions taken on the reports referred to in No. 50 above, a ceiling for the expenditure of the Union until the next Plenipotentiary Conference after considering all relevant aspects of the work of the Union in that period;

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

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

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

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

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

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

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

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

Article 9

Principles concerning elections and related matters

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

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

62 (b) the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux and the members of the Radio Regulations Board shall all be nationals of different Members, and at their election, due

consideration should be given to equitable geographical distribution amongst the regions of the world; as far as the elected officials are concerned, due consideration should also be given to the principles embodied in No. 154 of this Constitution;

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

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

Article 10
The Council

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

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

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

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

69 4. (1) The Council shall take all steps to facilitate the implementation by the Members of the provisions of this Constitution, of the Convention, of the Administrative Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary Conference.

70 (2) It shall consider broad telecommunication policy issues in keeping with the guidelines given by the Plenipotentiary Conference in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment.

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

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

Article 11
General Secretariat

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

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

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

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

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

CHAPTER II

RADIOCOMMUNICATION SECTOR

Article 12
Functions and structure

78 1. (1) The functions of the Radiocommunication Sector shall be to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication: - by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radiocommunication services, including those using the geostationary-satellite orbit, subject to the provisions of Article 44 of this Constitution, and - by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.

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

80 2. The Radiocommunication Sector shall work through:

81 (a) world and regional radiocommunication conferences;

82 (b) the Radio Regulations Board;

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

84 (d) radiocommunication study groups;

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

86 3. The Radiocommunication Sector shall have as members:

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

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

Article 13

Radiocommunication conferences and radiocommunication assemblies

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

90 2. World radiocommunication conferences shall normally be convened every two years; however, following the application of the relevant provisions of the Convention, such a conference need not be convened or an additional one may be convened.

91 3. Radiocommunication assemblies shall also normally be convened every two years, and be associated in place and time with world radiocommunication conferences so as to improve the efficiency and effectiveness of the Radiocommunication Sector. Radiocommunication assemblies shall provide the necessary technical bases for the work of the world radiocommunication conferences and respond to all requests from world radiocommunication conferences. The duties of the radiocommunication assemblies are specified in the Convention.

92 4. The decisions of a world radiocommunication conference, of a radiocommunication assembly and of a regional radiocommunication conference shall in all circumstances be in conformity with this Constitution and the Convention. The decisions of a radiocommunication assembly or of a regional radiocommunication conference shall also in all circumstances be in conformity with the Radio Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the upper limits on credits laid down by the Plenipotentiary Conference.

Article 14

Radio Regulations Board

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

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

95 (a) the approval of Rules of Procedure, which include technical criteria, in accordance with the Radio Regulations and with any decision which may be taken by competent radiocommunication conferences. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Members. These Rules shall be open to comment by administrations and, in case of continuing disagreement, the matter shall be submitted to a forthcoming world radiocommunication conference;

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

97 (c) the performance of any additional duties, concerned with the assignment and utilization of frequencies, as indicated in No. 78 of this Constitution, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference or by the Council with the consent of a majority of the Members of the Union, in preparation for, or in pursuance of the decisions of, such a conference.

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

99 (2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a member thereof, or from any public or private organization or person. Members shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 98 above.

100 (3) Each Member shall respect the exclusively international character of the duties of the members of the Board and refrain from attempting to influence them in the performance of their Board duties.

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

Article 15

Radiocommunication study groups

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

Article 16

Radiocommunication Bureau

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

CHAPTER III

TELECOMMUNICATION STANDARDIZATION SECTOR

Article 17

Functions and structure

104 1. (1) The functions of the Telecommunication Standardization Sector shall be to fulfil the purposes of the Union relating to telecommunication standardization, as stated in Article 1 of this Constitution, by studying technical, operating and tariff questions and adopting recommendations on them with a view to standardizing telecommunications on a world-wide basis.

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

106 2. The Telecommunication Standardization Sector shall work through:

107 (a) world telecommunication standardization conferences;

108 (b) telecommunication standardization study groups;

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

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

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

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

Article 18

World telecommunication standardization conferences

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

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

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

Article 19

Telecommunication standardization study groups

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

Article 20

Telecommunication Standardization Bureau

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

CHAPTER IV

TELECOMMUNICATION DEVELOPMENT SECTOR

Article 21

Functions and structure

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

tate and enhance telecommunications development by offering, organizing and coordinating technical co-operation and assistance activities.

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

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

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

122 (b) promote the development, expansion and operation of telecommunication networks and services, particularly in developing countries, taking into account the activities of other relevant bodies, by reinforcing capabilities for human resources development, planning, management, resource mobilization, and research and development;

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

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

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

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

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

128 (h) collaborate with the other Sectors, the General Secretariat and other concerned bodies in developing a general plan for international

and regional telecommunication networks so as to facilitate the coordination of their development with a view to the provision of telecommunication services;

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

130 3. The Telecommunication Development Sector shall work through:

131 (a) world and regional telecommunication development conferences;

132 (b) telecommunication development study groups;

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

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

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

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

Article 22

Telecommunication development conferences

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

138 2. Telecommunication development conferences shall comprise:

139 (a) world telecommunication development conferences;

140 (b) regional telecommunication development conferences.

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

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

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

Article 23
Telecommunication development study groups

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

Article 24
Telecommunication Development Bureau

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

CHAPTER V

OTHER PROVISIONS CONCERNING THE FUNCTIONING OF THE UNION

Article 25
World conferences on international telecommunications

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

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

Article 26
Coordination Committee

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

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

fully in view the provisions of this Constitution, the Convention, the decisions of the Council and the interests of the Union as a whole.

Article 27

Elected officials and staff of the Union

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

151 (2) Each Member shall respect the exclusively international character of the duties of these elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.

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

153 (4) In order to ensure the efficient operation of the Union, any Member, a national of which has been elected Secretary-General, Deputy Secretary-General or Director of a Bureau shall refrain, as far as possible, from recalling that national between two Plenipotentiary Conferences.

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

Article 28

Finances of the Union

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

156 (a) the Council;

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

158 (c) Plenipotentiary Conferences and world conferences on international telecommunications;

159 2. The expenses of the Union shall be met from the contributions of its Members and of entities and organizations authorized to participate in the Union's activities in accordance with the relevant provisions of

the Convention. Each Member and any such authorized entity or organization shall pay a sum proportional to the number of units in the class of contribution it has chosen in accordance with the relevant provisions of the Convention.

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

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

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

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

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

165 5. The class of contribution chosen by a Member can only be reduced in accordance with Nos. 161, 162 and 163 above. However, under exceptional circumstances such as natural disasters necessitating international aid programmes, the Council may authorize a reduction in the number of contributory units when so requested by a Member which has established that it can no longer maintain its contribution at the class originally chosen.

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

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

168 8. Members, entities and organizations referred to in No. 159 above shall pay in advance their annual contributory shares, calculated on the basis of the biennial budget approved by the Council as well as of any adjustment adopted by the Council.

169 9. A Member which is in arrear in its payments to the Union shall lose its right to vote as defined in Nos. 27 and 28 of this Constitution for so long as the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two years.

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

Article 29
Languages

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

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

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

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

Article 30
Seat of the Union

175 The seat of the Union shall be at Geneva.

Article 31
Legal capacity of the Union

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

Article 32
Rules of procedure of conferences and other meetings

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

178 2. Conferences and the Council may adopt such rules as they consider to be essential in addition to those in the Rules of Procedure. Such additional rules must, however, be compatible with this Constitu-

tion and the Convention; those adopted by conferences shall be published as conference documents.

CHAPTER VI

GENERAL PROVISIONS RELATING TO TELECOMMUNICATIONS

Article 33

The right of the public to use the international telecommunication service

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

Article 34

Stoppage of telecommunications

180 1. Members reserve the right to stop the transmission of any private telegram which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

181 2. Members also reserve the right to cut off any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency.

Article 35

Suspension of services

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

Article 36

Responsibility

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

Article 37

Secrecy of telecommunications

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

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

Article 38

Establishment, operation and protection of telecommunication channels and installations

186 1. Members shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.

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

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

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

Article 39

Notification of infringements

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

Article 40

Priority of telecommunications concerning safety of life

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

Article 41

Priority of government telecommunications

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

Article 42

Special arrangements

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

Article 43

Regional conferences, arrangements and organizations

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

CHAPTER VII

SPECIAL PROVISIONS FOR RADIO

Article 44

Use of the radio-frequency spectrum and of the geostationary-satellite orbit

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

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

Article 45
Harmful interference

197 1. All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Members or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Radio Regulations.

198 2. Each Member undertakes to require the operating agencies which it recognizes and the other operating agencies duly authorized for this purpose to observe the provisions of No. 197 above.

199 3. Further, the Members recognize the necessity of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in No. 197 above.

Article 46
Distress calls and messages

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

Article 47
False or deceptive distress, urgency, safety or identification signals

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

Article 48

Installations for national defence services

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

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

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

CHAPTER VIII

RELATIONS WITH THE UNITED NATIONS, OTHER INTERNATIONAL ORGANIZATIONS AND NON-MEMBER STATES

Article 49

Relations with the United Nations

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

Article 50

Relations with other international organizations

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

Article 51

Relations with non-Member States

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

provisions of this Constitution, of the Convention and of the Administrative Regulations and the usual charges shall apply to it.

CHAPTER IX

FINAL PROVISIONS

Article 52

Ratification, acceptance or approval

208 1. This Constitution and the Convention shall be simultaneously ratified, accepted or approved by any signatory Member, in accordance with its constitutional rules, in one single instrument.şlî This instrument shall be deposited, in as short a time as possible, with the Secretary-General. The Secretary-General shall notify the Members of each deposit of any such instrument.

209 2. (1) During a period of two years from the date of entry into force of this Constitution and the Convention, a signatory Member, even though it may not have deposited an instrument of ratification, acceptance or approval, in accordance with No. 208 above, shall enjoy the rights conferred on Members of the Union in Nos. 25 to 28 of this Constitution.

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

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

Article 53

Accession

212 1. A Member which is not a signatory to this Constitution and the Convention, or, subject to the provisions of Article 2 of this Constitution, any other State referred to in that Article may accede to this Constitution and the Convention at any time. Such accession shall be made simultaneously in the form of one single instrument covering both this Constitution and the Convention.

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

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

Article 54
Administrative Regulations

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

216 2. Ratification, acceptance or approval of this Constitution and the Convention, or accession to these instruments, in accordance with Articles 52 and 53 of this Constitution, shall also constitute consent to be bound by the Administrative Regulations adopted by competent world conferences prior to the date of signature of this Constitution and the Convention. Such consent is subject to any reservation made at the time of signature of the Administrative Regulations or revisions thereof to the extent that the reservation is maintained at the time of deposit of the instrument of ratification, acceptance, approval or accession.

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

218 4. Such provisional application shall continue until:

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

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

221 5. If no notification under Nos. 219 or 220 above has been received by the Secretary-General from any Member which has signed any such revision, prior to the expiry of a period of thirty-six months from the

date or dates specified therein for the commencement of provisional application, that Member shall be deemed to have consented to be bound by that revision, subject to any reservation it may have made in respect of that revision at the time of signature of that revision.

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

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

Article 55

Provisions for amending this Constitution

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

225 2. Any proposed modification to any amendment submitted in accordance with No. 224 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.

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

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

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

229 6. Any amendments to this Constitution adopted by a Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the conference between Members having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Constitution and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.

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

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

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

Article 56

Settlement of disputes

233 1. Members may settle their disputes on questions relating to the interpretation or application of this Constitution, the Convention or of the Administrative Regulations by negotiation, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.

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

235 3. The Optional Protocol on the Compulsory Settlement of Disputes relating to this Constitution, to the Convention, and to the Administrative Regulations shall be applicable as between Members parties to that Protocol.

Article 57

Denunciation of this Constitution and the Convention

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

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

Article 58

Entry into force and related matters

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

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

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

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

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

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

DONE at Geneva, on 22 December 1992.

ANNEX

DEFINITION OF CERTAIN TERMS USED IN THIS CONSTITUTION, THE CONVENTION AND THE ADMINISTRATIVE REGULATIONS OF THE INTERNATIONAL TELECOMMUNICATION UNION

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

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

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

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

1005 *Delegation*: The totality of the delegates and, should the case arise, any representatives, advisers, attachés, or interpreters sent by the same Member. Each Member shall be free to make up its delegation as it wishes. In particular, it may include in its delegation, inter alia, in the capacity of delegates, advisers or attachés, persons belonging to any entity or organization authorized in accordance with the relevant provisions of the Convention.

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

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

1008 *Recognized operating agency*: Any operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 of this Constitution are imposed by the Member in whose territory the head office of the agency is situated, or by the Member which has authorized this operating agency to establish and operate a telecommunication service on its territory.

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

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

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

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

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

1014 *Government telecommunications*: Telecommunications originating with any:

- Head of State;
- Head of government of 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.

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

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* *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.*