

TELECOMMUNICATION

International Telecommunication Union

**Amendments to the
Constitution and Convention
Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS**

Done at Kyoto October 14, 1994



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MULTILATERAL

Telecommunication: International Telecommunication Union

*Amendments to the Constitution and Convention,
done at Kyoto October 14, 1994;
Transmitted by the President of the United States of America
to the Senate September 13, 1996 (Treaty Doc. 104-34,
104th Congress, 2d Session);
Reported favorably by the Senate Committee on Foreign Relations
October 8, 1997 (Senate Executive Report No. 105-3,
105th Congress, 1st Session);
Advice and consent to ratification by the Senate
October 23, 1997;
Ratified by the President October 24, 1997;
Instrument of Ratification of the United States of America
deposited October 26, 1997;
Entered into force for the United States October 26, 1997.*

**INSTRUMENT AMENDING THE CONSTITUTION
OF THE INTERNATIONAL
TELECOMMUNICATION UNION
(GENEVA, 1992)**

**(Amendments adopted by the Plenipotentiary
Conference (Kyoto, 1994))**

PART I. Foreword

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

ARTICLE 8 (CS)

Plenipotentiary Conference

- MOD 50** *b)* consider the reports by the Council on the activities of the Union since the previous Plenipotentiary Conference and on the strategic policy and planning of the Union;
- MOD 57** *i)* consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention, put forward by Members of the Union, in accordance with the provisions of Article 55 of this Constitution and the relevant provisions of the Convention, respectively;

- ADD 59A** 3. Exceptionally, in the interval between two ordinary Plenipotentiary Conferences, it shall be possible to convene an extraordinary Plenipotentiary Conference with a restricted agenda to deal with specific matters:
- ADD 59B** a) by a decision of the preceding ordinary Plenipotentiary Conference;
- ADD 59C** b) should two-thirds of the Members of the Union individually so request the Secretary-General;
- ADD 59D** c) at the proposal of the Council with the approval of at least two-thirds of the Members of the Union.

ARTICLE 9 (CS)

Principles Concerning Elections and Related Matters

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

ARTICLE 28 (CS)

Finances of the Union

MOD 163 (4) The class of contribution chosen by each Member, in accordance with No. 161 or No. 162 above, is applicable for the first biennial budget after the expiry of the six-month period referred to in Nos. 161 or 162 above.

PART II. Date of Entry into Force

The amendments contained in the present instrument shall, as a whole and in the form of one single instrument, enter into force on 1 January 1996 between Members being parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present instrument.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the original of the present instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992).

Done at Kyoto, 14 October 1994

**INSTRUMENT AMENDING THE CONVENTION
OF THE INTERNATIONAL
TELECOMMUNICATION UNION
(GENEVA, 1992)**

**(Amendments adopted by the Plenipotentiary
Conference (Kyoto, 1994))**

PART I. Foreword

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

ARTICLE 4 (CV)

The Council

- MOD 50** 1. The number of Members of the Council shall be determined by the Plenipotentiary Conference which is held every four years.
- ADD 50A** 2. This number shall not exceed 25% of the total number of Members of the Union.
- MOD 80** (14) be responsible for effecting the coordination with all international organizations referred to in Articles 49 and 50 of the Constitution and to this end conclude, on behalf of the Union, provisional agreements with the international organizations referred to

in Article 50 of the Constitution and in Nos. 260 and 261 of the Convention, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the Plenipotentiary Conference in accordance with the relevant provision of Article 8 of the Constitution;

ARTICLE 7 (CV)

World Radiocommunication Conference

MOD 118

(2) The general scope of this agenda should be established four years in advance, and the final agenda shall be established by the Council preferably two years before the conference, with the concurrence of a majority of the Members of the Union, subject to the provisions of No. 47 of this Convention. These two versions of the agenda shall be established on the basis of the recommendations of the world radiocommunication conference, in accordance with No. 126 of this Convention.

ARTICLE 19 (CV)

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

MOD 239

9. An entity or organization as mentioned in No. 229 or 230 above may act on behalf of the Member which has approved it, provided that Member informs the Director of the Bureau concerned that it is authorized to do so.

ARTICLE 23 (CV)

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

- MOD 258** 3. The Secretary-General shall invite the following to send observers:
- ADD 262A** *e)* entities and organizations referred to in No. 229 of this Convention, and organizations of an international character representing such entities and organizations.
- (MOD) 269** *b)* observers of organizations and agencies invited in accordance with Nos. 259 to 262A.

ARTICLE 24 (CV)

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

- MOD 271** 2. (1) The provisions of Nos. 256 to 265 of this Convention, with the exception of 262A, shall apply to radiocommunication conferences.

ARTICLE 32 (CV)

Rules of Procedure of Conferences and Other Meetings

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

ARTICLE 33 (CV)*

Finances

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

(MOD) 476 (1) The organizations referred to in Nos. 259 to 262 of this Convention and other organizations of an international character which participate in a Plenipotentiary Conference, in a Sector of the Union or in a world conference on international telecommunications shall share in defraying the expenses of the conference or the Sector in accordance with Nos. 479 to 481 below, as appropriate, unless they have been exempted by Council, subject to reciprocity.

(MOD) 477 (2) Any entity or organization appearing in the lists mentioned in No. 237 of this Convention shall share in defraying the expenses of the Sector in accordance with Nos. 479 and 480 below.

(MOD) 478 (3) Any entity or organization appearing in the lists mentioned in No. 237 of this Convention which participates in a radiocommunication conference, a world conference on international telecommunications or a conference or assembly of a Sector of which it is not a member, shall share in defraying the expenses of the conference or assembly in accordance with Nos. 479 and 481 below.

(MOD) 479 (4) The contributions mentioned in Nos. 476, 477 and 478 shall be based on the free choice of a class of contribution from the scale given in No. 468 above, with the exception of the 1/4, 1/8 and 1/16 unit classes reserved for Members of the Union (the latter exception does not apply to the Telecommunication Development Sector); the Secretary-General shall be informed of the class chosen;

* Only the paragraph numbers of Nos. 476 to 486 of the Convention have been modified.

any entity or organization concerned may at any time choose a class of contribution higher than the one already adopted by it.

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

(MOD) 481 (6) The amount of the contribution per unit payable towards the expenses of a conference or assembly shall be set by dividing the total amount of the budget of the conference or assembly in question by the total number of units contributed by Members as their share of Union expenses. The contributions shall be considered as Union income. They shall bear interest from the sixtieth day following the day on which accounts are sent out, at the rates fixed in No. 474 above.

(MOD) 482 (7) Reduction in the number of contributory units shall be possible only in accordance with the principles stipulated in the relevant provisions of Article 28 of the Constitution.

(MOD) 483 (8) In the case of denunciation of participation in the work of a Sector or of termination of such participation (see No. 240 of this Convention), the contribution shall be paid up to the last day of the month in which such denunciation or termination takes effect.

(MOD) 484 5. The sale price of publications shall be determined by the Secretary-General, bearing in mind that the cost of reproduction and distribution should, in general, be covered by the sale of the publications.

(MOD) 485 6. The Union shall maintain a reserve account in order to provide working capital to meet essential expenditures and to maintain sufficient cash reserves to avoid resorting to loans as far as possible. The amount of the reserve account shall be fixed annually by the Council on the basis of expected requirements. At the end of each biennial budgetary period all budget credits which have not been expended or encumbered will be placed in the reserve account. Other details of this account are described in the Financial Regulations.

(MOD) 486 7. (1) The Secretary-General may, in agreement with the Coordination Committee, accept voluntary contributions in cash or kind, provided that the conditions attached to such voluntary contributions are consistent, as appropriate, with the purposes and programmes of the Union and with the programmes adopted by a conference and in conformity with the Financial Regulations, which shall contain special provisions for the acceptance and use of such voluntary contributions.

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

ANNEX (CV)

MOD 1002 *Observer:* A person sent by:

- the United Nations, a specialized agency of the United Nations, the International Atomic Energy Agency, a regional telecommunication organization, or an intergovernmental organization operating satellite systems, to participate, in an advisory capacity, in a Plenipotentiary Conference, a conference or a meeting of a Sector,
- an international organization to participate, in an advisory capacity, in a conference or a meeting of a Sector,
- the government of a Member of the Union to participate, in a non-voting capacity, in a regional conference, or
- an entity or organization referred to in No. 229 of the Convention or an organization of an international character representing such entities or organizations,

in accordance with the relevant provisions of this Convention.

PART II. Date of Entry into Force

The amendments contained in the present instrument shall, as a whole and in the form of one single instrument, enter into force on 1 January 1996 between Members being parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present instrument.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the original of the present instrument amending the Convention of the International Telecommunication Union (Geneva, 1992).

Done at Kyoto, 14 October 1994

**FINAL ACTS
OF THE
PLENIPOTENTIARY CONFERENCE
OF THE INTERNATIONAL
TELECOMMUNICATION UNION**

(Kyoto, 1994)



COPIE

certifiée conforme à l'original

Genève, le **03 MARS 1995**

Harper
Le Secrétaire général
de l'Union Internationale des
télécommunications

Instrument amending the Constitution of the
International Telecommunication Union
(Geneva, 1992)

Instrument amending the Convention of the
International Telecommunication Union
(Geneva, 1992)

Declarations and Reservations

Decisions

Resolutions

Recommendations

Geneva, 1995

[NOTE BY THE DEPARTMENT OF STATE: THE FINAL ACTS ARE COMPOSED OF THE AMENDMENTS, DECLARATIONS AND RESERVATIONS, DECISIONS, RESOLUTIONS, AND RECOMMENDATIONS. ONLY THE AMENDMENTS AND THE U.S. DECLARATIONS AND RESERVATIONS REQUIRE RATIFICATION BY THE UNITED STATES.]