

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

CANBERRA

**INSTRUMENTS AMENDING THE  
CONSTITUTION AND THE CONVENTION OF THE  
INTERNATIONAL TELECOMMUNICATION UNION  
(GENEVA, 1992)**

**as amended by the Plenipotentiary Conference  
(Kyoto, 1994)**

**and by the Plenipotentiary Conference  
(Minneapolis, 1998)**

**(Marrakesh, 18 October 2002)**

Not yet in force

[2003] ATNIF 19



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

**as amended by the  
Plenipotentiary Conference (Kyoto, 1994)  
and by the  
Plenipotentiary Conference (Minneapolis, 1998)**

**(Amendments adopted by the  
Plenipotentiary Conference (Marrakesh, 2002))**

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## **PART I – Foreword**

By virtue of and in implementation of the relevant provisions of the Constitution of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and by the Plenipotentiary Conference (Minneapolis, 1998), in particular those in Article 55 thereof, the Plenipotentiary Conference of the International Telecommunication Union (Marrakesh, 2002) has adopted the following amendments to the said Constitution:

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\* In accordance with Resolution 70 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference on gender mainstreaming in ITU, the language used in the texts of the basic instruments of the Union (Constitution and Convention) is to be considered gender neutral.

## CHAPTER I

### Basic Provisions

#### ARTICLE 8

##### Plenipotentiary Conference

**MOD 51**    *c)*    in the light of its decisions taken on the reports referred to in  
**PP-98**                      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;

**MOD 58**    *jbis)*    adopt and amend the General Rules of conferences, assemblies  
**A**                      and meetings of the Union;  
**PP-98**

#### ARTICLE 9

##### Principles Concerning Elections and Related Matters

**(MOD) 6**    *a)*    the Member States of the Council are elected with due regard to  
**1**                      the need for equitable distribution of the seats on the Council  
among all regions of the world;

**MOD 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  
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;

- MOD 63** c) the members of the Radio Regulations Board shall be elected in their individual capacity from among the candidates proposed by Member States as their nationals. Each Member State may propose only one candidate. The members of the Radio Regulations 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 distribution amongst the regions of the world and to the principles embodied in No. 93 of this Constitution.
- PP-94**
- PP-98**
- MOD 64** 2 Provisions relating to taking up duties, vacancy and re-eligibility are contained in the Convention.

## ARTICLE 10

### The Council

- (MOD) 6** 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.
- 6**
- SUP\* 67**
- MOD 70** 2) The Council shall consider broad telecommunication policy issues in accordance with the guidelines given by the Plenipotentiary Conference to ensure that the Union's policies and strategy fully respond to changes in the telecommunication environment.
- PP-98**
- ADD 70** *2bis*) The Council shall prepare a report on the policy and strategic planning recommended for the Union, together with their financial implications, using the specific data prepared by the Secretary-General under No. 74A below.
- A**



## CHAPTER II

### **Radiocommunication Sector**

#### ARTICLE 14

##### **Radio Regulations Board**

- MOD 95** a) the approval of Rules of Procedure, which include technical  
**PP-98** criteria, in accordance with the Radio Regulations and with any decision which may be taken by competent radiocommunication conferences. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Member States. These Rules shall be 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;

ADD

## CHAPTER IVA

ADD

### **Working Methods of the Sectors**

ADD 145

A

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 28

##### Finances of the Union

- MOD 15** *2ter* Expenses incurred by the regional conferences referred to in  
**9D** No. 43 of this Constitution shall be borne:  
**PP-98**
- ADD 159** *a)* by all the Member States of the region concerned, in accordance  
**E** with their class of contribution;
- ADD 159** *b)* by any Member States of other regions which have participated  
**F** in such conferences, in accordance with their class of contribution;
- ADD 159** *c)* by authorized Sector Members and other authorized  
**G** organizations which have participated in such conferences, in accordance with the provisions of the Convention.
- MOD 16** 4) Bearing in mind the draft financial plan as revised, the  
**1E** plenipotentiary conference shall, as soon as possible, determine the  
**PP-98** 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.

## ARTICLE 32

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

**MOD 17**    1            The General Rules of conferences, assemblies and meetings of  
**7**            the Union adopted by the Plenipotentiary Conference shall apply to the  
**PP-98**            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.

**MOD 17**    2            Conferences, assemblies and the Council may adopt such rules  
**8**            as they consider to be essential in addition to those in Chapter II of the  
**PP-98**            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 VII

### Special Provisions for radio

#### ARTICLE 44

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

- (MOD) **1** 1 Member States shall endeavour to limit the number of  
**95** 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.

## CHAPTER VIII

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

#### ARTICLE 50

##### **Relations With Other International Organizations**

**MOD 20**            In furtherance of complete international coordination on matters  
**6**                    affecting telecommunication, the Union should cooperate with  
international organizations having related interests and activities.

## CHAPTER IX

### **Final Provisions**

#### ARTICLE 55

##### **Provisions for Amending this Constitution**

- MOD 22** 1 Any Member State may propose any amendment to this  
**4** Constitution. Any such proposal shall, in order to ensure its timely  
**PP-98** 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.
- MOD 22** 5 Unless specified otherwise in the preceding paragraphs of this  
**8** Article, which shall prevail, the General Rules of conferences,  
**PP-98** assemblies and meetings of the Union shall apply.

#### ARTICLE 58

##### **Entry into Force and Related Matters**

- MOD 23** 1 This Constitution and the Convention, adopted by the  
**8** Additional 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.

## **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 2004 between Member States being at that time parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present amending instrument.

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**IN WITNESS WHEREOF**, the respective plenipotentiaries<sup>1</sup> have signed the original of the present instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and by the Plenipotentiary Conference (Minneapolis, 1998).

Done at Marrakesh, 18 October 2002

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<sup>1</sup> Including for Australia

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

**as amended by the  
Plenipotentiary Conference (Kyoto, 1994)  
and by the  
Plenipotentiary Conference (Minneapolis, 1998)**

**(Amendments adopted by the  
Plenipotentiary Conference (Marrakesh, 2002))**

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## **PART I – Foreword**

By virtue of and in implementation of the relevant provisions of the Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and by the Plenipotentiary Conference (Minneapolis, 1998), in particular those in Article 42 thereof, the Plenipotentiary Conference of the International Telecommunication Union (Marrakesh, 2002) has adopted the following amendments to the said Convention:

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\* In accordance with Resolution 70 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference on gender mainstreaming in ITU, the language used in the texts of the basic instruments of the Union (Constitution and Convention) is to be considered gender neutral.

## CHAPTER I

### Functioning of the Union

#### SECTION 1

#### ARTICLE 2

### Elections and Related Matters

#### The Council

- (MOD) 1 1 *a)* when a Member State of the Council does not have a representative in attendance at two consecutive ordinary sessions of the Council;

#### Members of the Radio Regulations Board

- (MOD) 2 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.



**MOD 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

### **Other Conferences and Assemblies**

**MOD 47** 7 In the consultations referred to in Nos. 42, 46, 118, 123 and 138  
**PP-98** of this Convention and in Nos. 26, 28, 29, 31 and 36 of the General Rules of 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.

## SECTION 2

## ARTICLE 4

### **The Council**

**MOD 57** 6 Only the travelling, subsistence and insurance expenses  
**PP-98** incurred by the representative of each Member State of the Council, belonging to 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.

**MOD 60** 9 *bis* A Member State which is not a Member State of the Council  
**A** may, with prior notice to the Secretary-General, send one observer at  
**PP-98** its own expense to meetings of the Council, its committees and its  
working groups. An observer shall not have the right to vote.

**ADD 60** 9 *ter* Sector Members may be represented as observers at meetings of  
**B** 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.

**ADD 61** 10 *bis* While at all times respecting the financial limits as adopted by  
**A** the 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.

**ADD\* 61** 10 *ter* The Council shall adopt its own Rules of Procedure.  
**B**

**ADD 62** 1) receive and review the specific data for strategic planning  
**A** 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;

**ADD 62** 1 *bis*) establish a calendar for the development of strategic and  
**B** 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;

**MOD 73**  
**PP-98**

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;

**MOD 79**  
**PP-98**

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;

**MOD 81**  
**PP-98**

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;

## SECTION 3

### ARTICLE 5

#### **General Secretariat**

**MOD 87** *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;

**A**

**PP-98**

## SECTION 4

### ARTICLE 6

#### **Coordination Committee**

**(MOD) 1** 4 A report shall be made of the proceedings of the Coordination Committee and will be made available on request to Member States of the Council.

**11**

## SECTION 5

### **Radiocommunication Sector**

## ARTICLE 8

### **Radiocommunication Assembly**

- ADD 129 A** 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.
- ADD 136 A** 7) decide on the need to maintain, terminate or establish other groups and appoint their chairmen and vice-chairmen;
- ADD 136 B** 8) establish the terms of reference for the groups referred to in No. 136A above; such groups shall not adopt questions or recommendations.
- MOD 13 7A PP-98** 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.

## ARTICLE 10

### **Radio Regulations Board**

- MOD 14 0** 2 In addition to the duties specified in Article 14 of the Constitution, the Board shall:
- 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.

**MOD 14** 3 The members of the Board shall participate, in an advisory  
**1** capacity, in radiocommunication conferences. In this case, they shall not participate in these conferences as members of their national delegations.

**ADD 141** 3 *bis* Two members of the Board, designated by the Board, shall  
**A** 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.

**ADD 142** 4 *bis* The members of the Board shall, while in the exercise of their  
**A** 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.

**MOD 14** 2) The Board shall normally hold up to four meetings a year,  
**5** of 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.

## ARTICLE 11A

### PP-98 **Radiocommunication Advisory Group**

**MOD 160A** 1 The radiocommunication advisory group shall be open to  
**PP-98** representatives of administrations of Member States and representa-  
tives of Sector Members and to chairmen of the study groups and  
other groups, and will act through the Director.

**MOD 160C** 1) review priorities, programmes, operations, financial  
**PP-98** matters and strategies related to radiocommunication assemblies,  
study groups and other groups and the preparation of radiocom-  
munication conferences, and any specific matters as directed by a  
conference of the Union, a radiocommunication assembly or the  
Council;

**ADD 160CA** 1 *bis*) review the implementation of the operational plan of  
the 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;

**ADD 160I** 7) prepare a report for the Radiocommunication  
Assembly on 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**

**MOD 16** a) coordinate the preparatory work of the study groups and other  
**4** groups and the Bureau, communicate to the Member States and  
**PP-98** Sector Members the results of this preparatory work, collect  
their comments and submit a consolidated report to the  
conference which may include proposals of a regulatory nature;

- MOD 16**  
**5**     *b)*     participate as of right, but in an advisory capacity, in the deliberations of radiocommunication conferences, of the radiocommunication 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;
- MOD 16**  
**9**     *b)*     distribute to all Member States the Rules of Procedure of the Board, collect comments thereon received from administrations and submit them to the Board;
- MOD 17**  
**0**     *c)*     process information received from administrations in application 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;
- MOD 17**  
**5**             3)     coordinate the work of the radiocommunication study groups and other groups and be responsible for the organization of that work;
- MOD 17**  
**5B**  
**PP-98**             3*ter*) take practical measures to facilitate the participation of developing countries in the radiocommunication study groups and other groups.
- MOD 18**  
**0**     *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;



**MOD 18** f) prepare annually a rolling four-year operational plan that covers  
**1A** the subsequent year and the following three-year period,  
**PP-98** 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;

## SECTION 6

### Telecommunication Standardization Sector

## ARTICLE 13

### **PP-98 World Telecommunication Standardization Assembly**

**ADD 184** 1 *bis* The world telecommunication standardization assembly is  
**A** authorized to adopt the working methods and procedures for the  
management of the Sector's activities in accordance with No. 145A of  
the Constitution.

**MOD 18** a) consider the reports of study groups prepared in accordance  
**7** with No. 194 of this Convention and approve, modify or reject  
**PP-98** 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;

**ADD 191b** f) decide on the need to maintain, terminate or establish other  
**is** groups and appoint their chairmen and vice-chairmen;

**ADD 191t** g) establish the terms of reference for the groups referred to in  
**er** No. 191 *bis* above; such groups shall not adopt questions or  
recommendations.

**MOD 191** 5 A world telecommunication standardization assembly shall be  
**B** presided over by a chairman designated by the government of the  
**PP-98** 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 14A

### **PP-98 Telecommunication Standardization Advisory Group**

**MOD 19** 1 The telecommunication standardization advisory group shall be  
**7A** open to representatives of administrations of Member States and  
**PP-98** representatives of Sector Members and to chairmen of the study groups  
and other groups.

**ADD 197C** 1 *bis*) review the implementation of the operational plan of the  
**A** 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;

## ARTICLE 15

### **Telecommunication Standardization Bureau**

**MOD 20** a) update annually the work programme approved by the world  
**0** telecommunication standardization assembly, in consultation  
**PP-98** with the chairmen of the telecommunication standardization  
study groups and other groups;

**MOD 20** b) participate, as of right, but in an advisory capacity, in the  
**1** deliberations of world telecommunication standardization  
**PP-98** assemblies and of the telecommunication standardization study  
groups and other groups. The Director shall make all necessary  
preparations for assemblies and meetings of the Telecommunication  
Standardization Sector in consultation with the  
General Secretariat in accordance with No. 94 of this  
Convention and, as appropriate, with the other Sectors of the  
Union, and with due regard for the directives of the Council  
concerning these preparations;

**MOD 20** g) prepare annually a rolling four-year operational plan that covers  
**5A** the subsequent year and the following three-year period,  
**PP-98** 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  
standardization advisory group in accordance with Article 14A  
of this Convention, and shall be reviewed and approved  
annually by the Council;

## SECTION 7

### Telecommunication Development Sector

## ARTICLE 16

### Telecommunication Development Conferences

**ADD 207** 1 The world telecommunication development conference is  
**A** authorized to adopt the working methods and procedures for the  
management of the Sector's activities in accordance with No. 145A of  
the Constitution.

**ADD 209** *abis*) decide on the need to maintain, terminate or establish other  
**A** groups and appoint their chairmen and vice-chairmen;

**ADD 209 B** *ater)* establish the terms of reference for the groups referred to in No. 209A above; such groups shall not adopt questions or recommendations.

**MOD 21 0** *b)* regional telecommunication development conferences shall 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;

**MOD 21 3A PP-98** 3 A telecommunication development conference may assign specific matters within its competence to the telecommunication development advisory group, indicating the recommended action on those matters.

## ARTICLE 17A

PP-98

### **Telecommunication Development Advisory Group**

**MOD 21 5C PP-98** 1 The telecommunication development advisory group shall be open to representatives of administrations of Member States and representatives of Sector Members and to chairmen and vice-chairmen of study groups and other groups.

**ADD 215E A** *1 bis)* review the implementation of the operational plan of the 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.

**ADD 215J A** *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.

## ARTICLE 18

PP-98

### **Telecommunication Development Bureau**

- MOD 21** 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;
- 8**
- MOD 22** 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;
- 3A**
- PP-98**

## CHAPTER II

MOD PP-  
98

### Specific Provisions Regarding Conferences and Assemblies

#### ARTICLE 23

##### MOD Admission to Plenipotentiary Conferences

SUP\* 255 to 266

- (MOD) 2 1 The following shall be admitted to plenipotentiary conferences:  
67
- ADD 268 b) the elected officials, in an advisory capacity;  
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- ADD 268 c) the Radio Regulations Board, in accordance with No. 141A of  
B this Convention, in an advisory capacity;
- MOD 26 d) observers of the following organizations, agencies and entities:  
9  
PP-94
- ADD\* 26 i) the United Nations;  
9A
- ADD\* 26 ii) regional telecommunication organizations mentioned in  
9B Article 43 of the Constitution;
- ADD\* 26 iii) intergovernmental organizations operating satellite sys-  
9C tems;
- ADD\* 26 iv) the specialized agencies of the United Nations and the  
9D International Atomic Energy Agency;
- ADD\* 26 v) Sector Members referred to in Nos. 229 and 231 of this  
9E Convention and organizations of an international character  
representing them.
- ADD\* 26 2 The General Secretariat and the three Bureaux of the Union  
9F shall be represented at the conference in an advisory capacity.

## ARTICLE 24

### **MOD Admission to Radiocommunication Conferences**

#### **SUP\* 270 to 275**

**(MOD) 2** 1 The following shall be admitted to radiocommunication  
**76** conferences:

**(MOD) 2** *b)* observers of organizations and agencies referred to in  
**78** Nos. 269A to 269D of this Convention;

**MOD 27** *c)* observers of other international organizations invited by the  
**9** 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;

#### **SUP\* 281**

**(MOD) 2** *e)* observers of Member States participating in a non-voting  
**82** capacity in a regional radiocommunication conference of a  
**PP-98** region other than that to which the said Member States belong;

**ADD\* 28** *f)* in an advisory capacity, the elected officials, when the  
**2A** conference is discussing matters coming within their  
competence, and the members of the Radio Regulations Board.

## ARTICLE 25

MOD PP-  
98

### **Admission to Radiocommunication Assemblies, World Telecommunication Standardization Assemblies and Telecommunication Development Conferences**

SUP\* 283 to 294

(MOD) 2 1 The following shall be admitted to the assembly or conference:  
95

MOD 29 b) observers of the following organizations and agencies:  
7

SUP\* 298

ADD\* 29 i) regional telecommunication organizations mentioned in  
8A Article 43 of the Constitution;

ADD\* 29 ii) intergovernmental organizations operating satellite sys-  
8B tems;

ADD\* 29 iii) any other regional organization or other international  
8C organization dealing with matters of interest to the  
assembly or conference;

ADD\* 29 iv) the United Nations;  
8D

ADD\* 29 v) the specialized agencies of the United Nations and the  
8E International Atomic Energy Agency;

ADD\* 29 c) representatives of Sector Members concerned.  
8F

ADD 298 2 The elected officials, the General Secretariat and the Bureaux of  
G 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  
radiocommunication assemblies in an advisory capacity.



SUP\* ARTICLE 26

SUP\* ARTICLE 27

SUP\* ARTICLE 28

SUP\* ARTICLE 29

SUP\* ARTICLE 30

ARTICLE 31

### **Credentials for Conferences**

**MOD 33** 5 Credentials shall be deposited with the secretariat of the  
**4** conference as early as possible; to that end, Member States should send  
**PP-98** 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.

## CHAPTER III

### Rules of Procedure

#### ARTICLE 32

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

**MOD 33**    1        The General Rules of conferences, assemblies and meetings of  
**9A**            the Union are adopted by the Plenipotentiary Conference. The  
**PP-98**        provisions governing the procedure for amending those Rules and the  
entry into force of amendments are contained in the Rules themselves.

**MOD 34**    2        The General Rules of conferences, assemblies and meetings of  
**0**            the Union shall apply without prejudice to the amendment provisions  
**PP-98**        contained in Article 55 of the Constitution and in Article 42 of this  
Convention.

## CHAPTER IV

### Other Provisions

#### ARTICLE 33

##### Finances

**MOD 47** 4 1) The organizations referred to in Nos. 269A to 269E of  
**6** this Convention and other organizations of an international character  
**PP-94** (unless they have been exempted by the Council, subject to reciprocity)  
**PP-98** and 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.

## CHAPTER VI

### Arbitration and Amendment

#### ARTICLE 42

##### Provisions for Amending this Convention

**MOD 52** 5 Unless specified otherwise in the preceding paragraphs of this  
**3** Article, which shall prevail, the General Rules of conferences,  
**PP-98** assemblies and meetings of the Union shall apply.

## **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 2004 between Member States being at that time parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present amending instrument.

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**IN WITNESS WHEREOF**, the respective plenipotentiaries have signed the original of the present instrument amending the Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and by the Plenipotentiary Conference (Minneapolis, 1998).

Done at Marrakesh, 18 October 2002

DECLARATIONS AND RESERVATIONS

**made at the end of the  
Plenipotentiary Conference  
of the International Telecommunication Union  
(MARRAKESH, 2002)**

*For Australia:*

The delegation of Australia declares that it reserves for its Government the right to make any declarations or reservations when depositing its instruments of ratification of the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Marrakesh, 2002).

*For the Federal Republic of Germany, Australia, Austria, the Azerbaijani Republic, Belgium, Canada, Denmark, the United States of America, Finland, France, the Republic of Hungary, Ireland, Iceland, Japan, the Republic of Latvia, the Principality of Liechtenstein, Luxembourg, Malta, Norway, New Zealand, Portugal, the Slovak Republic, the Czech Republic, Romania, the United Kingdom of Great Britain and Northern Ireland, Sweden, the Confederation of Switzerland, Turkey:*

The delegations of the above-mentioned States, referring to the declaration made by the Republic of Colombia (No. 45), inasmuch as this and any similar statement refers to the Bogota Declaration of 3 December 1976 by equatorial countries and to the claims of those countries to exercise sovereign rights over segments of the geostationary-satellite orbit, consider that the claims in question cannot be recognized by this conference.

The above-mentioned delegations also wish to state that the reference in Article 44 of the Constitution to the “geographical situation of particular countries” does not imply a recognition of claim to any preferential rights to the geostationary-satellite orbit.