

*Extract from:*

# UNITED NATIONS JURIDICAL YEARBOOK 1965

Part Two. Legal activities of the United Nations and related inter-governmental organizations

Chapter IV. Treaties concerning international law concluded under the auspices of the United Nations and related inter-governmental organizations



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## **Chapter IV**

### **TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTER-GOVERNMENTAL ORGANIZATIONS**

#### **A. Treaties concerning international law concluded under the auspices of the United Nations**

##### **1. PROTOCOL OF ENTRY INTO FORCE OF THE AMENDMENTS TO ARTI- CLES 23, 27 AND 61 OF THE CHARTER OF THE UNITED NATIONS ADOPTED BY THE GENERAL ASSEMBLY RESOLUTIONS 1991 A AND B (XVIII) OF 17 DECEMBER 1963**

WHEREAS Article 108 of the Charter of the United Nations provides as follows:

#### **“Article 108**

“Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.”,

WHEREAS the General Assembly of the United Nations adopted on 17 December 1963, in accordance with the said Article 108, the amendments to Articles 23, 27 and 61 of the Charter of the United Nations as set forth in resolutions 1991 A and B (XVIII),

WHEREAS the requirements of the said Article 108 with respect to the ratification of the above-mentioned amendments were fulfilled by 31 August 1965, as shown in the Annex to this Protocol, and the said amendments entered into force on that day for all Members of the United Nations,

AND WHEREAS the text of Articles 23, 27 and 61 of the Charter of the United Nations as amended reads as follows:

#### **“Article 23**

“1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

“2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

“3. Each member of the Security Council shall have one representative.”,

“Article 27

- “1. Each member of the Security Council shall have one vote.
- “2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
- “3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.”,

“Article 61

- “1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.
- “2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
- “3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.
- “4. Each member of the Economic and Social Council shall have one representative.”,

NOW, THEREFORE, I, U THANT, Secretary-General of the United Nations, sign this Protocol in two original copies in the Chinese, English, French, Russian and Spanish languages, of which one shall be deposited in the archives of the Secretariat of the United Nations and the other transmitted to the Government of the United States of America as the depositary of the Charter of the United Nations. Copies of this Protocol shall be communicated to all Members of the United Nations.

DONE AT THE HEADQUARTERS OF THE UNITED NATIONS, NEW YORK,  
this thirty-first day of August, one thousand nine hundred and sixty-five.

U THANT  
Secretary-General

Annex

TO THE PROTOCOL OF ENTRY INTO FORCE OF THE AMENDMENTS TO  
ARTICLES 23, 27 AND 61 OF THE CHARTER OF THE UNITED NATIONS,  
ADOPTED BY THE GENERAL ASSEMBLY RESOLUTIONS 1991 A AND  
B (XVIII) OF 17 DECEMBER 1963

List of Members having deposited instruments of ratification of the above-mentioned amendments with the Secretary-General as at 31 August 1965:

| <i>Member</i>            | <i>Date of deposit</i> |
|--------------------------|------------------------|
| Jamaica                  | 12 March 1964          |
| Thailand                 | 23 March 1964          |
| Algeria                  | 26 March 1964          |
| Ghana                    | 4 May 1964             |
| Tunisia                  | 29 May 1964            |
| Cameroon                 | 25 June 1964           |
| Ethiopia                 | 22 July 1964           |
| Central African Republic | 6 August 1964          |

| <i>Member</i>                       | <i>Date of deposit</i> |
|-------------------------------------|------------------------|
| Jordan                              | 7 August 1964          |
| Gabon                               | 11 August 1964         |
| Upper Volta                         | 11 August 1964         |
| Trinidad and Tobago                 | 18 August 1964         |
| Guinea                              | 19 August 1964         |
| Togo                                | 19 August 1964         |
| New Zealand                         | 26 August 1964         |
| Libya                               | 27 August 1964         |
| Niger                               | 8 September 1964       |
| Canada                              | 9 September 1964       |
| India                               | 10 September 1964      |
| Liberia                             | 21 September 1964      |
| Mali                                | 23 September 1964      |
| Ivory Coast                         | 2 October 1964         |
| Austria                             | 7 October 1964         |
| Costa Rica                          | 7 October 1964         |
| United Republic of Tanzania         | 7 October 1964         |
| Ireland                             | 27 October 1964        |
| Kenya                               | 28 October 1964        |
| Chad                                | 2 November 1964        |
| Iceland                             | 6 November 1964        |
| Morocco                             | 9 November 1964        |
| Philippines                         | 9 November 1964        |
| Ceylon                              | 13 November 1964       |
| Rwanda                              | 17 November 1964       |
| Iraq                                | 25 November 1964       |
| El Salvador                         | 1 December 1964        |
| Nepal                               | 3 December 1964        |
| Nigeria                             | 5 December 1964        |
| Albania                             | 7 December 1964        |
| Yugoslavia                          | 9 December 1964        |
| Madagascar                          | 14 December 1964       |
| Netherlands                         | 14 December 1964       |
| United Arab Republic                | 16 December 1964       |
| Norway                              | 17 December 1964       |
| Sweden                              | 18 December 1964       |
| Cuba                                | 22 December 1964       |
| Brazil                              | 23 December 1964       |
| Kuwait                              | 28 December 1964       |
| Poland                              | 8 January 1965         |
| Denmark                             | 12 January 1965        |
| Iran                                | 12 January 1965        |
| Bulgaria                            | 13 January 1965        |
| Finland                             | 18 January 1965        |
| Czechoslovakia                      | 19 January 1965        |
| Mauritania                          | 29 January 1965        |
| Romania                             | 5 February 1965        |
| Union of Soviet Socialist Republics | 10 February 1965       |
| Uganda                              | 10 February 1965       |
| Hungary                             | 23 February 1965       |
| Syrian Arab Republic                | 24 February 1965       |
| Afghanistan                         | 25 February 1965       |
| Mongolia                            | 10 March 1965          |
| Pakistan                            | 25 March 1965          |
| Sierra Leone                        | 25 March 1965          |
| Laos                                | 20 April 1965          |
| Senegal                             | 23 April 1965          |
| Zambia                              | 28 April 1965          |

| <i>Member</i>  | <i>Date of deposit</i> |      |
|--|------------------------|------|
| Belgium  | 29 April               | 1965 |
| Mexico   | 5 May                  | 1965 |
| Sudan  | 7 May                  | 1965 |
| Israel   | 13 May                 | 1965 |
| Ukrainian Soviet Socialist Republic                  | 17 May                 | 1965 |
| Malaysia   | 26 May                 | 1965 |
| Malawi   | 2 June                 | 1965 |
| Burma  | 3 June                 | 1965 |
| Japan  | 4 June                 | 1965 |
| United Kingdom of Great Britain and Northern Ireland | 4 June                 | 1965 |
| Australia  | 9 June                 | 1965 |
| Saudi Arabia   | 17 June                | 1965 |
| Byelorussian Soviet Socialist Republic               | 22 June                | 1965 |
| Malta  | 23 June                | 1965 |
| Turkey   | 1 July                 | 1965 |
| Congo (Brazzaville)                                  | 7 July                 | 1965 |
| Yemen  | 7 July                 | 1965 |
| Panama   | 27 July                | 1965 |
| Greece   | 2 August               | 1965 |
| China  | 2 August               | 1965 |
| Spain  | 5 August               | 1965 |
| Paraguay   | 17 August              | 1965 |
| Guatemala  | 18 August              | 1965 |
| Burundi  | 23 August              | 1965 |
| France   | 24 August              | 1965 |
| Italy  | 25 August              | 1965 |
| Chile  | 31 August              | 1965 |
| Ecuador  | 31 August              | 1965 |
| United States of America                             | 31 August              | 1965 |

Total number of instruments deposited: 95

Membership in the United Nations as at 31 August 1965: 114

Number of ratifications required under Article 108 of the Charter of the United Nations to bring the amendments into force (two thirds of the Members of the United Nations, including all the permanent members of the Security Council): 76

The last of the instruments of ratification of the permanent members of the Security Council was deposited on: 31 August 1965

Date of entry into force of the amendments for all the Members of the United Nations: 31 August 1965

## 2. UNITED NATIONS CONFERENCE ON TRANSIT TRADE OF LAND-LOCKED COUNTRIES

(a) Convention on Transit Trade of Land-Locked States. Done at New York on 8 July 1965

### PREAMBLE

*The States Parties to the present Convention,*

*Recalling* that article 55 of its charter requires the United Nations to promote conditions of economic progress and solutions of international economic problems,

*Noting* General Assembly resolution 1028 (XI) on the land-locked countries and the expansion of international trade which, “recognizing the need of land-locked countries for adequate transit facilities in promoting international trade”, invited “the Governments of Member States to give full recognition to the needs of land-locked Member States in the matter of transit trade and, therefore, to accord them adequate facilities in terms of international law and practice in this regard, bearing in mind the future requirements resulting from the economic development of the land-locked countries”,

*Recalling* article 2 of the Convention on the High Seas which states that the high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty and article 3 of the said Convention which states:

“1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord:

- (a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and
- (b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

“2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions.”

*Reaffirming* the following principles adopted by the United Nations Conference on Trade and Development with the understanding that these principles are interrelated and each principle should be construed in the context of the other principles:

#### *Principle I*

The recognition of the right of each land-locked State of free access to the sea is an essential principle for the expansion of international trade and economic development.

#### *Principle II*

In territorial and on internal waters, vessels flying the flag of land-locked countries should have identical rights and enjoy treatment identical to that enjoyed by vessels flying the flag of coastal States other than the territorial State.

#### *Principle III*

In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord to ships flying the flag of that State treatment equal to that accorded to their own ships or to the ships of any other State as regards access to seaports and the use of such ports.

#### *Principle IV*

In order to promote fully the economic development of the land-locked countries, the said countries should be afforded by all States, on the basis of reciprocity, free and unrestricted-



ed transit, in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Goods in transit should not be subject to any customs duty.

Means of transport in transit should not be subject to special taxes or charges higher than those levied for the use of means of transport of the transit country.

#### *Principle V*

The State of transit, while maintaining full sovereignty over its territory, shall have the right to take all indispensable measures to ensure that the exercise of the right of free and unrestricted transit shall in no way infringe its legitimate interests of any kind.

#### *Principle VI*

In order to accelerate the evolution of a universal approach to the solution of the special and particular problems of trade and development of land-locked countries in the different geographical areas, the conclusion of regional and other international agreements in this regard should be encouraged by all States.

#### *Principle VII*

The facilities and special rights accorded to land-locked countries in view of their special geographical position are excluded from the operation of the most-favoured-nation clause.

#### *Principle VIII*

The principles which govern the right of free access to the sea of the land-locked State shall in no way abrogate existing agreements between two or more contracting parties concerning the problems, nor shall they raise an obstacle as regards the conclusions of such agreements in the future, provided that the latter do not establish a régime which is less favourable than or opposed to the above-mentioned provisions.

*Have agreed as follows:*

### *Article 1*

#### *Definitions*

For the purpose of this Convention,

(a) the term "land-locked State" means any Contracting State which has no sea-coast;

(b) the term "traffic in transit" means the passage of goods including unaccompanied baggage across the territory of a Contracting State between a land-locked State and the sea when the passage is a portion of a complete journey which begins or terminates within the territory of that land-locked State and which includes sea transport directly preceding or following such passage. The trans-shipment, warehousing, breaking bulk, and change in the mode of transport of such goods as well as the assembly, disassembly or reassembly of machinery and bulky goods shall not render the passage of goods outside the definition of "traffic in transit" provided that any such operation is undertaken solely for the convenience of transportation. Nothing in this paragraph shall be construed as imposing an obligation on any Contracting State to establish or permit the establishment of permanent facilities on its territory for such assembly, disassembly or reassembly;

(c) the term “transit State” means any Contracting State with or without a sea-coast, situated between a land-locked State and the sea, through whose territory “traffic in transit” passes;

(d) the term “means of transport” includes:

- (i) any railway stock, seagoing and river vessels and road vehicles;
- (ii) where the local situation so requires porters and pack animals;
- (iii) if agreed upon by the Contracting States concerned,

other means of transport and pipelines and gas lines when they are used for traffic in transit within the meaning of this article.

## Article 2

### *Freedom of transit*

1. Freedom of transit shall be granted under the terms of this Convention for traffic in transit and means of transport. Subject to the other provisions of this Convention, the measures taken by Contracting States for regulating and forwarding traffic across their territory shall facilitate traffic in transit on routes in use mutually acceptable for transit to the Contracting States concerned. Consistent with the terms of this Convention, no discrimination shall be exercised which is based on the place of origin, departure, entry, exit or destination or on any circumstances relating to the ownership of the goods or the ownership, place of registration or flag of vessels, land vehicles or other means of transport used.

2. The rules governing the use of means of transport, when they pass across part or the whole of the territory of another Contracting State, shall be established by common agreement among the Contracting States concerned, with due regard to the multilateral international conventions to which these States are parties.

3. Each Contracting State shall authorize, in accordance with its laws, rules and regulations, the passage across or access to its territory of persons whose movement is necessary for traffic in transit.

4. The Contracting States shall permit the passage of traffic in transit across their territorial waters in accordance with the principles of customary international law or applicable international conventions and with their internal regulations.

## Article 3

### *Customs duties and special transit dues*

Traffic in transit shall not be subjected by any authority within the transit State to customs duties or taxes chargeable by reason of importation or exportation nor to any special dues in respect of transit. Nevertheless on such traffic in transit there may be levied charges intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such charges must correspond as nearly as possible with the expenses they are intended to cover and, subject to that condition, the charges must be imposed in conformity with the requirement of non-discrimination laid down in article 2, paragraph 1.

## Article 4

### *Means of transport and tariffs*

1. The Contracting States undertake to provide, subject to availability, at the points of entry and exit, and as required at points of trans-shipment, adequate means of transport and handling equipment for the movement of traffic in transit without unnecessary delay.

2. The Contracting States undertake to apply to traffic in transit, using facilities operated or administered by the State, tariffs or charges which, having regard to the conditions of the traffic and to considerations of commercial competition, are reasonable as regards both their rates and the method of their application. These tariffs or charges shall be so fixed as to facilitate traffic in transit as much as possible, and shall not be higher than the tariffs or charges applied by Contracting States for the transport through their territory of goods of countries with access to the sea. The provisions of this paragraph shall also extend to the tariffs and charges applicable to traffic in transit using facilities operated or administered by firms or individuals, in cases in which the tariffs or charges are fixed or subject to control by the Contracting State. The term "facilities" used in this paragraph shall comprise means of transport, port installations and routes for the use of which tariffs or charges are levied.

3. Any haulage service established as a monopoly on waterways used for transit must be so organized as not to hinder the transit of vessels.

4. The provisions of this article must be applied under the conditions of non-discrimination laid down in article 2, paragraph 1.

#### Article 5

##### *Methods and documentation in regard to customs, transport, etc.*

1. The Contracting States shall apply administrative and customs measures permitting the carrying out of free, uninterrupted and continuous traffic in transit. When necessary, they should undertake negotiations to agree on measures that ensure and facilitate the said transit.

2. The Contracting States undertake to use simplified documentation and expeditious methods in regard to customs, transport and other administrative procedures relating to traffic in transit for the whole transit journey on their territory, including any trans-shipment, warehousing, breaking bulk, and changes in the mode of transport as may take place in the course of such journey.

#### Article 6

##### *Storage of goods in transit*

1. The conditions of storage of goods in transit at the points of entry and exit, and at intermediate stages in the transit State may be established by agreement between the States concerned. The transit States shall grant conditions of storage at least as favourable as those granted to goods coming from or going to their own countries.

2. The tariffs and charges shall be established in accordance with article 4.

#### Article 7

##### *Delays or difficulties in traffic in transit*

1. Except in cases of *force majeure* all measures shall be taken by Contracting States to avoid delays in or restrictions on traffic in transit.

2. Should delays or other difficulties occur in traffic in transit, the competent authorities of the transit State or States and of the land-locked State shall co-operate towards their expeditious elimination.

## Article 8

### *Free zones or other customs facilities*

1. For convenience of traffic in transit, free zones or other customs facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

2. Facilities of this nature may also be provided for the benefit of land-locked States in other transit States which have no sea coast or seaports.

## Article 9

### *Provision of greater facilities*

This Convention does not entail in any way the withdrawal of transit facilities which are greater than those provided for in the Convention and which under conditions consistent with its principles, are agreed between Contracting States or granted by a Contracting State. The Convention also does not preclude such grant of greater facilities in the future.

## Article 10

### *Relation to most-favoured-nation clause*

1. The Contracting States agree that the facilities and special rights accorded by this Convention to land-locked States in view of their special geographical position are excluded from the operation of the most-favoured-nation clause. A land-locked State which is not a Party to this Convention may claim the facilities and special rights accorded to land-locked States under this Convention only on the basis of the most-favoured-nation clause of a treaty between that land-locked State and the Contracting State granting such facilities and special rights.

2. If a Contracting State grants to a land-locked State facilities or special rights greater than those provided for in this Convention, such facilities or special rights may be limited to that land-locked State, except in so far as the withholding of such greater facilities or special rights from any other land-locked State contravenes the most-favoured-nation provision of a treaty between such other land-locked State and the Contracting State granting such facilities or special rights.

## Article 11

### *Exceptions to Convention on grounds of public health, security, and protection of intellectual property*

1. No Contracting State shall be bound by this Convention to afford transit to persons whose admission into its territory is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public morals, public health or security, or as a precaution against diseases of animals or plants or against pests.

2. Each Contracting State shall be entitled to take reasonable precautions and measures to ensure that persons and goods, particularly goods which are the subject of a monopoly, are really in transit, and that the means of transport are really used for the passage of such goods, as well as to protect the safety of the routes and means of communication.

3. Nothing in this Convention shall affect the measures which a Contracting State may be called upon to take in pursuance of provisions in a general international convention, whether of a world-wide or regional character, to which it is a party, whether such convention was already concluded on the date of this Convention or is concluded later, when such provisions relate:

(a) to export or import or transit of particular kinds of articles such as narcotics, or other dangerous drugs, or arms; or

(b) to protection of industrial, literary or artistic property, or protection of trade names, and indications of source or appellations of origin, and the suppression of unfair competition.

4. Nothing in this Convention shall prevent any Contracting State from taking any action necessary for the protection of its essential security interests.

## Article 12

### *Exceptions in case of emergency*

The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency endangering its political existence or its safety may, in exceptional cases and for as short a period as possible, involve a deviation from the provisions of this Convention on the understanding that the principle of freedom of transit shall be observed to the utmost possible extent during such a period.

## Article 13

### *Application of the Convention in time of war*

This Convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The Convention shall, however, continue in force in time of war so far as such rights and duties permit.

## Article 14

### *Obligations under the Convention and rights and duties of United Nations Members*

This Convention does not impose upon a Contracting State any obligation conflicting with its rights and duties as a Member of the United Nations.

## Article 15

### *Reciprocity*

The provisions of this Convention shall be applied on a basis of reciprocity.

## Article 16

### *Settlement of disputes*

1. Any dispute which may arise with respect to the interpretation or application of the provisions of this Convention which is not settled by negotiation or by other peaceful means of settlement within a period of nine months shall, at the request of either party, be settled by arbitration. The arbitration commission shall be composed of three members. Each party to the dispute shall appoint one member to the commission, while the third member, who shall be the Chairman, shall be chosen in common agreement between the parties. If the parties fail to agree on the designation of the third member within a period of three months, the third member shall be appointed by the President of the International Court of Justice. In case any of the parties fail to make an appointment within a period of three months the President of the International Court of Justice shall fill the remaining vacancy or vacancies.

2. The arbitration commission shall decide on the matters placed before it by simple majority and its decisions shall be binding on the parties.

3. Arbitration commissions or other international bodies charged with settlement of disputes under this Convention shall inform, through the Secretary-General of the United Nations, the other Contracting States of the existence and nature of disputes and of the terms of their settlement.

#### Article 17

##### *Signature*

The present Convention shall be open until 31 December 1965 for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

#### Article 18

##### *Ratification*

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### Article 19

##### *Accession*

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 17. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### Article 20

##### *Entry into force*

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the instruments of ratification or accession of at least two land-locked States and two transit States having a sea coast.

2. For each State ratifying or acceding to the Convention after the deposit of the instruments of ratification or accession necessary for the entry into force of this Convention in accordance with paragraph 1 of this article, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### Article 21

##### *Revision*

At the request of one third of the Contracting States, and with the concurrence of the majority of the Contracting States, the Secretary-General of the United Nations shall convene a Conference with a view to the revision of this Convention.

#### Article 22

##### *Notifications by the Secretary-General*

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article 17:

(a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles 17, 18 and 19;

(b) of the date on which the present Convention will enter into force, in accordance with article 20;

(c) of requests for revision, in accordance with article 21.

## Article 23

### *Authentic texts*

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article 17.

*In witness whereof* the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Done at the Headquarters of the United Nations, New York, this eighth day of July, one thousand nine hundred and sixty-five.

### **(b) Resolutions adopted by the Conference**

#### **I. RESOLUTION ON FACILITATION OF MARITIME TRADE OF LAND-LOCKED COUNTRIES, ADOPTED BY THE CONFERENCE AT ITS 34TH PLENARY MEETING HELD ON 6 JULY 1965**

*The United Nations Conference on Transit Trade of Land-Locked Countries, 1965,*

*Recognizing* that the Convention on Facilitation of International Maritime Traffic, 1965, and its Annex, adopted at the International Conference on Facilitation of Maritime Travel and Transport, held in London in 1965, is applicable to the maritime trade of land-locked countries through the operation of paragraph two of article Two of that Convention,

*Considering* that the application of that Convention and its Annex may greatly benefit maritime travel and transport, including the flow of transit trade of land-locked countries,

*Invites* the attention of the States represented at this Conference to the Final Act of the International Conference on Facilitation of Maritime Travel and Transport, 1965, which includes the Convention on Facilitation of International Maritime Traffic adopted by that Conference, and

*Expresses the hope* that the Inter-Governmental Maritime Consultative Organization will take appropriate measures within the scope of the above-mentioned Convention and its Annex and Resolutions Four and Five of the Conference on Facilitation of Maritime Travel and Transport, to facilitate the transit trade of land-locked countries.

#### **II. RESOLUTION ADOPTED BY THE CONFERENCE AT ITS 36TH PLENARY MEETING HELD ON 8 JULY 1965**

*The Conference on Transit Trade of Land-locked Countries,*

*Noting* the joint effort made by the participating States to adopt a Convention for recognizing the need of land-locked countries for adequate transit facilities in promoting international trade,

*Recognizing* that as the transit trade of land-locked countries, comprising one fifth of the nations of the world, is of the utmost importance to economic co-operation and expansion of international trade,

*Recommends* that all States which have been invited to the Conference examine, as soon as possible and in a sympathetic spirit, the possibility of becoming Parties to the Convention,

*Further recommends* that the Trade and Development Conference and its organs should give close and serious attention to the importance of the provisions of the Convention on Transit Trade of Land-locked States adopted at United Nations Headquarters on 8 July 1965,

*Recommends* that the Secretary-General through the technical co-operation organs of the United Nations and through the regional economic commissions should extend assistance in furthering transit trade to the members of the United Nations land-locked or transit States alike upon their request, within the framework of the established procedures of the United Nations and its related agencies.

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**B. Treaties concerning international law concluded under the auspices of inter-governmental organizations related to United Nations**

**1. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS**

**AMENDMENTS TO THE FAO CONSTITUTION**

**(a) Amendment to the Preamble of the Constitution: Resolution No. 12/65 (Amendment of the Preamble of the Constitution)**

*The Conference*

*Considering* that the ultimate aim of all the work of the Organization as reflected in its purposes, functions and responsibilities, embodied in the Constitution of the Organization is to ensure the fundamental right of everyone to be free from hunger;

*Decides* to amend the Preamble of the Constitution of the Organization by the addition of the words underlined below:

“The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purpose of:

raising levels of nutrition and standards of living of peoples under their respective jurisdictions;

securing improvements in the efficiency of the production and distribution of all food and agricultural products;

bettering the condition of rural populations;

and thus contributing toward an expanding world economy *and ensuring humanity's freedom from hunger*;

hereby establish the Food and Agriculture Organization of the United Nations, herein-after referred to as the “Organization”, through which the Members will report to one another on the measures taken and the progress achieved in the field of action set forth above.”

1 December 1965

**(b) Amendment to Article V-I of the Constitution**

**Article V-I:<sup>1</sup>**

“A Council of the Organization consisting of [twenty-seven] *thirty-one* Member Nations shall be elected by the Conference...”

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<sup>1</sup> Words in italics to be added, bracketed words to be omitted.



(c) Amendment to Article V-6 of the Constitution:  
Resolution No. 13/65 (Committee on Fisheries)

*The Conference*

*Noting* that one of the major proposals prepared by the Director-General in response to Resolution 8/63 adopted at the Twelfth Session of the Conference is for the establishment of a permanent Committee on Fisheries within the framework of FAO;

*Agreeing* with the view expressed by the Council at its Forty-Third Session that the desired ends in international collaboration in fisheries might best be achieved through the establishment of a permanent Committee on Fisheries, consisting of selected Member Nations to deal with these matters and to advise the Conference and Council as well as the Director-General on the formulation, implementation and co-ordination of policy and on the Organization's programmes and activities in this field;

*Agreeing* further with the recommendation made by the Council at its Forty-Fourth Session that, in view of the considerations set out in the Director-General's proposals and the comments made at the *Ad Hoc* Committee on Conference Resolution 8/63 established by the Council at its Forty-Third Session, a Committee on Fisheries should be established by amending Article V of the Constitution, and that the composition and terms of reference of such a Committee should be governed by a Rule to be added to the General Rules of the Organization;

*Also agreeing* with the further recommendation by the Forty-Fourth Session of the Council that non-Member Nations should be eligible for membership in the subsidiary bodies of the Committee on Fisheries in the same way as they are for membership in Commodity Study Groups;

*Adopts* the following amendment to Article V-6 of the Constitution (words in italics to be added);

“6. To assist the Council in performing its functions, the Council shall appoint a Programme Committee, a Finance Committee, a Committee on Commodity Problems, *a Committee on Fisheries* and a Committee on Constitutional and Legal Matters. These Committees shall report to the Council and their composition and terms of reference shall be governed by rules adopted by the Conference.”

*Amends* the General Rules of the Organization by adding after Rule XXIX a new Rule XXX, the text of which shall read as follows:

Rule XXX

*Committee on Fisheries*

1. The Committee on Fisheries provided for in paragraph 6 of Article V of the Constitution shall be composed of not more than thirty Member Nations elected by the Council for a period of two years at the session of the Council immediately following the regular session of the Conference. In selecting the members of the Committee the Council shall give due consideration to the desirability of ensuring adequate representation both of nations with special interests in fisheries and of nations having interests in different parts of the oceans and inland waters. The Council shall, as well, give due consideration to continuity of experience in matters dealt with by the Committee. The members of the Committee shall be eligible for re-election. The Committee shall elect its own Chairman from among its members.

...

6. The Committee shall:

...

...

(d) Consider the desirability of preparing and submitting to Member Nations an international convention under Article XIV of the Constitution to ensure effective international co-operation and consultation in fisheries on a world scale;

...

10. The Committee may, when necessary, establish sub-committees, subsidiary working parties or study groups subject to the necessary funds being available in the relevant chapter of the approved budget of the Organization, and may include in the membership of such sub-committees, subsidiary working parties or study groups Member Nations that are not members of the Committee and Associate Members. The Council may admit to membership of sub-committees, subsidiary working parties and study groups established by the Committee nations which, while not Member Nations or Associated Members of the Organization, are members of the United Nations. Former Member Nations of the Organization that have withdrawn leaving arrears of contributions shall not be admitted to membership until such time as they have paid up all such arrears, or the Conference has approved an arrangement for the settlement thereof, or unless the Council in special circumstances decides otherwise with respect to such admission.

1 December 1965

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## 2. INTERNATIONAL TELECOMMUNICATION UNION

### (a) International Telecommunication Convention (Montreux, 1965). Done at Montreux on 12 November 1965

#### PREAMBLE

- 1 While fully recognizing the sovereign right of each country to regulate its telecommunication, the plenipotentiaries of the Contracting Governments, with the object of facilitating relations and co-operation between the peoples by means of efficient telecommunication services, have agreed to conclude the following Convention.
- 2 The countries and groups of territories which become parties to the present Convention constitute the International Telecommunication Union.

#### CHAPTER I

#### Composition, Purposes and Structure of the Union

#### Article 1

##### *Composition of the Union*

- 3 1. The International Telecommunication Union shall comprise Members and Associate Members.
- 4 2. A Member of the Union shall be:
  - 5 (a) any country or group of territories listed in Annex 1 upon signature and ratification of, or accession to, this Convention by it or on its behalf;
  - 6 (b) any country, not listed in Annex 1, which becomes a Member of the United Nations and which accedes to this Convention in accordance with Article 19;
  - 7 (c) any sovereign country, not listed in Annex 1 and 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 Convention in accordance with Article 19.
- 7 3. An Associate Member of the Union shall be:
  - (a) any country which has not become a Member of the Union in accordance with 4 to 6, by acceding to this Convention in accordance with Article 19, after its

application for Associate Membership has received approval by a majority of the Members of the Union;

- 8 (b) any territory or group of territories not fully responsible for the conduct of its international relations, on behalf of which a Member of the Union has signed and ratified or has acceded to this Convention in accordance with Article 19 or 20, provided that its application for Associate Membership is sponsored by such a Member, after the application has received approval by a majority of the Members of the Union;
- 9 (c) any trust territory on behalf of which the United Nations has acceded to this Convention in accordance with Article 21, and the application of which for Associate Membership has been sponsored by the United Nations.
- 10 4. If any territory or group of territories, forming part of a group of territories constituting a Member of the Union, becomes or has become an Associate Member of the Union in accordance with 8, its rights and obligations under this Convention shall be those of an Associate Member only.
- 11 5. For the purpose of 6, 7 and 8, if an application for Membership or Associate Membership is made, by diplomatic channel and through the intermediary of the country of the seat of the Union, 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 2

### *Rights and Obligations of Members and Associate Members*

- 12 1. (1) All Members shall be entitled to participate in conferences of the Union and shall be eligible for election to any of its organs.
- 13 (2) Each Member shall have one vote at all conferences of the Union, at meetings of the International Consultative Committees in which it participates and, if it is a Member of the Administrative Council, at all sessions of that Council.
- 14 (3) Each Member shall also have one vote in all consultations carried out by correspondence.
- 15 2. Associate Members shall have the same rights and obligations as Members of the Union, except that they shall not have the right to vote in any conference or other organ of the Union or to nominate candidates for membership of the International Frequency Registration Board. They shall not be eligible for election to the Administrative Council.

## Article 3

### *Seat of the Union*

- 16 The seat of the Union shall be at Geneva.

## Article 4

### *Purposes of the Union*

- 17 1. The purposes of the Union are:
- (a) to maintain and extend international co-operation for the improvement and rational use of telecommunications of all kinds;

- 18 (b) 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 avail-  
able to the public;
- 19 (c) to harmonize the actions of nations in the attainment of those common ends.
- 20 2. To this end, the Union shall in particular:
- (a) effect allocation of the radio frequency spectrum and registration of radio fre-  
quency assignments in order to avoid harmful interference between radio sta-  
tions of different countries;
- 21 (b) co-ordinate efforts to eliminate harmful interference between radio stations of  
different countries and to improve the use made of the radio frequency spec-  
trum;
- 22 (c) foster collaboration among its Members and Associate 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 inde-  
pendent financial administration of telecommunication on a sound basis;
- 23 (d) foster the creation, development and improvement of telecommunication equip-  
ment and networks in new or developing countries by every means at its dispo-  
sal, especially its participation in the appropriate programmes of the United  
Nations;
- 24 (e) promote the adoption of measures for ensuring the safety of life through the  
co-operation of telecommunication services;
- 25 (f) undertake studies, make regulations, adopt resolutions, formulate recommen-  
dations and opinions, and collect and publish information concerning telecom-  
munication matters for the benefit of all Members and Associate Members.

#### Article 5

##### *Structure of the Union*

- 26 The organization of the Union shall be as follows:
1. the Plenipotentiary Conference, which is the supreme organ of the Union;
- 27 2. Administrative Conferences;
- 28 3. the Administrative Council;
- 29 4. the permanent organs of the Union, which are:
- (a) the General Secretariat;
- 30 (b) the International Frequency Registration Board (I.F.R.B.);
- 31 (c) the International Radio Consultative Committee (C.C.I.R.);
- 32 (d) the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.).

#### Article 6

##### *Plenipotentiary Conference*

- 33 1. The Plenipotentiary Conference, supreme organ of the Union, shall be composed  
of delegations representing Members and Associate Members.
- 34 2. The Plenipotentiary Conference shall:

- (a) determine the general policies for fulfilling the purposes of the Union prescribed in Article 4 of this Convention;
  - 35 (b) consider the report by the Administrative Council on its activities and those of the Union since the previous Plenipotentiary Conference;
  - 36 (c) establish the basis for the budget of the Union and determine a fiscal limit for the expenditure of the Union until the next Plenipotentiary Conference;
  - 37 (d) fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union;
  - 38 (e) finally approve the accounts of the Union;
  - 39 (f) elect the Members of the Union which are to serve on the Administrative Council;
  - 40 (g) elect the Secretary-General and the Deputy Secretary-General and fix the dates of their taking office;
  - 41 (h) revise the Convention if it considers this necessary;
  - 42 (i) conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded, on behalf of the Union, by the Administrative Council, and take such measures in connection therewith as it deems appropriate;
  - 43 (j) deal with such other telecommunication questions as may be necessary.
- 44 3. The Plenipotentiary Conference shall normally meet at a date and place decided on by the preceding Plenipotentiary Conference.
- 45 4. (1) The date and place of the next Plenipotentiary Conference, or either one of these, may be changed:
- 46 (a) when at least one-quarter of the Members and Associate Members of the Union have individually proposed a change to the Secretary-General, or,
- 47 (b) on a proposal of the Administrative Council.
- 48 (2) In either case a new date or place or both shall be determined with the concurrence of a majority of the Members of the Union.

## Article 7

### *Administrative Conferences*

- 49 1. Administrative conferences of the Union shall comprise:
- (a) world administrative conferences;
- 50 (b) regional administrative conferences.
- 51 2. Administrative conferences shall normally be convened to consider specific telecommunication matters. Only items included in their agenda may be discussed by such conferences. The decisions of such conferences must in all circumstances be in conformity with the provisions of the Convention.
- 52 3. (1) The agenda of a world administrative conference may include:
- (a) the partial revision of the Administrative Regulations listed in 203;
- 53 (b) exceptionally, the complete revision of one or more of those Regulations;
- 54 (c) any other question of a worldwide character within the competence of the conference.

- 55 (2) The agenda of a regional administrative conference may provide only for specific telecommunication questions of a regional nature, including instructions to the International Frequency Registration Board regarding its activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Furthermore, the decisions of such a conference must in all circumstances be in conformity with the provisions of the Administrative Regulations.
- 56 4. (1) The agenda of an administrative conference shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union in the case of a world administrative conference, or of a majority of the Members belonging to the region concerned in the case of a regional administrative conference, subject to the provisions of 76.
- 57 (2) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.
- 58 (3) The following items may also be included in the agenda of a world administrative conference dealing with radiocommunication:
- (a) the election of the members of the International Frequency Registration Board in accordance with 172 to 174;
- 59 (b) instructions to the Board regarding its activities and a review of those activities.
- 60 5. (1) A world administrative conference shall be convened:
- (a) by a decision of a Plenipotentiary Conference which may fix the date and place of its meeting;
- 61 (b) on the recommendation of a previous world administrative conference;
- 62 (c) at the request of at least one-quarter of the Members and Associate Members of the Union, who shall individually address their requests to the Secretary-General; or
- 63 (d) on a proposal of the Administrative Council.
- 64 (2) In the cases specified in 61, 62 and 63 and, if necessary, in the case specified in 60, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union, subject to the provisions of 76.
- 65 6. (1) A regional administrative conference shall be convened:
- (a) by a decision of a Plenipotentiary Conference;
- 66 (b) on the recommendation of a previous world or regional administrative conference;
- 67 (c) at the request of at least one-quarter of the Members and Associate Members belonging to the region concerned, who shall individually address their requests to the Secretary-General; or
- 68 (d) on a proposal of the Administrative Council.
- 69 (2) In the cases specified in 66, 67 and 68 and, if necessary, in the case specified in 65, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union belonging to the region concerned, subject to the provisions of 76.
- 70 7. (1) The agenda, or date or place of an administrative conference may be changed;
- (a) at the request of at least one-quarter of the Members and Associate Members of the Union, in the case of a world administrative conference, or of at

least one-quarter of the Members and Associate Members of the Union belonging to the region concerned in the case of a regional administrative conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Administrative Council for approval; or

71 (b) on a proposal of the Administrative Council.

72 (2) In cases specified in 70 and 71, the changes proposed shall not be finally adopted until accepted by a majority of the Members of the Union, in the case of a world administrative conference, or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional administrative conference, subject to the provisions of 76.

73 8. (1) The Administrative Council may deem it advisable for the main session of an administrative conference to be preceded by a preparatory meeting to draw up proposals for the technical bases of the work of the conference.

74 (2) The convening of such a preparatory meeting and its agenda must be approved by a majority of the Members of the Union in the case of a world administrative conference, or by a majority of the Members of the Union belonging to the region concerned in the case of a regional administrative conference, subject to the provisions of 76.

75 (3) Unless the Plenary Meeting of a preparatory session of an administrative conference decides otherwise, the texts finally approved by it will be assembled in a report which will also be approved by a Plenary Meeting and signed by the Chairman.

76 9. In the consultations referred to in 56, 64, 69, 72 and 74, Members of the Union who have not replied within the time limits specified by the Administrative Council shall be regarded as not participating in the consultations, and in consequence shall not be taken into account in computing the majority. If the number of replies does not exceed one-half of the Members consulted, a further consultation shall take place.

## Article 8

### *Rules of Procedure of Conferences and Assemblies*

77 For the organization of their work and the conduct of their discussions, conferences and assemblies shall apply the Rules of Procedure in the General Regulations annexed to the Convention. However, each conference or assembly may adopt such rules of procedure, in amplification of those in Chapter 9 of the General Regulations, which it considers to be indispensable, provided that such additional rules of procedure are compatible with the Convention and the General Regulations.

## Article 9

### *Administrative Council*

#### A. Organization and working arrangements

78 1. (1) The Administrative Council shall be composed of twenty-nine Members of the Union elected by the Plenipotentiary Conference with due regard to the need for equitable representation of all parts of the world. The Members of the Union elected to the Council shall hold office until the date on which a new Council is elected by the Plenipotentiary Conference. They shall be eligible for re-election.

79 (2) If between two Plenipotentiary Conferences a seat becomes vacant on the Administrative Council, it shall pass by right to the Member of the Union from the same

region as the Member whose seat is vacated, which had obtained at the previous election the largest number of votes among those not elected.

- 80           (3) A seat on the Administrative Council shall be considered vacant:
- (a) when a Council Member does not have a representative in attendance at two consecutive annual sessions of the Administrative Council;
- 81           (b) when a Member of the Union resigns its membership on the Council.
- 82       2. Each of the Members of the Administrative Council shall appoint to serve on the Council a person who shall, so far as possible, be an official serving in, or directly responsible to, or for, their telecommunications administration and qualified in the field of telecommunication services.
- 83       3. Each Member of the Administrative Council shall have one vote.
- 84       4. The Administrative Council shall adopt its own Rules of Procedure.
- 85       5. The Administrative Council shall elect its own Chairman and Vice-Chairman at the beginning of each annual session. They shall serve until the opening of the next annual session and shall be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.
- 86       6. (1) The Administrative Council shall hold an annual session at the seat of the Union.
- 87           (2) During this session it may decide to hold, exceptionally, an additional session.
- 88           (3) Between ordinary sessions, it may be convened, as a general rule at the seat of the Union, by its Chairman at the request of a majority of its Members.
- 89       7. The Secretary-General and the Deputy Secretary-General, the Chairman and the Vice-Chairman of the International Frequency Registration Board and the Directors of the International Consultative Committees may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to its own members.
- 90       8. The Secretary-General shall act as Secretary of the Administrative Council.
- 91       9. (1) In the interval between Plenipotentiary Conferences, the Administrative Council shall act on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.
- 92           (2) The Council shall act only in formal session.
- 93       10. The representative of each Member of the Administrative Council shall have the right to attend, as an observer, all meetings of the permanent organs of the Union mentioned in 30, 31 and 32.
- 94       11. Only the travelling and subsistence expenses incurred by the representative of each Member of the Administrative Council in this capacity at Council sessions shall be borne by the Union.

#### B. Duties

- 95       12. (1) The Administrative Council shall be responsible for taking all steps to facilitate the implementation by the Members and Associate Members of the provisions of the Convention, of the Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union.
- 96           (2) It shall ensure the efficient co-ordination of the work of the Union.



- 97      13. In particular, the Administrative Council shall:
- 98      (a) perform any duties assigned to it by the Plenipotentiary Conference;
- 99      (b) in the interval between Plenipotentiary Conferences, be responsible for  
effecting the co-ordination with all international organizations referred to  
in Articles 29 and 30, and to this end, shall conclude, on behalf of the  
Union, provisional agreements with the international organizations re-  
ferred to in Article 30, and with the United Nations in application of the  
Agreement between the United Nations and the International Telecom-  
munication Union; these provisional agreements shall be submitted to the  
next Plenipotentiary Conference in accordance with 42;
- 100      (c) decide on the numbers and grading of the staff of the General Secretariat  
and of the specialized secretariats of the permanent organs of the Union,  
taking into account the general directives given by the Plenipotentiary  
Conference;
- 101      (d) draw up such regulations as it may consider necessary for the adminis-  
trative and financial activities of the Union; and also the administrative  
regulations to take account of current practice of the United Nations and  
of the specialized agencies applying the Common System of pay, allow-  
ances and pensions;
- 102      (e) supervise the administrative functions of the Union;
- 103      (f) review and approve the annual budget of the Union, ensuring the strictest  
possible economy;
- 104      (g) arrange for the annual audit of the accounts of the Union prepared by the  
Secretary-General and approve them for submission to the next Pleni-  
potentiary Conference;
- 105      (h) adjust as necessary:
- 106          1. the basic salary scales for staff in the professional categories and  
above, excluding the salaries for posts filled by election, to accord  
with any changes in the basic salary scales adopted by the United  
Nations for the corresponding Common System categories;
- 107          2. the basic salary scales for staff in the general service categories to  
accord with changes in the rates applied by the United Nations or-  
ganization and the specialized agencies at the seat of the Union;
- 108          3. the post adjustment for professional categories and above, including  
posts filled by election, in accordance with decisions of the United  
Nations for application at the seat of the Union;
- 109          4. the allowances for all staff of the Union, in accordance with any  
changes adopted in the United Nations Common System;
- 110          5. the contributions payable by the Union and the staff to the United  
Nations Joint Staff Pension Fund, in accordance with the decisions  
of the United Nations Joint Staff Pension Board;
- 111          6. the cost-of-living allowances granted to beneficiaries of the Union  
Staff Superannuation and Benevolent Funds on the basis of practice  
in the United Nations.
- 112      (i) arrange for the convening of plenipotentiary and administrative con-  
ferences of the Union in accordance with Articles 6 and 7;
- 113      (j) offer to the Plenipotentiary Conference of the Union any recommenda-  
tions deemed useful;

- 112           (k) co-ordinate the activities of the permanent organs of the Union, take such  
              action as it deems appropriate on requests or recommendations made to it  
              by such organs, and review their annual reports;
- 113           (l) provide, if it considers it desirable, for the filling *ad interim* of a vacancy  
              for Deputy Secretary-General;
- 114           (m) provide for the filling *ad interim* of vacancies for Directors of the Inter-  
              national Consultative Committees;
- 115           (n) perform the other functions prescribed for it in this Convention and,  
              within the framework of the Convention and the Regulations, any func-  
              tions deemed necessary for the proper administration of the Union;
- 116           (o) take the necessary steps, with the agreement of a majority of the Members  
              of the Union, provisionally to resolve questions which are not covered by  
              the Convention and its Annexes and cannot await the next competent con-  
              ference for settlement;
- 117           (p) submit a report on its activities and those of the Union for consideration  
              by the Plenipotentiary Conference;
- 118           (q) send to Members and Associate Members of the Union, as soon as pos-  
              sible after each of its sessions, summary reports on the activities of the  
              Administrative Council and other documents deemed useful;
- 119           (r) promote international co-operation for the provision of technical co-opera-  
              tion to the new or developing countries by every means at its disposal,  
              especially through the participation of the Union in the appropriate  
              programmes of the United Nations; and, in accordance with the purposes  
              of the Union, to promote by all possible means, the development of tele-  
              communication.

## Article 10

### *General Secretariat*

- 120           1. (1) The General Secretariat shall be directed by a Secretary-General, assisted  
              by one Deputy Secretary-General.
- 121           (2) The Secretary-General and the Deputy Secretary-General shall take up  
              their duties on the dates determined at the time of their election. They shall normally  
              remain in office until dates determined by the following Plenipotentiary Conference,  
              and they shall be eligible for re-election.
- 122           (3) The Secretary-General shall be responsible to the Administrative Council  
              for all administrative and financial aspects of the Union's activities. The Deputy  
              Secretary-General shall be responsible to the Secretary-General.
- 123           (4) If the post of Secretary-General falls vacant, the Deputy Secretary-General  
              shall discharge the duties *ad interim*.
- 124           2. The Secretary-General shall:
  - (a) co-ordinate the activities of the permanent organs of the Union with the assistance  
          of the Co-ordination Committee referred to in Article 11;
  - 125           (b) organize the work of the General Secretariat and appoint the staff of that Secre-  
              tariat in accordance with the directives of the Plenipotentiary Conference and  
              the rules established by the Administrative Council;
  - 126           (c) undertake administrative arrangements for the specialized secretariats of the  
              permanent organs of the Union and appoint the staff of those secretariats in

- agreement with the Head of each permanent organ; the appointments shall be made on the basis of the latter's choice, but the final decision for appointment or dismissal shall rest with the Secretary-General;
- 127 (d) report to the Administrative Council any decisions taken by the United Nations and the specialized agencies which affect Common System conditions of service, allowances and pensions;
  - 128 (e) ensure the application of the financial and administrative regulations approved by the Administrative Council;
  - 129 (f) supervise, for administrative purposes only, the staff of those specialized secretariats who shall work directly under the orders of the Heads of the permanent organs of the Union;
  - 130 (g) undertake secretarial work preparatory to, and following, conferences of the Union;
  - 131 (h) provide, where appropriate in co-operation with the inviting government, the secretariat of every conference of the Union and provide the facilities and services for meetings of the permanent organs of the Union in collaboration with their respective Heads. The Secretary-General may also, when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;
  - 132 (i) keep up-to-date the official lists, compiled from data supplied for this purpose by the permanent organs of the Union or by Administrations, with the exception of the master registers and such other essential records as may be related to the duties of the International Frequency Registration Board;
  - 133 (j) publish the recommendations and principal reports of the permanent organs of the Union;
  - 134 (k) publish international and regional telecommunication agreements communicated to him by the parties thereto, and keep up-to-date records of these agreements;
  - 135 (l) publish the technical standards of the International Frequency Registration Board, as well as such other data concerning the assignment and utilization of frequencies as are prepared by the Board in the discharge of its duties;
  - 136 (m) prepare, publish and keep up-to-date with the assistance, where appropriate, of the other permanent organs of the Union:
    - 137 1. a record of the composition and structure of the Union;
    - 138 2. the general statistics and the official service documents of the Union as prescribed by the Regulations annexed to the Convention;
    - 139 3. such other documents as conferences or the Administrative Council may direct;
  - 140 (n) distribute the published documents;
  - 141 (o) collect and publish, in suitable form, data, both national and international, regarding telecommunication throughout the world;
  - 142 (p) assemble and publish, in co-operation with the other permanent organs of the Union, both technical and administrative information that might be specially useful to new or developing countries in order to help them to improve their telecommunication networks. Their attention shall also be drawn to the possibilities offered by the international programmes under the auspices of the United Nations;
  - 143 (q) collect and publish such information as would be of assistance to Members and Associate Members regarding the development of technical methods with a view

- to achieving the most efficient operation of telecommunication services and especially the best possible use of radio frequencies so as to diminish interference;
- 144 (r) publish periodically, with the help of information put at his disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;
- 145 (s) prepare and submit to the Administrative Council annual budget estimates which, after approval by the Council, shall be transmitted for information to all Members and Associate Members;
- 146 (t) prepare a financial operating report and accounts to be submitted annually to the Administrative Council and recapitulative accounts immediately preceding each Plenipotentiary Conference; these accounts, after audit and approval by the Administrative Council, shall be circulated to the Members and Associate Members and be submitted to the next Plenipotentiary Conference for examination and final approval;
- 147 (u) prepare an annual report on the activities of the Union which, after approval by the Administrative Council, shall be transmitted to all Members and Associate Members;
- 148 (v) perform all other secretarial functions of the Union;
- 149 (w) act as the legal representative of the Union.
- 150 3. The Deputy Secretary-General 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.
- 151 4. The Secretary-General or the Deputy Secretary-General may participate, in a consultative capacity, in Plenary Assemblies of the International Consultative Committees and in all conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union; their participation in the meetings of the Administrative Council is governed by 89.

## Article 11

### *Co-ordination Committee*

- 152 1. (1) The Secretary-General shall be assisted by a Co-ordination Committee which shall advise him on administrative, financial and technical co-operation matters affecting more than one permanent organ and on external relations and public information.
- 153 (2) The Committee shall also consider any important matters referred to it by the Administrative Council. After examining them, the Committee will report, through the Secretary-General, to the Council.
- 154 (3) The Committee shall, in particular, help the Secretary-General in the duties assigned to him under 144, 145, 146 and 147.
- 155 (4) The Committee shall examine the progress of the work of the Union in technical co-operation and submit recommendations, through the Secretary-General, to the Administrative Council.
- 156 (5) The Committee shall be responsible for ensuring co-ordination with all the international organizations mentioned in Articles 29 and 30 as regards representation of the permanent organs of the Union at conferences of such organizations.

- 157 2. The Committee shall endeavour to reach conclusions unanimously. The Secretary-General may, however, take decisions even when he does not have the support of two or more other members of the Committee, provided that he judges the matters in question to be of an urgent nature. In such circumstances he shall, if requested by the Committee, report on such matters to the Administrative Council in terms approved by all the members of the Committee. If, in similar circumstances, the matters are not urgent but are important, they shall be referred for consideration to the next session of the Administrative Council.
- 158 3. The Committee shall be presided over by the Secretary-General and shall be composed of the Deputy Secretary-General, the Directors of the International Consultative Committees and the Chairman of the International Frequency Registration Board.
- 159 4. The Committee shall meet when convened by its Chairman and, in general, at least once a month.

## Article 12

### *Elected Officials and Staff of the Union*

- 160 1. The Secretary-General, the Deputy Secretary-General and the Directors of the International Consultative Committees shall all be nationals of different countries, Members of the Union. At their election, due consideration should be given to the principles embodied in 164 and to the appropriate geographical representation of the regions of the world.
- 161 2. (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.
- 162 (2) Each Member and Associate Member shall respect the exclusively international character of the duties of the elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.
- 163 (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.
- 164 3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard must be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## Article 13

### *International Frequency Registration Board*

- 165 1. The essential duties of the International Frequency Registration Board shall be:
- (a) to effect an orderly recording of frequency assignments made by the different countries so as to establish, in accordance with the procedure provided for in the Radio Regulations and in accordance with any decisions which may be taken by competent conferences of the Union, the date, purpose and technical characteristics of each of these assignments, with a view to ensuring formal international recognition thereof;

- 166 (b) to furnish advice to Members and Associate Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur;
- 167 (c) to perform any additional duties, concerned with the assignment and utilization of frequencies, prescribed by a competent conference of the Union, or by the Administrative 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;
- 168 (d) to maintain such essential records as may be related to the performance of its duties.
- 169 2. (1) The International Frequency Registration Board shall consist of five independent members designated in accordance with 172 to 180.
- 170 (2) The members of the Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.
- 171 (3) Moreover, for the more effective understanding of the problems coming before the Board under 166, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.
- 172 3. (1) The five members of the Board shall be elected at intervals of not less than five years by a world administrative conference dealing with general radiocommunication matters. These members shall be chosen from the candidates sponsored by countries, Members of the Union. Each Member of the Union may propose only one candidate who shall be a national of its country. Each candidate shall possess the qualifications described in 170 and 171.
- 173 (2) The election procedure shall be established by the conference itself in such a way as to ensure equitable representation of the various parts of the world.
- 174 (3) At each election any serving member of the Board may be proposed again as a candidate by the country of which he is a national.
- 175 (4) The members of the Board shall take up their duties on the date determined by the world administrative conference which elected them. They shall normally remain in office until the date determined by the conference which elects their successors.
- 176 (5) If in the interval between two world administrative conferences which elect members of the Board, an elected member of the Board should resign or abandon his duties without good cause for a period exceeding thirty days or should die, the country, Member of the Union, of which he is a national shall be asked by the Chairman of the Board to provide a replacement as soon as possible, who shall also be a national of that country.
- 177 (6) If the country, Member of the Union, concerned does not provide a replacement within a period of three months from the date of this request, it shall lose its right to designate a person to serve on the Board for the unexpired period of its current term.
- 178 (7) If in the interval between two world administrative conferences which elect members of the Board, the replacement should resign or abandon his duties without good cause for a period exceeding thirty days or should die, the country, Member of the Union, of which he is a national shall not be entitled to designate a further replacement.
- 179 (8) In the circumstances described in 177 and 178, the Chairman of the Board shall request the Secretary-General to invite the countries, Members of the Union, of the region concerned to propose candidates for the election of a replacement at the next annual session of the Administrative Council.

180 (9) In order to safeguard the efficient operation of the Board, any country a  
national of which has been elected to the Board, shall refrain, as far as possible, from  
recalling that person between two world administrative conferences which elect members  
of the Board.

181 4. (1) The working arrangements of the Board are defined in the Radio Regu-  
lations.

182 (2) The members of the Board shall elect from their own numbers a Chairman  
and a Vice-Chairman, for a period of one year. Thereafter, the Vice-Chairman shall  
succeed the Chairman each year and a new Vice-Chairman shall be elected.

183 (3) The Board shall be assisted by a specialized secretariat.

184 5. (1) The members of the Board shall serve, not as representatives of their re-  
spective countries, or of a region, but as custodians of an international public trust.

185 (2) No member of the Board shall request or receive instructions relating to the  
exercise of his duties from any government or a member thereof, or from any public or  
private organization or person. Furthermore, each Member and Associate Member  
must respect the international character of the Board and of the duties of its members  
and shall refrain from any attempt to influence any of them in the exercise of their  
duties.

#### Article 14

##### *International Consultative Committees*

186 1. (1) The duties of the International Radio Consultative Committee (C.C.I.R.)  
shall be to study technical and operating questions relating specifically to radiocom-  
munication and to issue recommendations on them.

187 (2) The duties of the International Telegraph and Telephone Consultative Com-  
mittee (C.C.I.T.T.) shall be to study technical, operating and tariff questions relating to  
telegraphy and telephony and to issue recommendations on them.

188 (3) In the performance of its duties, each Consultative Committee shall pay due  
attention to the study of questions and to the formulation of recommendations directly  
connected with the establishment, development and improvement of telecommunication  
in new or developing countries in both the regional and international fields.

189 (4) At the request of the countries concerned, each Consultative Committee  
may also study and offer advice concerning their national telecommunication problems.  
The study of such problems should be in accordance with 190.

190 2. (1) The questions studied by each International Consultative Committee, on  
which it shall issue recommendations, shall be those referred to it by the Plenipotentiary  
Conference, by an administrative conference, by the Administrative Council, by the  
other Consultative Committee, or by the International Frequency Registration Board,  
in addition to those decided upon by the Plenary Assembly of the Consultative Committee  
itself, or, in the interval between its Plenary Assemblies, when requested or approved by  
correspondence by at least twenty Members and Associate Members of the Union.

191 (2) The Plenary Assemblies of the International Consultative Committees are  
authorized to submit to administrative conferences proposals arising directly from their  
recommendations or from findings on questions under their study.

192 3. The International Consultative Committees shall have as members:

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

- 193 (b) any recognized private operating agency which, with the approval of the Member or Associate Member which has recognized it, expresses a desire to participate in the work of these Committees.
- 194 4. Each Consultative Committee shall work through the medium of:
- (a) the Plenary Assembly, normally meeting every three years. When a corresponding world administrative conference has been convened, the Plenary Assembly should meet, if possible, at least eight months before this conference;
- 195 (b) study groups, which shall be set up by the Plenary Assembly to deal with questions to be examined;
- 196 (c) a Director elected by the Plenary Assembly initially for a period equal to twice the interval between two consecutive Plenary Assemblies, i.e. normally for six years. He shall be eligible for re-election at each subsequent Plenary Assembly and if re-elected shall then remain in office until the date of the next Plenary Assembly, normally for three years. When the position becomes unexpectedly vacant, the following Plenary Assembly shall elect the new Director;
- 197 (d) a specialized secretariat, which assists the Director;
- 198 (e) laboratories or technical installations set up by the Union.
- 199 5. There shall be a World Plan Committee, and such Regional Plan Committees as may be jointly approved by the Plenary Assemblies of the International Consultative Committees. These Plan Committees shall develop a General Plan for the international telecommunication network to help in planning international telecommunication services. They shall refer to the International Consultative Committees questions the study of which is of particular interest to new or developing countries and which are within the terms of reference of those Consultative Committees.
- 200 6. The Plenary Assemblies and the study group meetings of the Consultative Committees shall observe the Rules of Procedure contained in the General Regulations, annexed to this Convention. They may also adopt additional rules of procedure in accordance with 77. These additional rules of procedure shall be published in the form of a Resolution in the documents of the Plenary Assemblies.
- 201 7. The working arrangements of the Consultative Committees are defined in Part II of the General Regulations annexed to this Convention.

## Article 15

### *Regulations*

- 202 1. Subject to the provisions of Article 8, the General Regulations contained in Annex 4 to this Convention shall have the same force and duration as the Convention.
- 203 2. (1) The provisions of the Convention are completed by the following sets of Administrative Regulations:
- Telegraph Regulations,  
Telephone Regulations,  
Radio Regulations,  
Additional Radio Regulations.
- 204 (2) Ratification of this Convention in accordance with Article 18 or accession in accordance with Article 19 involves acceptance of the General and Administrative Regulations in force at the time of ratification or accession.



205 (3) Members and Associate Members shall inform the Secretary-General of  
their approval of any revision of these Regulations by competent administrative confer-  
ences. The Secretary-General shall inform Members and Associate Members promptly  
regarding receipt of such notifications of approval.

206 3. In case of inconsistency between a provision of the Convention and a provision  
of the Regulations, the Convention shall prevail.

## Article 16

### *Finances of the Union*

207 1. The expenses of the Union shall comprise the costs of:  
(a) the Administrative Council, the General Secretariat, the International Fre-  
quency Registration Board, the secretariats of the International Consultative  
Committees, and the Union's laboratories and technical equipment;  
208 (b) Plenipotentiary Conferences and world administrative conferences;  
209 (c) all meetings of the International Consultative Committees.

210 2. Expenses incurred by the regional administrative conferences referred to in 50  
shall be borne in accordance with their unit classification by all the Members and Asso-  
ciate Members of the region concerned and, where appropriate, on the same basis by  
any Members and Associate Members of other regions which have participated in such  
conferences.

211 3. The Administrative Council shall review and approve the annual budget of the  
Union, taking account of the limits for expenditure set by the Plenipotentiary Conference.

212 4. The expenses of the Union shall be met from the contributions of the Members  
and Associate Members, each Member and Associate Member paying a sum propor-  
tional to the number of units in the class of contribution it has chosen from the following  
scale:

|               |              |
|---------------|--------------|
| 30 Unit class | 8 Unit class |
| 25 Unit class | 5 Unit class |
| 20 Unit class | 4 Unit class |
| 18 Unit class | 3 Unit class |
| 15 Unit class | 2 Unit class |
| 13 Unit class | 1 Unit class |
| 10 Unit class | ½ Unit class |

213 5. Members and Associate Members shall be free to choose their class of contri-  
bution for defraying Union expenses.

214 6. (1) At least six months before the Convention comes into force, each Member  
and Associate Member shall inform the Secretary-General of the class of contribution  
it has chosen.

215 (2) The Secretary-General shall communicate this decision to Members and  
Associate Members.

216 (3) Members and Associate Members who have failed to make known their  
decision before the date specified in 214 shall retain the class of contribution previously  
notified to the Secretary-General.

217 (4) Members and Associate Members may at any time choose a class of con-  
tribution higher than the one already adopted by them.

218 (5) No reduction in a unit classification established in accordance with 214 to  
216 can take effect during the life of the Convention.

- 219 7. Members and Associate Members shall pay in advance their annual contribu-  
tory shares, calculated on the basis of the budget approved by the Administrative  
Council.
- 220 8. (1) Every new Member or Associate Member shall, in respect of the year of its  
accession, pay a contribution calculated as from the first day of the month of accession.
- 221 (2) Should the Convention be denounced by a Member or Associate Member,  
its contribution shall be paid up to the last day of the month in which such denunciation  
takes effect.
- 222 9. The amounts due shall bear interest from the beginning of each financial year  
of the Union at 3% (three per cent) per annum during the first six months, and at 6%  
(six per cent) per annum from the beginning of the seventh month.
- 223 10. The following provisions shall apply to contributions by recognized private  
operating agencies, scientific or industrial organizations and international organizations:
- 224 (a) Recognized private operating agencies and scientific or industrial organizations  
shall share in defraying the expenses of the International Consultative Commit-  
tees in the work of which they have agreed to participate. Recognized private  
operating agencies shall likewise share in defraying the expenses of the adminis-  
trative conferences in which they have agreed to participate, or have partici-  
pated, in accordance with 621 of the General Regulations;
- 225 (b) International organizations shall also share in defraying the expenses of the  
conferences or meetings in which they have been allowed to participate, unless  
exempted by the Administrative Council on condition of reciprocity;
- 226 (c) Recognized private operating agencies, scientific or industrial organizations and  
international organizations which share in defraying the expenses of conferences  
or meetings in accordance with 224 and 225, shall freely choose from the scale  
in 212 their class of contribution for defraying Union expenses, and inform the  
Secretary-General of the class chosen;
- 227 (d) Recognized private operating agencies, scientific or industrial organizations and  
international organizations which share in defraying the expenses of conferences  
or meetings may at any time choose a class of contribution higher than the one  
already adopted by them;
- 228 (e) No reduction in the number of contributory units shall take effect during the  
life of the Convention;
- 229 (f) In the case of denunciation of participation in the work of an International  
Consultative Committee, the contribution shall be paid up to the last day of the  
month in which such denunciation takes effect;
- 230 (g) The amount of the contribution per unit payable by recognized private operating  
agencies and scientific or industrial organizations or international organiza-  
tions towards the expenses of the International Consultative Committees in the  
work of which they have agreed to participate shall be fixed annually by the  
Administrative Council. The contributions shall be considered as Union  
income. They shall bear interest in accordance with the provisions of 222;
- 231 (h) The amount of the contribution per unit payable towards the expenses of  
administrative conferences by recognized private operating agencies which  
participate in accordance with 621 of the General Regulations and by partici-  
pating international organizations shall be fixed by dividing the total amount  
of the budget of the Conference in question by the total number of units con-  
tributed by Members and Associate 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 222.

232 11. Expenses incurred by laboratories and technical installations of the Union in measurements, testing, or special research for individual Members or Associate Members, groups of Members or Associate Members, or regional organizations or others, shall be borne by those Members or Associate Members, groups, organizations or others.

233 12. The sale price of documents sold to administrations, recognized private operating agencies or individuals, shall be determined by the Secretary-General, in collaboration with the Administrative Council, bearing in mind that the cost of printing and distribution should, in general, be covered by the sale of the documents.

## Article 17

### *Languages*

234 1. (1) The official languages of the Union shall be Chinese, English, French, Russian and Spanish.

235 (2) The working languages of the Union shall be English, French and Spanish.

236 (3) In case of dispute, the French text shall be authentic.

237 2. (1) The final documents of the plenipotentiary and administrative conferences' their final acts, protocols, resolutions, recommendations and opinions, shall be drawn up in the official languages of the Union, in versions equivalent in form and content.

238 (2) All other documents of these conferences shall be issued in the working languages of the Union.

239 3. (1) The official service documents of the Union as prescribed by the Administrative Regulations shall be published in the five official languages.

240 (2) All other documents for general distribution prepared by the Secretary-General in the course of his duties shall be drawn up in the three working languages.

241 4. Any of the documents referred to in 237 to 240 may be published in languages other than those there specified, provided that the Members or Associate Members requesting such publication undertake to defray the whole of the cost of translation and publication involved.

242 5. (1) At conferences of the Union and whenever it is necessary at meetings of its permanent organs and of the Administrative Council, the debates shall be conducted with the aid of an efficient system of reciprocal interpretation between the three working languages and Russian.

243 (2) When all participants in a meeting agree, the debates may be conducted in fewer than the four languages mentioned above.

244 6. (1) At conferences of the Union and at meetings of its permanent organs and of the Administrative Council, languages other than those mentioned in 235 and 242 may be used:

245 (a) if an application is made to the Secretary-General or to the Head of the permanent organ concerned to provide for the use of an additional language or languages, oral or written, provided that the additional cost so incurred shall be borne by those Members and Associate Members which have made or supported the application;

- 246 (b) if any delegation itself makes arrangements at its own expense for oral  
translation from its own language into any one of the languages referred  
to in 242.
- 247 (2) In the case provided for in 245, the Secretary-General or the Head of the  
permanent organ concerned shall comply to the extent practicable with the application,  
having first obtained from the Members or Associate Members concerned an undertaking  
that the cost incurred will be duly repaid by them to the Union.
- 248 (3) In the case provided for in 246, the delegation concerned may, furthermore,  
if it wishes, arrange at its own expense for oral translation into its own language from one  
of the languages referred to in 242.

## CHAPTER II

### Application of the Convention and Regulations

#### Article 18

##### *Ratification of the Convention*

- 249 1. This Convention shall be ratified by the signatory governments in accordance  
with the constitutional rules in force in their respective countries. The instruments of  
ratification shall be deposited, in as short a time as possible, with the Secretary-General  
by diplomatic channel through the intermediary of the government of the country of the  
seat of the Union. The Secretary-General shall notify the Members and Associate  
Members of each deposit of ratification.
- 250 2. (1) During a period of two years from the date of entry into force of this Con-  
vention, a signatory government, even though it may not have deposited an instrument  
of ratification in accordance with 249, shall enjoy the rights conferred on Members of  
the Union in 12 to 14.
- 251 (2) From the end of a period of two years from the date of entry into force of  
this Convention, a signatory government which has not deposited an instrument of  
ratification in accordance with 249 shall not be entitled to vote at any conference of the  
Union, or at any session of the Administrative Council, or at any meeting of any of the  
permanent organs of the Union, or during consultation by correspondence conducted in  
accordance with the provisions of the Convention until it has so deposited such an in-  
strument. Its rights, other than voting rights, shall not be affected.
- 252 3. After the entry into force of this Convention in accordance with Article 53,  
each instrument of ratification shall become effective on the date of its deposit with the  
Secretary-General.
- 253 4. If one or more of the signatory governments do not ratify the Convention, it  
shall not thereby be less valid for the governments which have ratified it.

#### Article 19

##### *Accession to the Convention*

- 254 1. The government of a country, not a signatory of this Convention, may accede  
thereto at any time subject to the provisions of Article 1.
- 255 2. The instrument of accession shall be deposited with the Secretary-General by  
diplomatic channel through the intermediary of the government of the country of the  
seat of the Union. Unless otherwise specified therein, it shall become effective upon the

date of its deposit. The Secretary-General shall notify the Members and Associate Members of each accession when it is received and shall forward to each of them a certified copy of the act of accession.

## Article 20

### *Application of the Convention to Countries or Territories for whose Foreign Relations Members of the Union are responsible*

- 256 1. Members of the Union may declare at any time that their acceptance of this Convention applies to all or a group or a single one of the countries or territories for whose foreign relations they are responsible.
- 257 2. A declaration made in accordance with 256 shall be communicated to the Secretary-General, who shall notify the Members and Associate Members of each such declaration.
- 258 3. The provisions of 256 and 257 shall not be deemed to be obligatory in respect of any country, territory or group of territories listed in Annex 1 of this Convention.

## Article 21

### *Application of the Convention to Trust Territories of the United Nations*

- 259 The United Nations shall have the right to accede to this Convention on behalf of any territory or group of territories placed under its administration in accordance with a trusteeship agreement as provided for in Article 75 of the Charter of the United Nations.

## Article 22

### *Execution of the Convention and Regulations*

- 260 1. The Members and Associate Members are bound to abide by the provisions of this Convention and the Regulations annexed thereto 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 51 of this Convention.
- 261 2. They are also bound to take the necessary steps to impose the observance of the provisions of this Convention and of the Regulations annexed thereto upon private 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 23

### *Denunciation of the Convention*

- 262 1. Each Member and Associate Member which has ratified, or acceded to, this Convention shall have the right to denounce it by a notification addressed to the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. The Secretary-General shall advise the other Members and Associate Members thereof.
- 263 2. This denunciation shall take effect at the expiration of a period of one year from the day of the receipt of notification of it by the Secretary-General.

#### Article 24

##### *Denunciation of the Convention on behalf of Countries or Territories for whose Foreign Relations Members of the Union are responsible*

- 264 1. The application of this Convention to a country, territory or group of territories in accordance with Article 20 may be terminated at any time, and such country, territory or group of territories, if it is an Associate Member, ceases upon termination to be such.
- 265 2. The declaration of denunciation contemplated in the above paragraph shall be notified in conformity with the conditions set out in 262; it shall take effect in accordance with the provisions of 263.

#### Article 25

##### *Abrogation of the earlier Convention*

- 266 This Convention shall abrogate and replace, in relations between the Contracting Governments, the International Telecommunication Convention (Geneva, 1959).

#### Article 26

##### *Validity of Administrative Regulations in force*

- 267 The Administrative Regulations referred to in 203 are those in force at the time of signature of this Convention. They shall be regarded as annexed to this Convention and shall remain valid, subject to such partial revisions as may be adopted in consequence of the provisions of 52 until the time of entry into force of new Regulations drawn up by the competent world administrative conferences to replace them as annexes to this Convention.

#### Article 27

##### *Relations with Non-contracting States*

- 268 1. Each Member and Associate Member reserves to itself and to the recognized private operating agencies the right to fix the conditions under which it admits telecommunications exchanged with a State which is not a party to this Convention.
- 269 2. If a telecommunication originating in the territory of such a non-contracting State is accepted by a Member or Associate Member, it must be transmitted and, in so far as it follows the telecommunication channels of a Member or Associate Member, the obligatory provisions of the Convention and Regulations and the usual charges shall apply to it.

#### Article 28

##### *Settlement of Disputes*

- 270 1. Members and Associate Members may settle their disputes on questions relating to the application of this Convention or of the Regulations contemplated in Article 15, 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.
- 271 2. If none of these methods of settlement is adopted, any Member or Associate Member party to a dispute may submit the dispute to arbitration in accordance with the procedure defined in Annex 3, or in the Optional Additional Protocol, as the case may be.

### CHAPTER III

#### Relations with the United Nations and with International Organizations

##### Article 29

###### *Relations with the United Nations*

- 272 1. The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement concluded between these two Organizations.
- 273 2. In accordance with the provision of Article XVI of the above-mentioned Agreement, the telecommunication operating services of the United Nations shall be entitled to the rights and bound by the obligations of this Convention and of the Administrative Regulations annexed thereto. Accordingly, they shall be entitled to attend all conferences of the Union, including meetings of the International Consultative Committees, in a consultative capacity.

##### Article 30

###### *Relations with International Organizations*

- 274 In furtherance of complete international co-ordination on matters affecting telecommunication, the Union shall co-operate with international organizations having related interests and activities.

### CHAPTER IV

#### General Provisions relating to Telecommunications

##### Article 31

###### *The Right of the Public to use the International Telecommunication Service*

- 275 Members and Associate 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 32

###### *Stoppage of Telecommunications*

- 276 1. Members and Associate 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 their 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.
- 277 2. Members and Associate 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 their law, to public order or to decency.

##### Article 33

###### *Suspension of Services*

- 278 Each Member and Associate Member reserves the right to suspend the international telecommunication service for an indefinite time, 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 and Associate Members through the medium of the Secretary-General.

#### Article 34

##### *Responsibility*

- 279 Members and Associate Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

#### Article 35

##### *Secrecy of Telecommunications*

- 280 1. Members and Associate Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.
- 281 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their internal laws or the execution of international conventions to which they are parties.

#### Article 36

##### *Establishment, Operation, and Protection of Telecommunication Installations and Channels*

- 282 1. Members and Associate 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.
- 283 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.
- 284 3. Members and Associate Members shall safeguard these channels and installations within their jurisdiction.
- 285 4. Unless other conditions are laid down by special arrangements, each Member and Associate Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.

#### Article 37

##### *Notification of Infringements*

- 286 In order to facilitate the application of the provisions of Article 22 of this Convention, Members and Associate Members undertake to inform one another of infringements of the provisions of this Convention and of the Regulations annexed thereto.

#### Article 38

##### *Charges and Free Services*

- 287 The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Regulations annexed to this Convention.



## Article 39

### *Priority of Telecommunications concerning Safety of Life*

- 288 The 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 40

### *Priority of Government Telegrams and Telephone Calls*

- 289 Subject to the provisions of Articles 39 and 49 of this Convention, government telegrams shall enjoy priority over other telegrams when priority is requested for them by the sender. Government telephone calls may also be given priority, upon specific request and to the extent practicable, over other telephone calls.

## Article 41

### *Secret Language*

- 290 1. Government telegrams and service telegrams may be expressed in secret language in all relations.
- 291 2. Private telegrams in secret language may be admitted between all countries with the exception of those which have previously notified, through the medium of the Secretary-General, that they do not admit this language for those categories of correspondence.
- 292 3. Members and Associate Members which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 33 of this Convention.

## Article 42

### *Rendering and Settlement of Accounts*

- 293 1. Administrations of Members and Associate Members and recognized private operating agencies which operate international telecommunication services, shall come to an agreement with regard to the amount of their credits and debits.
- 294 2. The statements of accounts in respect to debits and credits referred to in 293 shall be drawn up in accordance with the provisions of the Regulations annexed to this Convention, unless special arrangements have been concluded between the parties concerned.
- 295 3. The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the countries concerned, in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 44 of this Convention, these settlements shall be effected in accordance with the Regulations.

## Article 43

### *Monetary Unit*

- 296 The monetary unit used in the composition of the tariffs of the international telecommunication services and in the establishment of the international accounts shall be

the gold franc of 100 centimes, of a weight of 10/31 of a gramme and of a fineness of 0.900.

#### Article 44

##### *Special Agreements*

- 297 Members and Associate Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special agreements on telecommunication matters which do not concern Members and Associate Members in general. Such agreements, however, shall not be in conflict with the terms of this Convention or of the Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries.

#### Article 45

##### *Regional Conferences, Agreements and Organizations*

- 298 Members and Associate Members reserve the right to convene regional conferences, to conclude regional agreements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. Such agreements shall not be in conflict with this Convention.

### CHAPTER V

#### Special Provisions for Radio

#### Article 46

##### *Rational Use of the Radio Frequency Spectrum*

- 299 Members and Associate Members recognize that it is desirable to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services. To that end it is desirable that the latest technical advances be applied as soon as possible.

#### Article 47

##### *Intercommunication*

- 300 1. Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radiocommunications reciprocally without distinction as to the radio system adopted by them.
- 301 2. Nevertheless, in order not to impede scientific progress, the provisions of 300 shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.
- 302 3. Notwithstanding the provisions of 300, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used.

#### Article 48

##### *Harmful Interference*

- 303 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 Associate Members or of recognized private operating agencies, or of other duly authorized operating agencies which carry on radio service, and which operate in accordance with the provisions of the Radio Regulations.

304 2. Each Member or Associate Member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of 303.

305 3. Further, the Members and Associate Members recognize the desirability 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 303.

#### Article 49

##### *Distress Calls and Messages*

306 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 50

##### *False or Deceptive Distress, Urgency, Safety or Identification Signals*

307 Members and Associate 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 transmitting such signals from their own country.

#### Article 51

##### *Installations for National Defence Services*

308 1. Members and Associate Members retain their entire freedom with regard to military radio installations of their army, naval and air forces.

309 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 Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

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

### CHAPTER VI

#### Definitions

#### Article 52

##### *Definitions*

311 In this Convention, unless the context otherwise requires,

(a) the terms which are defined in Annex 2 to this Convention shall have the meanings therein assigned to them;

- 312 (b) other terms which are defined in the Regulations referred to in Article 15 shall have the meanings therein assigned to them.

## CHAPTER VII

### Final Provisions

#### Article 53

##### *Effective Date of the Convention*

- 313 The present Convention shall enter into force on January first nineteen hundred and sixty-seven between countries, territories or groups of territories, in respect of which instruments of ratification or accession have been deposited before that date.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the Convention in each of the Chinese, English, French, Russian and Spanish languages, in a single copy in which, in case of dispute, the French text shall be authentic, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Montreux, 12 November 1965

#### Annex 1

(see number 4)

|  |                               |
|--|-------------------------------|
| Afghanistan  | Ecuador                       |
| Albania (People's Republic of)                     | Spain                         |
| Algeria (Algerian Democratic and Popular Republic) | United States of America      |
| Saudi Arabia (Kingdom of)                          | Ethiopia                      |
| Argentine Republic                                 | Finland                       |
| Australia (Commonwealth of)                        | France                        |
| Austria  | Gabon Republic                |
| Belgium  | Ghana                         |
| Byelorussian Soviet Socialist Republic             | Greece                        |
| Burma (Union of)                                   | Guatemala                     |
| Bolivia  | Guinea (Republic of)          |
| Brazil   | Haiti (Republic of)           |
| Bulgaria (People's Republic of)                    | Upper Volta (Republic of)     |
| Burundi (Kingdom of)                               | Honduras (Republic of)        |
| Cambodia (Kingdom of)                              | Hungarian People's Republic   |
| Cameroon (Federal Republic of)                     | India (Republic of)           |
| Canada   | Indonesia (Republic of)       |
| Central African Republic                           | Iran                          |
| Ceylon   | Iraq (Republic of)            |
| Chile  | Ireland                       |
| China  | Iceland                       |
| Cyprus (Republic of)                               | Israel (State of)             |
| Vatican City State                                 | Italy                         |
| Colombia (Republic of)                             | Jamaica                       |
| Congo (Democratic Republic of the)                 | Japan                         |
| Congo (Republic of the)                            | Jordan (Hashemite Kingdom of) |
| (Brazzaville)                                      | Kenya                         |
| Korea (Republic of)                                | Kuwait (State of)             |
|  | Laos (Kingdom of)             |
|  | Lebanon                       |

|   |  |
|---|--|
| Costa Rica  | Liberia (Republic of)  |
| Ivory Coast (Republic of the)   | Libya (Kingdom of)   |
| Cuba  | Liechtenstein (Principality of)  |
| Dahomey (Republic of)   | Luxembourg   |
| Denmark   | Malaysia   |
| Dominican Republic  | Malawi   |
| El Salvador (Republic of)   | Malagasy Republic  |
| Group of Territories represented<br>by the French Overseas Post<br>and Telecommunication Agency | Mali (Republic of)   |
| Morocco (Kingdom of)  | Malta  |
| Mauritania (Islamic Republic of)  | Senegal (Republic of the)  |
| Mexico  | Sierra Leone   |
| Monaco  | Singapore  |
| Mongolian People's Republic   | Sudan (Republic of the)  |
| Nepal   | South Africa (Republic of)<br>and Territory of South-West<br>Africa  |
| Nicaragua   | Sweden   |
| Niger (Republic of the)   | Switzerland (Confederation of)   |
| Nigeria (Federal Republic of)   | Tanzania (United Republic of)  |
| Norway  | Chad (Republic of the)   |
| New Zealand   | Czechoslovak Socialist Republic  |
| Uganda  | Territories of the United States<br>of America   |
| Pakistan  | Overseas Territories for the<br>international relations of which<br>the Government of the United<br>Kingdom of Great Britain and<br>Northern Ireland are responsible |
| Panama  | Thailand   |
| Paraguay  | Togolese Republic  |
| Netherlands (Kingdom of the)  | Trinidad and Tobago  |
| Peru  | Tunisia  |
| Philippines (Republic of the)   | Turkey   |
| Poland (People's Republic of)   | Union of Soviet Socialist Republics  |
| Portugal  | Uruguay (Oriental Republic of)   |
| Spanish Provinces in Africa   | Venezuela (Republic of)  |
| Portuguese Oversea Provinces  | Viet-Nam (Republic of)   |
| Syrian Arab Republic  | Yemen  |
| United Arab Republic  | Yugoslavia (Federal Socialist<br>Republic of)  |
| Federal Republic of Germany   | Zambia (Republic of)   |
| Ukrainian Soviet Socialist Republic   |  |
| Somali Republic   |  |
| Rhodesia  |  |
| Roumania (Socialist Republic of)  |  |
| United Kingdom of Great Britain<br>and Northern Ireland   |  |
| Rwanda (Republic of)  |  |

## Annex 2

(see Article 52)

### DEFINITION OF CERTAIN TERMS USED IN THE INTERNATIONAL TELECOMMUNICATION CONVENTION AND ITS ANNEXES

- 401 *Administration:* Any governmental department or service responsible for discharging the obligations undertaken in the International Telecommunication Convention and the Regulations annexed thereto.
- 402 *Private Operating Agency:* Any individual or company or corporation, other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or which is capable of causing harmful interference with such a service.

- 403 *Recognized Private Operating Agency:* Any private operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 22 are imposed by the Member or Associate Member in whose territory the head office of the agency is situated, or by the Member or Associate Member which has authorized this operating agency to establish and operate a telecommunication service on its territory.
- 404 *Delegate:* A person sent by the government of a Member or Associate Member of the Union to a Plenipotentiary Conference, or a person representing a government or an administration of a Member or Associate Member of the Union at an administrative conference, or at a meeting of an International Consultative Committee.
- 405 *Representative:* A person sent by a recognized private operating agency to an administrative conference, or to a meeting of an International Consultative Committee.
- 406 *Expert:* A person sent by a national scientific or industrial organization which is authorized by the government or the administration of its country to attend meetings of study groups of an International Consultative Committee.
- 407 *Observer:* A person sent by:  
—the United Nations in accordance with Article 29 of the Convention;  
—one of the international organizations invited or admitted in accordance with the provisions of the General Regulations to participate in the work of a conference;  
—the government of a Member or Associate Member of the Union participating in a non-voting capacity in a regional administrative conference held under the terms of Article 7 of the Convention.
- 408 *Delegation:* The totality of the delegates and, should the case arise, any representatives, advisers, attachés or interpreters sent by the same country.  
  
Each Member and Associate Member shall be free to make up its delegation as it wishes. In particular, it may include in its delegation in the capacity of delegates, advisers or attachés, persons belonging to private operating agencies which it recognizes or persons belonging to other private enterprises interested in telecommunications.
- 409 *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.
- 410 *Telegraphy:* A system of telecommunications which is concerned in any process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. For the purposes of the Radio Regulations, however, unless otherwise specified therein, telegraphy shall mean “A system of telecommunications for the transmission of written matter by the use of a signal code”.
- 411 *Telephony:* A system of telecommunications set up for the transmission of speech or, in some cases, other sounds.
- 412 *Radiocommunication:* Telecommunication by means of radio waves.
- 413 *Radio:* A general term applied to the use of radio waves.
- 414 *Harmful Interference:* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services,<sup>2</sup> or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.
- 415 *International Service:* A telecommunication service between telecommunication offices or stations of any nature which are in or belong to different countries.

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<sup>2</sup> Any radiocommunication service used permanently or temporarily for the safeguarding of human life and property.

- 416 *Mobile Service:* A service of radiocommunication between mobile and land stations, or between mobile stations.
- 417 *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.
- 418 *Public Correspondence:* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.
- 419 *Telegram:* Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.
- 420 *Government Telegrams and Government Telephone Calls:* Telegrams or telephone calls originating with any of the authorities specified below:
- the Head of a State;
  - the Head of a government and members of a government;
  - the Head of a territory, or the Head of a territory forming part of a group, Member or Associate Member;
  - the Head of a territory under the trusteeship or mandate of the United Nations or of a Member or Associate Member;
  - 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 at The Hague.
- 421 Replies to government telegrams as defined herein shall also be regarded as government telegrams.
- 422 *Service Telegrams:* Telegrams exchanged between:
- (a) administrations;
  - (b) recognized private operating agencies;
  - (c) administrations and recognized private operating agencies;
  - (d) administrations and recognized private operating agencies, on the one hand, and the Secretary-General of the Union, on the other,
- and relating to public international telecommunication.
- 423 *Private Telegrams:* Telegrams other than service or government telegrams.

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Annex 3  
(see Article 28)

ARBITRATION

- 501 1. The party which appeals to arbitration shall initiate the arbitration procedure by transmitting to the other party to the dispute a notice of the submission of the dispute to arbitration.
- 502 2. The parties shall decide by agreement whether the arbitration is to be entrusted to individuals, administrations or governments. If within one month after notice of submission of the dispute to arbitration, the parties have been unable to agree upon this point, the arbitration shall be entrusted to governments.
- 503 3. If arbitration is to be entrusted to individuals, the arbitrators must neither be nationals of the parties involved in the dispute, nor have their domicile in the countries parties to the dispute, nor be employed in their service.

- 504 4. If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Members or Associate Members which are not parties to the dispute, but which are parties to the agreement, the application of which caused the dispute.
- 505 5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator.
- 506 6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in 504 and 505, by each of the two groups of parties having a common position in the dispute.
- 507 7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations, must fulfil the conditions indicated in 503, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary-General shall then draw lots in order to select the third arbitrator.
- 508 8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary-General to draw lots to decide which of the persons so nominated is to act as the single arbitrator.
- 509 9. The arbitrator or arbitrators shall be free to decide upon the procedure to be followed.
- 510 10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.
- 511 11. Each party shall bear the expense it shall have incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.
- 512 12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need.

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#### Annex 4

##### GENERAL REGULATIONS ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION

[Not reproduced]

##### (b) Optional Additional Protocol to the International Telecommunication Convention (Montreux, 1965). Done at Montreux on 12 November 1965

###### *Compulsory Settlement of Disputes*

At the time of signing the International Telecommunication Convention (Montreux, 1965), the undersigned plenipotentiaries have also signed the following Optional Additional Protocol on the Compulsory Settlement of Disputes, which forms part of the Final Acts of the Plenipotentiary Conference (Montreux, 1965).

The Members and Associate Members of the Union, parties to this Optional Protocol to the International Telecommunication Convention (Montreux, 1965),

expressing the desire to resort to compulsory arbitration, so far as they are concerned, for the settlement of any disputes concerning the application of the Convention or of the Regulations mentioned in Article 15 thereof,  
have agreed upon the following provisions:



## Article 1

Unless one of the methods of settlement listed in Article 28 of the Convention has been chosen by common agreement, disputes concerning the application of the Convention or of the Regulations mentioned in Article 15 thereof shall, at the request of one of the parties to the dispute, be submitted for compulsory arbitration. The procedure to be followed is laid down in Annex 3 to the Convention, paragraph 5 of which shall be amplified as follows:

“5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator. If one of the parties has not appointed an arbitrator within this time-limit, this appointment shall be made, at the request of the other party, by the Secretary-General who shall act in accordance with paragraphs 3 and 4 of Annex 3 to the Convention.”

## Article 2

This Protocol shall be open to signature by the Members and Associate Members which sign the Convention. It shall be ratified in accordance with the procedure laid down for the Convention and any States which become Members or Associate Members of the Union may accede to it.

## Article 3

This Protocol shall come into force on the same day as the Convention, or on the thirtieth day after the day on which the second instrument of ratification or accession is deposited, but not earlier than the date upon which the Convention comes into force.

With respect to each Member or Associate Member which ratifies this Protocol or accedes to it after its entry into force, the Protocol shall come into force on the thirtieth day after the day on which the instrument of ratification or accession is deposited.

## Article 4

The Secretary-General shall notify all Members and Associate Members:

- (a) of the signature appended to this Protocol and of the deposit of instruments of ratification or accession;
- (b) of the date on which this Protocol shall come into force.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Protocol in each of the Chinese, English, French, Russian and Spanish languages, in a single copy in which, in case of dispute, the French text shall be authentic, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Montreux, 12 November 1965

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## 3. INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

**Amendment to Article 28 of the IMCO Convention: Resolution A. 70 (IV) adopted on  
28 September 1965 at the fourth session of the Assembly**

*[Original text : French]*

*The Assembly,*

*Recognizing* the need to increase the number of members of the Maritime Safety Committee and to modify their method of election,

*Consequently having adopted*, at the fourth regular session of the Assembly, an amendment, the text of which is contained in the Annex to this Resolution, to Article 28 of the Convention on the Inter-Governmental Maritime Consultative Organization,

*Determines*, in accordance with the provisions of Article 52 of the Convention, that the amendment adopted hereunder is of such a nature that any Member which hereafter declares that it does not accept such amendment and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a Party to the Convention,

*Requests* the Secretary-General of the Organization to effect the deposit with the Secretary-General of the United Nations of the adopted amendment in conformity with Article 53 of the Convention and to receive declarations and instruments of acceptance as provided for in Article 54, and

*Invites* the Member Governments to accept the adopted amendment at the earliest possible date after receiving a copy thereof from the Secretary-General of the United Nations, by communicating an instrument of acceptance to the Secretary-General for deposit with the Secretary-General of the United Nations.

#### Annex

The existing text of Article 28 of the Convention is replaced by the following:

The Maritime Safety Committee shall consist of sixteen members elected by the Assembly from members, Governments of those States having an important interest in maritime safety of which:

- (a) Eight members shall be elected from among the ten largest shipowning States.
- (b) Four members shall be elected in such manner as to ensure that, under this sub-paragraph, a State in each of the following areas is represented:
  - I. Africa
  - II. The Americas
  - III. Asia and Oceania
  - IV. Europe
- (c) The remaining four members shall be elected from among States not otherwise represented on the Committee.

For the purpose of this Article, States having an important interest in maritime safety shall include, for example, States interested in the supply of large numbers of crews or in the carriage of large numbers of berthed or unberthed passengers.

Members of the Maritime Safety Committee shall be elected for a term of four years and shall be eligible for re-election.