

EXPLANATORY MEMORANDUM on Instruments Amending the Constitution of the International Telecommunication Union (Geneva, 1992) and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998), by the Plenipotentiary Conference (Marrakesh, 2002) and by the Plenipotentiary Conference (Antalya, 2006) (Amendments adopted by the Plenipotentiary Conference (Guadalajara, 2010))

TITLE OF TREATY

Instruments Amending the Constitution of the International Telecommunication Union (Geneva, 1992) and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998), by the Plenipotentiary Conference (Marrakesh, 2002) and by the Plenipotentiary Conference (Antalya, 2006) (Amendments adopted by the Plenipotentiary Conference (Guadalajara, 2010))

COMMAND PAPER No 9309

SUBJECT MATTER

1. The Secretary of State for Culture Media and Sport is presenting to Parliament for ratification some changes to the Constitution and Convention of the International Telecommunication Union (ITU) The ITU, based in Geneva, is the United Nation's specialised agency for Information and Communication Technologies.
2. These changes to the current ITU Constitution and Convention were provisionally agreed by the UK delegation to the ITU 2010 Plenipotentiary Conference. The current ITU Constitution and Convention was first signed in 1992; it came into force on 1 July 1994 and was amended in 1994. It was ratified by Parliament in January 1997.
3. The Constitution and Convention sets out the rules and procedures of the ITU. It is technically an international treaty but until now the amended text was not submitted to Parliament for formal ratification.

MINISTERIAL RESPONSIBILITY

4. The Secretary of State for Culture, Media and Sport has overall responsibility but this has been signed by the DCMS Minister with responsibility for Information, Communication and Telecommunication Policy, Ed Vaizey, the Minister of State for Culture and the Digital Economy. Ofcom also has an interest and has been consulted in the signing of each amendment and in preparation of this EM. The Secretary of State for Foreign and Commonwealth Affairs also has overall responsibility for the conclusion and implementation of treaty obligations and responsibility for their application in Overseas Territories.

POLICY CONSIDERATIONS

5. The UK has been a state member of the ITU since 1871. The ITU was founded in 1865 and currently has 193 member states. The UK is an active member, reflecting the importance of ICTs to the UK economy and society. The ITU's responsibilities include:

- Regulation of international telecom networks
- Development of international technical standards
- International agreement on spectrum allocations for radiocommunication
- International coordination, notification and recording procedures for satellites
- Promotion of technical assistance in developing countries

Where reservations or declarations were required, these are itemised below.

FINANCIAL

6. The UK makes an annual membership contribution of 10 contribution units (1 unit = 318,000 Swiss Francs), a UK contributory total of CHF 3,180,000 which equates at today's (May 2016) exchange rate of approximately £2.3 million.

RESERVATIONS AND DECLARATIONS

7. The UK reservations and declarations (some made along with other member states) made at the 2010 ITU Plenipotentiary Conference are as follows (declaration/reservation statement numbers in brackets):

- **(23; conditional position regarding UK's obligation to EU Obligations)**
The UK as part of an EU declaration will only apply the changes adopted by the 1998 Plenipotentiary Conference (Minneapolis) in accordance with its obligations under the EU Treaty and Directives.
- **(39; UK reaffirming its previous declarations and reservations since 1992)** The UK made a Declaration regarding its maintaining of previous declarations and reservations made by the UK when signing the Final Acts of

the Additional Plenipotentiary Conference (Geneva, 1992) and the Final Acts of the Plenipotentiary Conference (Kyoto 1994). This Declaration reinforced the UK's previous positions to ensure its exclusion from unfavourable parts of the ITU Constitution and Convention.


- **(85; UK declaration over sovereignty claims of segments of satellite orbits)** The UK made a Declaration referring to the declarations made by the Republic of Mexico inasmuch as these and any similar statements refer to the Bogotá Declaration of 3 December 1976 by equatorial countries claiming to exercise sovereign rights over segments of the geostationary-satellite orbit. The UK considered that the claim was not a competence that could be recognized by that conference. The UK reaffirmed the declaration it made at the Plenipotentiary Conference (Kyoto, 1994) and at other previous conferences. The UK also stated that the reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply a recognition of claim to any preferential rights to all or part of the geostationary-satellite orbit.
- **(90; UK declaration affirming its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands in response a statement by Argentina)** The UK Declared in response to a Statement entered by the delegation of the Argentine Republic, that the UK Government has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and in this context drew attention to Article IV of the Antarctic Treaty to which both the UK and Argentina are parties. The UK firmly rejected the claim by Argentina to sovereignty over those islands and maritime areas. The principle of self-determination, enshrined in the Charter of the United Nations, underlies the UK position on the sovereignty of the Falkland Islands. There can be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islands so wish. The Islanders regularly make it clear that they wish the Falkland Islands to remain under British sovereignty.

IMPLEMENTATION

8. No further legislation is required for this Treaty. The One-in, Two-out (OITO) Rule has been considered as part of this process of amending the Treaty, but is not applicable.

CONSULTATIONS

9. The ITU Constitution and Convention is agreed at ITU Plenipotentiary Conference. The Government regularly consults stakeholders on the development of UK positions. The UK delegations to ITU include representation from stakeholders including from the private sector.



ED VAIZEY

Minister of State for Culture and the Digital Economy
Department for Culture, Media and Sport

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