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Note by the Secretary-General

CONTRIBUTION FROM THE UNITED ARAB EMIRATES
ACCOMPLISHING STABLE ITU CONSTITUTION

I have the honour to transmit to the Member States of the Council a contribution received from the **United Arab Emirates**.

Dr Hamadoun I. TOURE
Secretary-General

Contribution from the United Arab Emirates

Accomplishing Stable ITU Constitution

Background:

In accordance with the Resolution 163 (Guadalajara, 2010), the extraordinary session of Council in 2010 established a Council Working Group on a Stable ITU Constitution open to all Member States of the Union. The terms of reference and mandate of the Group were described in the Annex to Resolution 163 (Guadalajara, 2010).

The Group held five meetings with two meetings in each 2011 and 2012 and the last meeting in 2013. Moreover, the Group submitted annual reports to the Council sessions of 2011, 2012 and 2013. The Group worked thoroughly in line with the defined terms of reference and achieved several valuable outputs and results.

During Council 2013 it was agreed that in preparation for PP-14, Chairman Report of the CWG_STB together with the summary record of the Council 2013 plenary meeting and study concerning existing mechanisms within United Nations organizations with respect to entry into force of amendments to their basic instruments should be sent to all Member States and Sector Members. These documents were sent by the SG on 4 October 2013.

Pursuant to No. 224 and 225 of the Constitution and 519 and 520 of the Convention, the proposals to amend the CS and CV should be submitted to SG before eight months prior to the opening of the Conference.

Pursuant to Document PP-10/199, the 2010 Plenipotentiary Conference invited Member States to limit their proposals to PP-14 with regard to amendments to the Constitution and the Convention to the minimum necessary in order to allow and facilitate a smooth preparation and approval of the stable Constitution.

Foregoing the above, till date several Administrations have submitted contributions in regard to the modifications of CS and CV to the PP-14.

Proposal

The United Arab Emirates proposes the following:

1. The provisions of Article 55 (229 and 231) which deals with entry into force of the amendments to the Constitution are proposed to be made flexible as applicable in UNESCO to include that

“Any amendments that do not involve changes in the purposes of the Union or introduce new obligations upon its Member States to enter into force upon their adoption, without any additional requirement for ratification by Member States”

2. Article 55 of the Constitution is proposed to be amended according to the following example to introduce a two term (eight years) stability:
 - a. The amendments to the CS and CV brought to the PP-14 by the Administrations will be debated and approved at PP-14. However these changes will take effect in PP-18 and the final acts of PP-18 will reflect these amendments. Subsequently amendments to PP-18 will be debated and approved at PP-18 however the Final Acts of PP-22 will reflect these changes.

3. The above mechanism can be implemented through modification of Article 55 as shown below or by developing a PP-14 (Resolution or Decision) on the above principles.

It is envisaged that this modification of Article 55 as below will achieve a stable Constitution for a period of two terms (eight years) and will also help in solving the cardinal issues of burdensome and time-consuming nature of the national processes to ratify the basic texts of the Union and also the integrity and homogeneity of the fundamental legal rules applicable to all the Member States of the Union. Moreover similar principles can be applied to the Article 42 of the Convention.

MOD

ARTICLE 55

Provisions for Amending this Constitution

- 224**
PP-98
PP-02
- 1 Any Member State may propose any amendment to this Constitution. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Member States, reach the Secretary-General not later than eight months prior to the opening date fixed for the plenipotentiary conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, publish any such proposal for the information of all the Member States.
- 225**
PP-98
- 2 Any proposed modification to any amendment submitted in accordance with No. 224 above may, however, be submitted at any time by a Member State or by its delegation at the plenipotentiary conference.
- ADD**
225A
- 2A Any amendment to this Constitution proposed by any Member State to the Plenipotentiary Conference shall be considered in accordance with No. 226 and 227 below. Any amendments approved to be implemented shall be sent to the subsequent Plenipotentiary Conference for their entry into force.
- 226**
- 3 The quorum required at any Plenary Meeting of the Plenipotentiary Conference for consideration of any proposal for amending this Constitution or modification thereto shall consist of more than one half of the delegations accredited to the Plenipotentiary Conference.
- 227**
- 4 To be adopted, any proposed modification to a proposed amendment as well as the proposal as a whole, whether or not modified, shall be approved, at a Plenary Meeting, by at least two-thirds of the delegations accredited to the Plenipotentiary Conference which have the right to vote.
- 228**
PP-98
PP-02
- 5 Unless specified otherwise in the preceding paragraphs of this Article, which shall prevail, the General Rules of conferences, assemblies and meetings of the Union shall apply.
- MOD**
229
PP-98
- 6 Any amendments to this Constitution adopted by a plenipotentiary conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the conference between Member States having deposited before that date their instrument of

ratification, acceptance or approval of, or accession to, both this Constitution and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded. Notwithstanding the above, any amendments that do not involve changes in the purposes of the Union or introduce new obligations upon its Member States to enter into force upon their adoption, without any additional requirement for ratification by Member States.

230
PP-98

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

231

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

232

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