|  |  |
| --- | --- |
| **Plenipotentiary Conference (PP-18)Dubai, 29 October – 16 November 2018** |  |
|  |  |
|  |  |
| PLENARY MEETING | **Document 66-E** |
|  | **12 October 2018** |
|  | **Original: English** |
|  |
| Canada/United States of America |
| Proposals for the work of the conference |
|  |
|  |

This Multi-Country Contribution includes the following Resolutions:

|  |  |  |
| --- | --- | --- |
| **MOD**  | RESOLUTION 192 | ITU participation in memoranda of understanding with financial and/or strategic implications |
| **ADD** | NEW RESOLUTION [CAN/USA-1] | Participation in ITU Meetings, Assemblies and Sector Conferences |

MOD CAN/USA/66/1

RESOLUTION 192 (rev. Dubai, 2018)

ITU participation in memoranda of understanding with financial and/or strategic implications

The Plenipotentiary Conference of the International Telecommunication Union (Dubai, 2018),

considering

*a)* that one of the purposes of the Union as set out in Article 1 of the ITU Constitution is to maintain and extend international cooperation between all its Member States for the improvement and rational use of international telecommunications;

*b)* that another purpose of the Union is to promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental and non-governmental organizations concerned with telecommunications,

noting

*a)* that the application of memoranda of understanding (MoU) as well as memoranda of cooperation and agreement[[1]](#footnote-1)1 or other instruments, in which ITU, Member States and Sector Members may participate, are often used to facilitate cooperative action;

*b)* that Resolution 52 (Rev.Dubai, 2014) of the World Telecommunication Development Conference, on strengthening the executing agency role of the ITU Telecommunication Development Sector, emphasizes the importance of establishing partnerships between the public and private sectors as an efficient means of implementing sustainable ITU projects,

*c)* that Resolution 130 (Rev. Busan, 2014) of this conference instructs the Secretary-General, in the context of building confidence and security in the use of information and communication technologies, "to cooperate with relevant international organizations, including through the adoption of MoUs, subject to the approval of the Council in this regard, in accordance with Resolution 100 (Minneapolis, 1998) of the Plenipotentiary Conference";

*d)* that Resolution 100 (Minneapolis, 1998) instructs the ITU Council, in the context of the ITU Secretary-General serving as depository for MoUs, "to formulate criteria and guidelines for the Secretary-General to respond to requests to serve as depository for MoUs" and resolves that, using those criteria and guidelines, "the Secretary-General may, with the approval of the Council, serve as depository for MoUs";

*e)* that Council-13 amended Decision 563, on the Council Working Group on Financial and Human Resources, adding to its terms of reference "to consider criteria to determine the financial and strategic implications of the establishment of memoranda of understanding (as well as memoranda of cooperation and agreement) to which ITU is or will be a party",

observing

that the Union has entered into MoUs in which ITU is a participant that have financial and/or strategic implications, and these were discussed during Council‑14 as described in the Report by the Chairman of the Standing Committee on Administration and Management,

believing

that MoUs in which ITU is a participant that have financial and/or strategic implications should only be entered into pursuant to criteria adopted by the Council and subject to Council approval,

resolves to instruct the Secretary-General

1 to follow the criteria and guidelines contained in Annex 1 to this Resolution when entering into MoUs in which ITU will be a participant that have financial and/or strategic implications;

2 to submit a report to the annual session of the Council on the implementation of this resolution, detailing the relevant MoUs and ITU activities,

instructs the Council

to report on the application of this resolution to the next plenipotentiary conference.

Annex 1

Criteria and guidelines for ITU participation in MOUs with significant financial
and/or strategic implications

**1. Applicability**

For memoranda of understanding and similar instruments (MOUs) in which the ITU will be a participant, the criteria below will allow the ITU to identify those MOUs having significant financial and/or strategic implications. For those few MOUs, the guidelines describe how the ITU will obtain Council review and guidance, subject to guideline 4.4 below. These criteria and guidelines do not apply to MOUs intended for pluri-regional, regional or national development initiatives, voluntary contributions agreements, repayment agreements, license agreements, publication distribution agreements, agreements relating to staff matters, contracts for the purchase or rental by ITU of goods, works or services, and to the majority of MOUs the ITU enters into which, in the view of the Secretary-General, do not have significant financial and/or strategic implications, which do not require Council review and guidance.

**2. Guiding Principles**

The criteria and guidelines contained in this Annex are based on the following principles, described in Resolution 192 (Rev. Dubai, 2018):

1. that ITU participation in an MOU will contribute to and be within the purposes of the Union as set forth in Article 1 of the Constitution and within the strategic, operational, and financial plans of the Union;
2. that interested Member States and Sector Members will be kept informed of the activities of ITU when it participates in MOUs, including those that have financial and/or strategic implications; and
3. that the sovereignty and rights of ITU Member States are fully respected and preserved.

**3. Criteria to Assess Significant Financial and/or Strategic Implications**

3.1 MOUs shall be deemed by the Secretary-General to have significant financial and/or strategic implications if he/she considers that one of the following criteria is met:

1. ITU participation in the MOU would require expenditures by the ITU of amounts that would create budgetary imbalances;
2. ITU assumes a liability, either on its own behalf or on behalf of other parties to the MOU, that would impair the ITU’s ability to remain within its authorized and approved budget or its ability to achieve objectives contained in the strategic or operational plans;
3. The level of staff or other resources ITU must divert from work required to implement projects and activities included in the approved strategic and operational plans or the timing of the work required from the ITU to support its participation in the MOU would exceed authorized and approved budgets or impair the ITU’s ability to achieve objectives contained in the strategic or operational plans; or
4. The ITU’s participation in the MOU would be obviously outside the mandate of the ITU as reflected in the ITU Constitution, Convention and Resolutions, or not within the financial, strategic, or operational plans of the Union;

3.2 Furthermore, the Secretary-General should bring to Council’s attention proposed MOUs if he/she is of the view that such MOUs would raise highly sensitive strategic and/or financial issues, even if none of the criteria above are met.

1. **Guidelines for Obtaining Council Review and Guidance of ITU Participation in MOUs with Significant Financial and/or Strategic Implications**

Consistent with the Resolution 192 instruction to Council “to implement a mechanism to review ITU participation in MOUs, that have financial and/or strategic implications, and to provide guidance to the Secretary-General,” the following guidelines should be followed to obtain Council review and guidance for ITU participation only in MOUs with significant financial and/or strategic implications as determined by the criteria in 3 above:

1. The Secretary-General, or his or her designee, will assess whether the criteria described above for determining if an MOU will have significant financial and/or strategic implications would be met by a proposed MOU;
2. For MOUs which the Secretary-General has assessed as having significant financial and/or strategic implications, the latter will prepare a contribution for Council describing the proposed MOU, the activity that would be required to be performed by ITU if it were to participate in the MOU, and the strategic impact such participation could have, as well as the financial and/or other resources that ITU would be required to expend to perform its obligations under the proposed MOU. In addition, the specific ITU Bureau, or, as appropriate, the Department of the General Secretariat, responsible for the MOU should be identified;
3. The Secretary-General shall provide this contribution to Council for review and guidance and based on that guidance, the Secretary-General may enter into the MOU on behalf of the ITU;
4. If the Secretary General determines that urgent circumstances require entry into an MOU prior to Council’s review and guidance, the Secretary-General or his designated representative shall include an explicit provision in the MOU allowing for termination or amendment and noting that the ITU Council could require termination or modification of the MOU;
5. Upon conclusion of the activity contemplated by the MOU, the Secretary-General shall provide a report to Council describing the outcomes achieved, the resources expended, and the next steps, if any, anticipated as a result of the completion of the MOU; and

In addition to these reports, the Secretary-General shall provide annually to Council a list of all MOUs it entered into since the last ordinary session of the Council.

**Reasons:** PP-14 (Busan) directed Council to adopt guidelines for MOUs that need to be approved by Council before the Secretary General signs them. Council failed in completing the task and must revisit this issue.

ADD CAN/USA/66/2

Draft New Resolution [CAN/USA-1]

Participation in ITU Meetings, Assemblies and Sector Conferences

The Plenipotentiary Conference of the International Telecommunication Union (Dubai, 2018),

considering

*a)* that the purposes of the Union are, *inter alia*, to promote, at international level, the adoption of a broader approach to the issues of telecommunications in the global information economy and society, to promote the extension of the benefits of the new telecommunication technologies to all the world's inhabitants and to harmonize the actions of Members in the attainment of those ends;

*b)* that Article 2 of the Constitution describes the International Telecommunication Union as an intergovernmental organization in which Member States and Sector Members, having well‑defined rights and obligations, cooperate for the fulfilment of the purposes of the Union;

*c)* that the rights and obligations of Member States and Sector Members of the Union are set out in Article 3 of the Constitution;

*d)* that provision 28a of Article 3 of the Constitution states that Sector Members shall be entitled to participate fully in the activities of the Sector of which they are Members subject to relevant provisions of the Constitution and Convention;

*e)* that Article 33 and related provisions of the ITU Convention regarding the obligation of Member States, Sector Members and other entities to share in defraying the expenses of ITU conferences, assemblies and meetings, and the associated Financial Regulations;

*f)* that Resolution 71 (Dubai, 2018) of the Plenipotentiary Conference Goal 5 makes reference to the fact that continued participation and engagement among ITU Membership and all other stakeholders is a prerequisite for achievement of the ITU’s strategic goals;

*g)* that Resolution 123 (Busan, 2014) of the Plenipotentiary Conference instructs the Secretary-General and the Directors of the three Bureaux to work closely with each other in pursuing initiatives that assist in bridging the standardization gap between developing and developed countries,

considering further

*a)* the relevant and important work done by Sector study groups and regional groups;

*b)* the necessity to maintain and increase the efficiency and optimization of Sector study groups and regional groups;

*c)* that the creation and activities of Sector study groups and regional groups have operational and financial implications to the ITU and its Membership,

recognizing

*a)* thatthe importance of enhancing cooperation between Member States and Sector Members in the activities of the Union;

*b)* that the majority of work within the study groups is carried out by the Members, who provide not only financial support but also enormous resources in terms of experts to study groups and working parties, and it is therefore essential to encourage participation in such way that their active and effective participation is promoted in to order to make the ITU more responsive to the rapidly changing telecommunication/ICT environment,

aware

that Member States and Sector Members are denied the ability to participate in sub-regional meetings of Study Groups,

emphasizing

that there is a need to improve transparency, openness, and participation in meetings of the Union and the Sectors, including greater access and engagement at meetings for all ITU Members,

resolves

1 that any meetings of the Union or of its Sectors, including regional and sub-regional study groups of the three Sectors, will observe the general principle of openness, transparency, and broad participation;

2 that all delegates and representatives from Member States, Sector Members and Associates shall be invited to participate fully in the activities of the Sector of which they are Members subject to relevant provisions of the Constitution and Convention, to include invitation to all meetings of the Union, including ITU convened and/or funded meetings of regional groups, sub-regional groups, focus groups, rapporteur groups, symposiums and workshops,

instructs the Secretary-General and the Directors of the three Bureaux

1 to make necessary arrangements for the proper implementation of this resolution to include inviting all Members to participate fully in meetings of the Union and each of its Sectors, including regional groups, sub-regional groups, focus groups, rapporteur groups, symposiums and workshops;

2 to submit annually a report to the ITU Council and the Advisory Groups of each Bureau on implementing this Resolution.

**Reasons:** Clarify that all ITU Sector Members are allowed fully to participate in the activities of the Sector of which they are members.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. 1 Wherever the term "MoU"" is used in this resolution, it includes memoranda of cooperation and memoranda of agreement. [↑](#footnote-ref-1)