CHAPTER 3

International Matters

3.1 TREATIES AND AGREEMENTS

The primary treaties and other international agreements in force relating to radiocommunication and to which the Federated States of Micronesia is a party are as follows:

The Constitution and Convention of the International Telecommunication Union, Kyoto, 1994 was acceded to by the Federated States of Micronesia on July 20, 1995. The current Constitution and Convention enforce is Geneva, 1992 as modified by Kyoto, 1994, Minneapolis, 1998 and Marrakesh 2002.

The Radio Regulations, which complement the provisions of the Constitution and Convention of the ITU, are in effect with respect to the Federated States of Micronesia. The current international Radio Regulations enforce are the 2004 addition last modified by the 2003 World Radio Communication Conference.

Inquiries concerning the purchase of copies of the ITU Constitution and Convention, the Radio Regulations, and the partial revisions thereto, should be sent to the Secretary-General, International Telecommunication Union, Geneva, Switzerland. All ITU publications can be purchased over the Internet at www.itu.int. Inquiries concerning the substance of the publications should be addressed to the Department of Transportation, Communication and Infrastructure.

3.2 THE INTERNATIONAL TELECOMMUNICATION UNION

The International Telecommunication Union is the international body responsible for international frequency allocations, worldwide telecommunications standards and telecommunication development activities. One hundred ninety-three (193) Countries are Members of the ITU. The broad functions of the ITU are the regulation, coordination and development of international telecommunications. The Federated States of Micronesia is an active member of the ITU and its work is considered critical to the interest of the Federated States of Micronesia.

3.2.1 Origin and Evolution

1. The International Telecommunication Union (ITU) is the oldest of the intergovernmental organizations that have become specialized agencies within the United Nations. The ITU was born with the spread of one of the great inventions of the 19th century, the telegraph, which crossed national frontiers to link major cities in Europe. International action was essential to establish an international telegraph network. It was necessary to reach agreement on the technical systems to be used, on uniform methods of handling messages, and on the collection of charges. A procedure of international accounting had to be set up.
2. First came bilateral understanding between bordering countries, then international agreement between regional groups of countries, ending in an inter-European association. Extra-European countries were progressively drawn in, and a truly international organization came into being. In 1865 the International Telegraph Union was created in Paris by the first International Telegraph Convention. The Member countries agreed to a set of basic telegraph service regulations. These were modified later as a result of practical operating experience. At Vienna, in 1868, a permanent international bureau was created and established in Berne.
3. The international telephone service came much later and its progress was much slower. It was not until 1927, when radio provided the means to carry the human voice across the ocean from continent to continent, that this service became worldwide; nevertheless, in 1885, in Berlin, the first provisions concerning the international telephone service were drawn up.

4. When at the end of the 19th century wireless (radiotelegraphy) became practicable, it was seen at once to be an invaluable complement of telegraphy by wire and cable, since radio alone could provide telecommunication between land and ships at sea. The first International Radiotelegraph Convention was signed in Berlin in 1906 by twenty-nine countries. Nearly two decades later in 1924 and 1925, at Conferences in Paris, the International Telephone Consultative Committee (CCIF) and the International Telegraph Consultative Committee (CCIT) were established. This was followed by the 1927 International Radiotelegraph Conference in Washington, D.C. in 1927, which was attended by 80 countries. It was a historical milestone in the development of radio since it was at this Conference that the Table of Frequency Allocations was first devised and the International Radio Consultative Committee (CCIR) was formed.

5. In 1932, two Plenipotentiary Conferences were held in Madrid: a Telegraph and Telephone Conference and a Radiotelegraph Conference. On that occasion the two existing Conventions were amalgamated in a single International Telecommunication Convention, and the countries that signed and acceded to it renamed the Union the International Telecommunication Union (ITU) to indicate its broader scope. Four sets of Regulations were annexed to the Convention: Telegraph, Telephone, Radio, and the Additional Radio Regulations.

6. A Plenipotentiary Conference met in Atlantic City in 1947 to revise the Madrid Convention. It introduced important changes in the organization of the Union. The International Frequency Registration Board (IFRB) and the Administrative Council were created. Also, the ITU became the specialized agency within the United Nations in the sphere of telecommunications, and its headquarters was transferred from Berne to Geneva.

7. The Union remained essentially unchanged until 1992, when an Additional Plenipotentiary Conference in Geneva extensively restructured the ITU. The Nice Constitution and Convention of 1989, which had not been ratified, was used as the general model for the 1992 Conference. The CCIR, IFRB and World Administrative Radio Conference (WARC) functions were incorporated into the Radiocommunication Sector (ITU-R); the CCITT and Telecommunication Conference functions were incorporated into the Telecommunication Standardization Sector (ITU-T); development activities were incorporated into the Telecommunication Development Sector (ITU-D); and the Secretariats were combined into one General Secretariat.

3.2.2 Purposes of the Union

1. The purposes of the Union are to promote the development and efficient operation of telecommunication facilities, in order to improve the efficiency of telecommunication services, their usefulness, and their general availability to the public; promote and offer technical assistance to developing countries in the field of telecommunications, and to promote the mobilization of the human and financial resources needed to develop telecommunications, and to promote the extension of the benefits of new telecommunications technologies to people everywhere; promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global information economy and society.

2. While the principal facilities of the ITU are in Geneva adjacent to the grounds of the United Nations, the Union also has a number of regional and sub-regional offices.

3.2.3 Structure of the Union

1. The ITU Constitution states that the Union shall comprise:

a) the Plenipotentiary Conference, which is the supreme authority of the Union;

b) the Council, which acts on behalf of the Plenipotentiary Conference;

c) world conferences on international telecommunications;

d) the Radiocommunication Sector, including world and regional radiocommunication conferences, radiocommunication assemblies and the Radio Regulations Board;

e) the Telecommunication Standardization Sector, including world telecommunication standardization conferences;

f) the Telecommunication Development Sector, including world and regional telecommunication development conferences;

g) the General Secretariat.

3.2.4 ITU Membership

Any administration (country) that accedes to the ITU Convention can become a Member of the Union. Member Countries have voting privileges in all ITU Organs. In addition to administrations, international and regional organizations with an interest in telecommunications, public and private operators, broadcasters, and scientific and industrial companies can become Sector "small-m" members of the Union. Sector members participate in most Union activities on an advisory basis but do not have voting rights. There are approximately 400 Sector Members.

3.2.5 Plenipotentiary Conference

The Plenipotentiary Conference is convened every four years. This conference adopts the fundamental policies of the organization and decides on the organization and activities of the Union in a treaty known as the International Telecommunication Constitution and Convention. These conferences focus on long-term policy issues. They take decisions on draft Strategic Plans submitted by the Council outlining the objectives, work, programs and expected outcome for each constituent of the Union until the following Conference. It elects members of the Council, the Secretary-General and Deputy Secretary-General, the Bureau Directors in the three Bureau Sectors of the ITU, and the members of the Radio Regulations board.

3.2.6 The Council

The Council of the ITU is composed of 46 Members of the Union elected by the Plenipotentiary Conference, with due regard to the need for equitable distribution of the seats on the Council among all five regions of the world. The role of the Council is to consider, in the interval between two Plenipotentiary Conferences, broad telecommunication policy issues in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment. The Council is responsible for ensuring the efficient coordination of the work of the Union and for exercising an effective financial control over the General Secretariat and the three Sectors. The Council takes all steps to facilitate the implementation by Members of the provision of the Constitution, the Convention, the Administrative Regulations of the Plenipotentiary conferences and, where appropriate, of the decisions of other conferences and meetings of the Union.

3.2.7 General Secretariat

The work of the General-Secretariat covers the publication and distribution of information on telecommunication matters; the organization and provision of logistic support to the Union's conferences; the coordination of the work of the Union with the United Nations and other international organizations; public relations; relations with Members, industry and users; organization of the World and Regional TELECOM Exhibitions and Forums; actions connected with the dissemination of information to the press, corporate and individual users of telecommunications, academic circles and the general public and the electronic information exchange and access to ITU documents, publications and databases.

3.2.8 World Conferences on International Telecommunications

World Conferences on International Telecommunications are empowered to revise Telecommunications Regulations. They establish the general principles which relate to the provision and operation of international telecommunications services offered to the public as well as the underlying international telecommunication transport means used to provide such services. They also set the rules applicable to administrations and operators in respect of international telecommunications. These conferences are open to all ITU Member Administrations and to the United Nations and its specialized agencies, regional telecommunication organizations, intergovernmental organizations operating satellite systems and the International Atomic Energy Agency. The following conferences are held; Radiocommunication Conferences,

Telecommunications Standardization Conferences and Development Conferences.

3.2.9 Radiocommunication Sector

1. General

The Radiocommunication Sector (ITU-R) ensures the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radiocommunication services, including those using the geostationary-satellite orbit and carry out studies without limit of frequency range on the basis of which recommendations are adopted. Subjects covered include: spectrum utilization and monitoring; inter-service sharing and compatibility; science services; radio wave propagation; the fixed satellite, fixed, and mobile services and sound and television broadcasting. The Radiocommunication Sector operates through World and Regional Radio Conferences and Radiocommunication Assemblies supported by study groups (legislative functions), an Advisory Group (strategic advice) and a Bureau headed by a Director (administrative functions).

2. Radiocommunication Conferences

World Radio Communication Conferences are held every two years along with a Radiocommunications Assembly. The main function of these conferences is to review and revise, as necessary, the Radio Regulations on the basis of an agenda adopted by the ITU Council following consultation of the membership. The Radio Regulations can be revised partially, or exceptionally, completely. The general scope of each conference's agenda is established four years in advance and the final agenda is established by the ITU Council, preferably two years before the conference, with the concurrence of a majority of the Members of the Union. These conferences also recommend to the Council items for inclusion in the agenda of a future conference and give its views on forthcoming agendas for a least a four-year cycle of conferences.

3. Radiocommunication Assemblies

Radiocommunications Assemblies provide the technical basis for the work of World Radiocommunication Conferences (WRC), approve the program of work of radiocommunication study groups and decide on the priority, urgency and time-scale for the completion of their study. They also approve, modify or reject the draft recommendations contained in the reports of study groups which have not been the object of approval under the accelerated procedure, decide which study groups to maintain, set up or abolish and allocate the questions to be studied in the next study period. The accelerated procedure provides for the adoption of recommendations in the interval between Assemblies through a vote by correspondence of ITU Member Administrations.

4. Conference Preparatory Meetings (CPMs)

Conference Preparatory Meetings (CPMs) prepare a consolidated report on the technical, operational and regulatory/procedural bases for a World Radio Conference (WRC). Regulatory studies of a technical or operational nature are undertaken by the appropriate Study Groups. Regulatory/procedural matters are addressed in a Special Committee. The CPM updates and rationalizes the material from the Study Groups and Special Committee, together with any new material submitted to it.

5. Radiocommunication Study Groups

a. Radiocommunication study groups are groups of experts in which administrations and public/private sector entities participate. They study technical questions relating to radiocommunication issues and adopt recommendations. The focus of study is on the use of the radio-frequency spectrum in terrestrial and space radiocommunications (including the geostationary-satellite orbit), the characteristics and performance of radio systems, the operation of radio stations and the radiocommunication aspects of distress and safety matters.

b. More than 1,500 specialists, from telecommunication organizations and administrations throughout the world, participate in the work of the Radiocommunication Study Groups. The Study Groups draft the technical

bases for Radiocommunication Conferences and compile handbooks on spectrum management and

emerging radio communication services and systems. Additionally, they develop draft ITU-R

Recommendations on the technical characteristics of, and operational procedures for, radiocommunication services and systems. These recommendations may be approved either by correspondence or by the next Radiocommunication Assembly.

6. Radiocommunication Bureau (BR)

a. The BR is headed by a Director who organizes and coordinates the work of the Radiocommunications study groups. The Bureau:

1) coordinates the preparatory work of the study groups and the Bureau

2) prepares and submits draft Rules of Procedure of approval by the Radio Regulations Board, including calculation methods and data required for the application of the provisions of the Radio Regulations

3) processes information received from administrations in application of the Radio Regulations and regional agreements

4) applies the Rules of Procedure approved by the Board, prepares and publishes findings based on those Rules, and submits to the Board any review of a finding which is requested by an administration and which cannot be resolved by the use of those Rules of Procedure.

5) in accordance with the Radio Regulations, effects an orderly recording and registration of frequency assignments and, where appropriate, the associated orbital characteristics, and keeps up to date the Master International Frequency Register, it reviews entries in that Register with a view to

amending or eliminating those which do not reflect actual frequency usage, in agreement with the administrations concerned.

6) assists in the resolution of cases of harmful interference, at the request of one or more of the interested administrations, and where necessary, makes investigations and prepares, for consideration by the Board, a report including draft recommendations.

7) carries out studies to furnish advice to 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, and with a view to the equitable, effective and economical use of the geostationary-satellite orbit, taking into account the needs of members requiring assistance, the specific needs of developing countries, as well as the special geographical situation of particular countries.

8) provides technical support, as necessary, to the Telecommunication Development Sector.

7. Radiocommunication Advisory Group

a. The Radiocommunication Assembly set up the Radiocommunication Advisory Group (RAG). The RAG:

1) reviews the priorities and strategies adopted in the Sector.

2) monitors progress of the work of the Study Groups.

3) provides guidance for the work of the Study Groups.

4) recommends measures for fostering cooperation and coordination with other organizations and with the other ITU Sectors.

5) provides advice on these matters to the Director of the Radiocommunication Bureau.

8. Radio Regulations Board

a. The Radio Regulations Board (RRB) consists of nine members elected by the Plenipotentiary Conference. They perform their duties on a part-time basis. The functions of the RRB are:

1) to approve the Rules of Procedure used by the BR in registering frequency assignments and applying the RRs;

2) to address matters referred by the BR which cannot be solved by the RRs or the Rules;

3) to review reports of interference investigations by the BR and to formulate recommendations for their resolution, and

4) to perform any duties related to the assignment and utilization of frequencies and to the equitable utilization of the geostationary-satellite orbit.

3.2.10 Telecommunication Standardization Sector

1. The Telecommunication Standardization Sector (ITU-T) studies technical, operating and tariff questions and issue recommendations with a view to standardizing telecommunications on a worldwide basis, including recommendations on interconnection of radio systems in public telecommunication networks and on the performance required for these interconnections. Activities cover: telecommunication services and network operation; telecommunication tariffs and accounting principles; maintenance; protection of outside plant; data communication; terminal for telematic services; switching, signaling and man-machine language; transmission performance, systems and equipment; and ISDN.

2. The basic structure of the ITU-T is similar to the Radiocommunication Sector. The major groups and activities of the ITU-T Sector include:

a) World Telecommunication Standardization Conferences which are supported by study groups (legislative) and convened every four years;

b) A Standardization Bureau headed by a Director (administrative); and

c) An Advisory Group on Standardization (strategic advice).

3. Telecommunications Standardization Study Groups are groups of experts in which administrations and public/private sector entities participate. Their focus of work is on standardization of telecommunication services, operation, performance and maintenance of equipment, systems networks and services, tariffs principles and accounting methods.

3.2.11 Telecommunication Development Sector

1. The basic structure of the ITU-D is also similar to the Radiocommunication Sector. The specialized secretariat of the Telecommunication Development Sector (ITU-D) is the Telecommunication Development Bureau which is headed by an elected Director. The objectives of the ITU-D are to:

a) raise the level of awareness of decision-makers concerning the important role of telecommunications in the national economic and social development program, and provide information and advice on possible policy and structural options;

b) promote the development, expansion and operation of telecommunication networks and services particularly in developing countries;

c) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions;

d) activate the mobilization of resources to provide assistance in the field of telecommunications to developing countries by promoting the establishment of preferential and favorable lines of credit, and cooperating with international and regional financial and development institutions;

e) promote and coordinate programs to accelerate the transfer of appropriate technologies to the developing countries in the light of changes and developments in the networks of the developed countries;

f) encourage participation by industry in telecommunication development in developing countries, and offer advice on the choice and transfer of appropriate technology; and

g) offer advice, carry out or sponsor studies, as necessary, on technical, economic, financial, managerial, regulatory and policy issues, including studies of specific projects in the field of telecommunications.

3.3 SUBMISSION OF INFORMATION TO THE ITU

3.3.1 Notification of Frequency Assignments

Frequencies assigned to radio stations shall be notified to the Radiocommunication Bureau, Geneva, Switzerland, as required by the ITU international Radio Regulations.

3.3.2 Provision of Information Regarding Satellite Networks in Planned Satellite Systems

In order to ensure compliance with the provisions of Articles S5, S7 and S11 of the ITU Radio

Regulations, any entity intended to establish a satellite system shall provide to the Department of Transportation, Communications and Infrastructure the details contained in Appendix 4 of the ITU Radio Regulations for each satellite network within the planned satellite system, including changes in the technical characteristics and the employment and deployment of stations contained therein. See Annex E, Section E.2 of these Regulations for more details on coordination procedures for terrestrial and space stations that operate in the same frequency bands.

3.4 GUIDANCE FOR SUBMISSION OF INMARSAT COMMISSIONING APPLICATION

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