

**A G R E E M E N T**

**FOR THE ESTABLISHMENT OF THE**

**CARIBBEAN TELECOMMUNICATIONS UNION**



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The Governments of the Member States of the Caribbean Community, RECOGNISING the sovereign right of each State to regulate its telecommunication system:

AWARE of the growing importance of telecommunications for the social and economic development of all States:

CONSCIOUS of the need to foster international cooperation and economic and social development among peoples by means of efficient telecommunications Services:

HAVE AGREED AS FOLLOWS:

ARTICLE 1

ESTABLISHMENT OF THE CARIBBEAN  
TELECOMMUNICATIONS UNION

The Caribbean Telecommunications Union (hereinafter referred to as "the Union") is hereby established with the membership, functions and powers as specified in this Agreement.

ARTICLE 2

MEMBERSHIP

Membership of the Union shall be open to:

- (a) Member States of the Caribbean Community;
- (b) Any other country within the Caribbean Region able and willing to exercise the rights and assume the obligations of membership of the Union, and which is admitted as a member by unanimous decision of the General Conference.

ARTICLE 3

OBJECTIVES OF THE UNION

The objectives of the Union shall be -

- (a) To facilitate the coordination of the planning, programming and development of intraregional and international communications networks to meet the immediate and future telecommunications needs of the Region.
- (b) To assist the development of the national components of regional and international telecommunications networks.
- (c) To promote the general awareness of the telecommunications needs of the Caribbean Region and its potential for promoting the socio-economic development of the Region.

- (d) To encourage the exchange of information, views and ideas between the telecommunications administrations of Members.
- (e) To foster coordination within the Caribbean Region of technical standards and routing plans for intraregional and international traffic.
- (f) To seek the adoption of efficient operating methods in national, regional and international telecommunications services.
- (g) To harmonize as far as possible the positions of Members in preparation for international and regional telecommunications conferences and other meetings.
- (h) To encourage and assist Members in the establishment and development of telecommunications industries.
- (i) To encourage the transfer of technology in the field of telecommunications among Members.
- (j) To establish linkages with the information bases of other telecommunications organisations and, in particular, the Centre for Telecommunications Development at the International Telecommunications Union (ITU) in Geneva.

- 4 -

ARTICLE 4

FUNCTIONS OF THE UNION

In pursuance of its objectives, the Union may:

- (a) Undertake, in coordination with the ITU when appropriate, technical and other studies relating to developments in telecommunication technology of common interest to its Members.
- (b) Encourage the exchange of information, technical experts and other specialized personnel amongst the telecommunications organisations of its Members. ....
- (c) Study or arrange for the study of the feasibility of the transfer of technology in the field of telecommunications amongst its Members.
- (d) Arrange where so required for the provision of technical cooperation among its Members for the realisation of their telecommunications projects.
- (e) Advise its Members on the assessment of their needs with respect to telecommunications personnel and programmes for training.
- (f) Promote and assist in the formulation and implementation of bilateral or multilateral telecommunications programmes within the Caribbean Region in cooperation with appropriate international or regional organisations.
- (g) Organise Conferences, Seminars and Workshops.

- (h) Draw upon the resources of other regional and international telecommunications organisations and, in particular, the Centre for Telecommunications Development.
- (i) Provide a forum for the discussion and resolution of telecommunications issues concerning the Region.

ARTICLE 5

ORGANS OF THE UNION

1. The Organs of the Union shall be the General Conference, the Executive Council and the Secretariat as the permanent Organs, and the Technical Conference as the non-permanent Organ.
2. Meetings of the Organs of the Union shall be held at the Headquarters of the Union, unless the respective Organs decide otherwise.

ARTICLE 6

HEADQUARTERS OF THE UNION

The Headquarters of the Union shall be established in the Member State of Trinidad and Tobago.

ARTICLE 7

OFFICIAL LANGUAGE OF THE UNION

The official language of the Union shall be English.

ARTICLE 8

THE GENERAL CONFERENCE

1. The General Conference shall be the supreme Organ of the Union and shall be composed of the Ministerial representatives of Members of the Union.
2. Each Member of the Union shall have one vote in the General Conference.
3. The representatives of entities operating in the region involved in telecommunications may participate in the deliberations of the General Conference as advisers to Members of the Union.
4. The General Conference shall meet in ordinary session biennially and in extraordinary session when circumstances require. Extraordinary sessions shall be convened by the President of the General Conference at the request of two-thirds of the Members of the Union.
5. The General Conference shall
  - a) establish general policies for the fulfilment of the objectives of the Union;
  - b) receive and consider the reports of the Executive Council on the activities of the Union as well as the reports and recommendations of the other principal Organs of the Union;
  - c) conclude or revise, if necessary, agreements between the Union and other parties;
  - d) revise this Agreement as it deems necessary;



- e) examine and approve the programme of activities of the Union and its biennial budget;
- f) adopt its own rules of procedures;
- g) adopt the principle of contributions by Members of the Union and determine the scale of contribution by Members;
- h) establish the structure of the Secretariat and elect the Secretary-General of the Union and determine the salary and other conditions of service.
- i) establish such subsidiary Organs it shall deem necessary to achieve the objectives of the Union and approve the rules and regulations in accordance with which these Organs shall function;
- j) approve the staff rules and regulations and the financial and other rules and regulations governing the activities of the Union;
- k) adopt at the conclusion of each of its sessions a report addressed to all Members;
- l) appoint the Auditors of the Union.

6. Two-thirds of the Members of the Union shall constitute a quorum for meetings of the General Conference.

7. Subject to the provisions of this Agreement, the decisions of the General Conference shall be made by a consensus of all Members present and eligible to vote.

#### ARTICLE 9

##### PRESIDENT AND VICE PRESIDENT OF THE UNION

1. The General Conference shall elect the President and Vice-President of the Union at each ordinary session from

among the representatives of Members of the Union and they shall hold office until the next ordinary session of the General Conference but they shall be eligible for re-election to the same office for one further term.

2. The President shall preside over sessions of the General Conference and each such session shall determine the date and venue of the next ordinary session of the General Conference.

3. If the President is for any reason unable to perform the functions of his office, the Vice-President shall perform those functions.

4. If neither the President nor the Vice-President is able to preside over any session of the General Conference, a Chairman for the session shall be elected from among the Ministerial representatives of the Members present.

#### ARTICLE 10

##### THE EXECUTIVE COUNCIL

1. The Executive Council shall comprise all Members of the Union.

2. Each Member of the Executive Council shall be represented at meetings of the Council by one representative who may be accompanied by advisers and such representative shall, as far as practicable, be a person qualified or experienced in the field of telecommunications or directly responsible to or for the telecommunications administration of the Member.

3. The Executive Council, pursuant to such policies as the General Conference may establish and such specific directives as the General Conference may issue, shall -

- a) supervise the administrative functions of the Union;
- b) formulate such regulations as it may consider necessary for the administrative, financial, technical and other activities of the Union;
- c) consider the programme of activities and budget of the Union and submit them for the approval of the General Conference;
- d) assess the annual contribution of each Member of the Union to the expenditure of the Union;
- e) consider and approve agreements with other parties other than agreements referred to in Article 10(4)(b);
- f) consider the annual report on the activities of the Union and arrange for the audited accounts of the Union to be submitted to the next General Conference;
- g) approve the agenda of the General Conference as well as the agenda and programmes of the Technical Conferences and Seminars submitted to it by the Secretary-General;
- h) fix the salaries and allowances of officers of the Union, other than the Secretary-General;
- i) fix the date of the Meeting of the Technical Conference preceding the next General Conference;

- j) determine the representation of the Union at Conferences or meetings to which the Union may be invited;
- k) adopt its own rules of procedure.

4. The Executive Council shall -

- a) between the sessions of the General Conference be the decision-making body of the Union within the limits of the powers delegated to it by the General Conference;
- b) submit to the General Conference proposals concerning the entering into agreements and contracts by the Union with Governments or institutions or other entities desirous of assisting the Union or its members in achieving the objectives of the Union.

5. The Executive Council shall elect a Chairman and Vice-Chairman biennially from among its Members; they shall hold office until the election of their successors in office but they shall be eligible for re-election provided always that no person shall be eligible for election to the same office for more than two successive terms of office.

6. The Executive Council shall meet at least once in every year. The Chairman shall summon a meeting of the Executive Council at the request of two-thirds of the Members of the Union.

7. A quorum for a meeting of the Executive Council shall be two-thirds of its Members.

ARTICLE II

THE SECRETARIAT

1. The Secretariat shall be the principal administrative Organ of the Union and shall comprise the Secretary-General, as its chief administrative officer, and such other staff as may be required. The Secretary-General shall be elected by the General Conference for a period extending up to the election of a successor in office at the next ordinary session of the General Conference, but the officer shall be eligible for re-election.
2. The Secretary-General shall be responsible to the Executive Council for all administrative and financial activities of the Union.
3. The Secretary-General shall be the legal representative of the Union.
4. Without prejudice to the generality of the powers of the chief administrative officer of the Secretariat, the Secretary General shall -
  - a) prepare the provisional programme and two-year budget of the Union and submit them to the Executive Council for the consideration of the General Conference;
  - b) prepare an annual budget and submit it to the Council for approval;
  - c) present audited accounts of the Union for the preceding financial year to the Council for consideration and approval;

- d) attend all meetings of the Conference and the Council in a consultative capacity;
- e) appoint the other staff of the Secretariat, ensuring as far as practicable the equitable distribution among the members of the Union;
- f) implement decisions of the General Conference and the Executive Council;
- g) take the necessary measures together with Members of the Union to ensure the implementation of the various programmes approved by the Union;
- h) prepare and present to the Executive Council, an annual report on the activities of the Union;
- i) prepare and circulate to Members of the Union and the Executive Council, periodic reports on the activities of the Union;
- j) convene all meetings and conferences of the Union and provide the Secretariat services;
- k) perform such other similar duties as may be assigned to him by the General Conference or the Executive Council;
- l) act as Secretary to the Executive Council.

## ARTICLE 12

### TECHNICAL CONFERENCE

1. The Technical Conference shall be composed of experts from Members of the Union and shall convene immediately prior to the ordinary session of the General Conference.
2. International and regional telecommunications organisations and other bodies involved in telecommunications may be invited to attend as observers at sessions of the Technical Conference which shall consider special subjects relating to

regional and international telecommunications and items put on its agenda by the General Conference or the Executive Council

3. The report of the Technical Conference shall be submitted to the General Conference.

ARTICLE 12

FINANCES OF THE UNION

1. The expenses of the Union shall be borne by Members of the Union as apportioned by the Executive Council in determining the annual contributions of Members.

2. The revenue of the Union shall be derived from the annual contributions of Members of the Union, grants and donations and income earned by the Union for any services provided by it.

3. The expenses of the Union shall be made up of the administrative costs relating to -

- (a) sessions of the General Conference;
- (b) sessions of the Executive Council;
- (c) the Secretariat;
- (d) the Technical Conferences;
- (e) seminars and other approved activities;
- (f) sessions of subsidiary bodies established by the Union;
- (g) technical assistance activities.

4. Members of the Union and observers shall bear the expenses of their delegations to meetings of any of the Organs of the Union.

5. The accounts of the Union shall be kept in the currency specified by the Executive Council.

ARTICLE 14

LEGAL STATUS

- 1. The Union shall possess full juridical personality.
- 2. The Union shall enjoy in each Member State, such legal status and legal capacity and such privileges and immunities as may be necessary for the fulfilment of its objectives and the exercise of its functions.

ARTICLE 15

SUSPENSION AND FORFEITURE OF RIGHTS OF A MEMBER

- 1. Any Member of the Union whose contributions to the Union are in arrears for two years shall forfeit its right to vote until such time as this situation is rectified.
- 2. The General Conference may, by a two-thirds majority of the Members of the Union, suspend a Member which -
  - (a) practises a policy contrary to the objectives and principles of the Union;
  - (b) fails to honour its financial obligations to the Union for four (4) consecutive years.



3. The General Conference may, by a two-thirds majority of the Members of the Union, revoke the suspension of a Member suspended under the provisions of 2(a) of this Article.

4. Suspension of a Member shall not affect its obligation to fulfill its financial obligations to the Union during the period of suspension.

#### ARTICLE 16

##### RULES OF PROCEDURE

Each Conference or Meeting of the Union shall adopt its own rules of procedure.

#### ARTICLE 17

##### RELATIONS BETWEEN THE UNION AND OTHER INTERNATIONAL BODIES

1. In order to encourage regional and international co-operation in the field of telecommunications, the Union may collaborate with the International Telecommunications Union and other international regional and sub-regional bodies whose activities and interests are related to telecommunications. The Union may invite such bodies as observers to the proceedings of its conferences in a consultative capacity on the basis of reciprocity.

2. Arrangements may be concluded between the Union and other international regional and sub-regional bodies.

ARTICLE 18

TECHNICAL CO-OPERATION

1. Members of the Union shall promote the exchange of experts and other personnel. They may also exchange study missions on technical and administrative matters and organise workshops and seminars.
2. The Union shall endeavour to secure training opportunities for executives and other staff of Member States in cooperation with the International Telecommunications Union and other specialised institutions in this field.

ARTICLE 19

SOVEREIGN RIGHTS OF MEMBER STATES

1. The provisions of this Agreement shall be without prejudice to the national legislation of Members.
2. Nothing in this Agreement shall affect the right of Members of the Union to develop and regulate their telecommunications networks and services.

ARTICLE 20

AMENDMENT

Any Member of the Union may submit to the Secretary-General of the Union, proposals for the amendment of this Agreement for the consideration of the General Conference and every such

amendment shall take effect on receiving the unanimous approval of the General Conference.

ARTICLE 21

WITHDRAWAL

1. Any member of the Union may withdraw from membership of the Union by giving not less than twelve months' notice in writing to the Secretary-General of the Union who shall forthwith notify Members of the Union.

2. A Member withdrawing from the Union undertakes to honour all financial obligations duly incurred under this Agreement prior to the effective date of its withdrawal.

ARTICLE 22

APPLICATION OF PROVISIONS OF THE INTERNATIONAL  
TELECOMMUNICATION CONVENTION

If any matter is not provided for in this Agreement, the Union shall act in conformity with the relevant provisions of the International Telecommunication Constitution and Convention in force and, in particular, those provisions relating to regional telecommunications organisations.

ARTICLE 23

IMPLEMENTATION

Members of the Union undertake to take all steps necessary for the implementation of this Agreement.

ARTICLE 24

SIGNATURE

This Agreement shall be open for signature by any Member State of the Caribbean Community.

ARTICLE 25

RATIFICATION

This Agreement shall be subject to ratification by the signatory States in accordance with their respective constitutional procedures. Instruments of Ratification shall be deposited with the Secretary-General of the Caribbean Community who shall transmit certified copies to each Member of the Union.

ARTICLE 26

ENTRY INTO FORCE

This Agreement shall enter into force upon the deposit of seven instruments of Ratification including Instruments of Ratification deposited on behalf of three MDCs.

ARTICLE 27

ACCESSION

1. Any country referred to in Article 2(b) of this Agreement may accede to this Agreement on such terms and conditions as may be determined by the General Conference.

Admission to membership shall take effect from the date  
which an appropriate Instrument of Accession is deposited  
with the Secretary-General of the Union.

IN WITNESS WHEREOF the undersigned, being duly  
authorised, have affixed their signatures to this Agreement.

Done in a single copy which is deposited with the Secretary-  
General of the Caribbean Community, who shall transmit certified  
copies to all of the Members.

Signed by *[Signature]*

for Antigua and Barbuda on

25<sup>th</sup> April 1989 at Nassau, Bahamas

Signed by *[Signature]*

for the Commonwealth of the Bahamas

28 April 1989 at Nassau, Bahamas

Signed by *[Signature]*

for the Barbados on

14<sup>th</sup> March 1990 at Bridgetown

Signed by *[Signature]*

for Belize on 19<sup>th</sup> Feb

1990 at Port au Spain Trinidad & Tobago

Signed by Allyson J. Carboni Minister for Communities and Water Affairs  
For Dominica on

13<sup>th</sup> March, 1990 at Roseau.

Signed by H. Harris  
For Grenada on

25<sup>th</sup> April 1990 at St. George's.

Signed by Robert H.O. Bobbin  
For Guyana on 2<sup>nd</sup> August,

1989 at

Signed by R. A. Pichewall  
For Jamaica on R. A. PICHÉWALL

January 23, 1990 at Kingston, Jamaica.

Signed by

For Montserrat on

19 at

Signed by S. Carl Morris

For St. Kitts/Nevis on

19<sup>th</sup> July 1990 at Port. of Spain.

Signed by Raymond

For Saint Lucia on 14<sup>th</sup> March

1990 at Castries