

## **DECISION 1/2020**

### **ADDING A FORCE MAJEURE CLAUSE**

#### ***considering***

1. that the current COVID-19 global pandemic has created an unprecedented situation causing major disruptions in carrying out regular activities forcing many organisations to adopt extraordinary measures and consider alternative actions in order to maintain regular operations;
2. that the ABU's Administrative Council had taken the extraordinary decision to postpone the election of its members and extend the term of all its elected members by one additional year;
3. that following the decision of the ABU Administrative Council all governing bodies of the different ABU committees, including the Technical Bureau, have also decided to follow the same procedure for its elections;
4. that this decision of postponing the election and extending the term of the Office Bearers of the ABU Technical Committee by one additional year is beyond what is stipulated in the current Rules of Procedures governing the Technical Committee;
5. that the Article 13 of the current Rules of Procedures allow the provision to amend these governing rules to adapt to changes within the ABU's Statutes and governing structure;
6. that such amendments have been incorporated in the past, the last one being in 2016, in order to make it more relevant and applicable to the changing times as well as a reference for the future,

#### ***noting***

1. that similar actions are taken by other governing bodies of the ABU and the suggested change has been reviewed by the ABU legal counsel,

#### ***The ABU Technical Committee Decides***

1. To amend the Rules of Procedure of the Technical Committee to include a Force Majeure clause under Article 13 as a supplement to accommodate the decision to extend the term of the Office Bearers by one year, as in the Annex.
2. That these amendments be brought into force with immediate effect.



53<sup>rd</sup>  
ASIA PACIFIC  
BROADCASTING  
UNION  
GENERAL ASSEMBLY  
BALI, INDONESIA 2016



**Annex**

**Last Revision**

***ABU Technical Committee Meeting,  
21-22 October 2016, Bali, Indonesia  
Revised Nov 2020***

## **RULES OF PROCEDURE OF THE ABU STANDING TECHNICAL COMMITTEE**

### **Article 1 Preamble:**

These rules of procedure are intended to conform with the Statutes of the Union.

### **Article 2 Competence:**

1. The Standing Technical Committee is a permanent specialist body reporting to the General Assembly (Article 14.1 of the Statutes).
2. Its competence and its responsibilities extend to all technical aspects of the Union's activities (Article 14.1 and 14.4 of the Statutes).

### **Article 3 Access to Meetings:**

1. Every Member\* of the Union, whether a Full Member or an Additional Full Member or an Associate Member, has the right to be represented by one or more delegates at plenary meetings of the Standing Technical Committee.
2. Any Member may arrange to be represented by another Member of the same membership category except that no representative or delegation may exercise delegated powers on behalf of more than one other organisation in addition to its own. Any delegation or representative exercising such powers on behalf of another Member must present a written authorisation from that Member (Article 7.4 of the Statutes).
3. The right to take part in the work of the Standing Technical Committee is restricted to the representatives mentioned in 1, and representatives of international organisations with which the ABU is in collaboration, subject to any conditions laid down by the Administrative Council or the General Assembly.
4. Any person or representative of any organisation which is invited by the President of the Union to attend the General Assembly as 'Observer' may also take part in meetings of the Standing Technical Committee as 'Observer'.

The Chairman of the Standing Technical Committee may invite any person or organisation whose advice may be useful, to attend any meeting of the Committee as 'Observer'.

The Chairman of the Standing Technical Committee may also invite the ABU Affiliates to attend its meetings or participate in its activities, but they shall not enjoy any of the

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\* For the purpose of these Rules of Procedure, the word Member (with a capital letter) denotes a member organisation whereas the word member (with small initial letter) denotes a person who is a member of a committee or other similar body.

- privileges of ABU membership.
5. Representatives of the appropriate ITU Administration of the countries or geographical areas to which the Members belong may also take part in the Committee's work as 'Observers' provided that all Members of the country or geographical area concerned have approved such participation.

#### **Article 4 Chairman and Vice-Chairman:**

1. The Chairman of the Standing Technical Committee shall be elected for a term of two consecutive years from among the Full Members elected to the Bureau in accordance with Article 5.
2. There will be four Vice-Chairmen of the Standing Technical Committee. Three Vice-Chairmen will be elected from among the Full Members and Additional Full Members of the Union elected to the Bureau in accordance with Article 5 and the fourth will be a nominee of the host organisation of the annual plenary meeting who will enjoy the position only at that meeting of the Committee. The elected Vice-Chairmen, will have a tenure of two years.
3. As a measure of continuity, the Chairman and the three elected Vice-Chairmen will not relinquish office in the same year. This will be achieved by staggering the term of one of the Vice-Chairmen so that it does not coincide with the respective terms of the other two Vice-Chairmen. If necessary, an additional term (over and above the two consecutive terms permitted vide Article 4 Section 5 below) will be provided to the concerned Vice-Chairman. This measure may be put to practice whenever a situation, as described in this section, arises.
4. In principle, the elections shall be by secret ballot, conducted in accordance with Article 8. However, in cases where there is only one candidate for the position and there is not at least a single opposition to the nomination, the procedure of balloting can be waived and the candidate concerned declared elected.
5. Upon termination of their mandate, the Chairman and the elected Vice-Chairmen shall be eligible for re-election to the same office. In no case will they hold the position for more than two consecutive terms. This re-election shall be held in accordance with the same procedure as for the initial election.
6. In the event of the absence or incapacity of the Chairman, his function shall be exercised by one of the elected Vice-Chairmen invited by the Bureau to do so, unless the Standing Technical Committee or the Bureau, as appropriate, rules otherwise.

#### **Article 5 The Bureau:**

1. In the interval between meetings of the Standing Technical Committee, continuity of the work of that Committee shall be ensured by a Bureau, the members of which, in the exercise of their functions, represent the Members of the ABU collectively.
2. The Bureau will have eighteen elected Members, at least four of which will be elected from those Members which fall under the ABU subscription groups A to K\*. A Member may be elected to the Bureau even if it is not represented at the meeting provided the Member conveys its agreement to the Technical Department in advance. Additionally, the Chairmen of all the Topic Areas (known hereafter as Topic Chairmen) (see Article 6), will serve on the Bureau as ex-officio members, but without voting rights. However, those Topic Chairmen who also happen to be the nominated representatives of the elected Members to the Bureau will enjoy unrestricted rights. A representative of the Member or a group of Members which is hosting the meeting of the Bureau and is not represented in the Bureau, shall be offered an honorary seat in the Bureau limited to the duration of that meeting.
3. Members of the Bureau, other than the Topic Chairmen serving on the Bureau in ex-officio capacity, will be directly elected by the Standing Technical Committee from among the Full, Additional Full and Associate Members located in the ABU region. Out of eighteen positions,

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\* Subscription Groups for the Members are defined in Section 2c of Article 16 of the Statutes of the Union.

two will be offered to the Associate Members in the ABU region. If one or both of these positions are not filled by this process, these will be added to the number of positions for Full and Additional Full Members. Election will take place every two years.

4. In electing Members of the Bureau, the Standing Technical Committee will, as far as possible, attempt to achieve a geographical balance.
5. Subject to being elected in accordance with the above provisions, the maximum number of terms for which a Member may serve on the Bureau will be unlimited.
6. The elected Members will nominate their highly expert and experienced Senior Executives from the technical stream to function on their behalf in the Bureau. This will help to meet the need to attract Members' topmost talent to the Bureau.
7. In principle, only the representatives (or their substitutes) of Members holding seats on the Bureau may attend its meetings. However, those representatives or substitutes may, with the concurrence of the Chairman, be accompanied by specialists. Furthermore, the Chairman may invite any person whose advice may be useful, to attend a meeting of the Bureau. Similarly, he may invite any organisation to be represented.
8. The Bureau shall meet at least once a year between the sessions of the Technical Committee, and at the time of the annual meeting of the Technical Committee as decided by the Chairman.
9. The Bureau shall retain between meetings of the Standing Technical Committee, and subject to its subsequent ratification, all the rights and powers of the Committee. In addition to being required to organise the study of various questions on behalf of the Standing Technical Committee, the Bureau may be invited either by the Administrative Council or, with the agreement of the Chairman of the Standing Technical Committee, by the Director of the Technical Department to put forward recommendations on specific questions.
10. If a necessity arises, voting in the Bureau will be conducted by show of hands. Recommendations and Decisions made by the Bureau will be deemed to represent unanimous opinions of its Members.
11. At each plenary meeting of the Standing Technical Committee, the Bureau shall submit a report on its activities during the interval between two meetings.

## **Article 6      **Technical Studies****

1. The Standing Technical Committee or on its behalf, the Bureau may establish a programme of studies to be carried out from time to time. Those studies which involve a financial commitment not provided in the budget are, however, subject to approval of the Administrative Council.
2. The selected studies will be classified in broad 'Topic Areas' (e.g. Production, Transmission, Resources & Services, and Spectrum) and a Chairman shall be appointed for each such Topic Area.
3. The Chairmen of the Topic Areas (alternatively described as Topic Chairmen) will be appointed in the following manner:

On behalf of the Chairman of the Standing Technical Committee, the Technical Department will invite all Members (Full, Additional Full and Associate) within the ABU region, in advance of the annual meeting at which the appointments of the Topic Chairmen are to be made, to indicate within a specified period whether they would wish to put forward a candidate or candidates for any of these positions.

Members will be advised to ensure that the candidates proposed by them are chosen on the basis of their personal competence and specialisation in the field of responsibility of the particular Topic Area, and that they will have full institutional support of the sponsoring

member organisations in discharging their responsibilities. The latter will include their participation in the meetings of the Standing Technical Committee and the Bureau, in addition to efficient management of studies in the relevant Topic Area. Concise bio-data of each candidate proposed for appointment will be provided.

At its session coinciding with the annual meeting, the Bureau will examine the proposals thus received and prepare its recommendations to the Standing Technical Committee which will have the final authority to appoint the Topic Chairmen. The incumbent Topic Chairmen will not participate in the preparation of these recommendations.

4. The term of appointment of the Topic Chairmen will be two years with no restriction on re-appointment for one or more additional terms. The Chairman of the Standing Technical Committee will not be eligible to accept the chairmanship of a Topic Area.
5. A Topic Chairman shall assume that position immediately after the meeting at which he / she is appointed.
6. The Bureau will periodically review the Terms of Reference of the studies being carried out under every Topic Area and make those amendments which may be considered necessary.
7. The activities in various Topic Areas will be co-ordinated by the elected Vice-Chairman/Chairmen of the Standing Technical Committee. However, overall supervision will remain with the Bureau as a whole.

#### **Article 7      **Project Managers****

1. Unless a special arrangement is considered necessary, every study decided by the Standing Technical Committee or, on its behalf, the Bureau will be organised as a project to be accomplished by a Project Manager. The Project Managers will be appointed by the respective Topic Chairmen from among the Members (Full, Additional Full and Associate) or Affiliates, in consultation with the Bureau. Such appointments will be based on personal expertise and assurance of support from the parent organisations.
2. Every Project Manager will function as a rapporteur for the assigned task and will be solely responsible for completion of the assignment. The Project Managers may, at their discretion, set up informal groups of experts to assist them in progressing the required studies.
3. If necessary, the Project Managers may invite selected specialists from among the Members (Full, Additional Full and Associate) and the Affiliates to assist them in an informal capacity. In addition, they may associate experts outside the ABU membership e.g. from the manufacturing sector, regulatory bodies and technology developers, if it is considered necessary to obtain industry inputs for accomplishment of particular tasks. Likewise, special meetings may be arranged with manufacturers and their associations or other relevant entities, if this is considered helpful in addressing a technical matter.

#### **Article 8      **Voting:****

1. Only Full Members and Additional Full Members have the right to vote in the Standing Technical Committee.
2. The Standing Technical Committee votes by secret ballot only for election of the Chairman, the (elected) Vice-Chairmen and if necessary, the Topic Chairmen. Before a vote by secret ballot, the Director of the Technical Department shall read out the list of Members having the right to vote with, in each case, an indication of the number of votes allocated to it, and shall inform the Committee of the delegations of voting powers by some Members to others in accordance with Article 3 Clause 2. Two scrutineers shall be appointed by the Committee from among the representatives of the ABU Affiliates, to count the votes with the assistance of the Secretariat.

The Director of the Technical Department will announce the results of the election and will ask each Member elected to designate a representative who will serve for the office.

In case a seat cannot be filled by the first ballot, a second ballot, and if necessary a third, shall be held. If after the third ballot the seat cannot still be filled, the election procedure shall be deferred for a minimum of 3 hours after which the procedure shall be repeated until a result is obtained.

3. In case of a vote by a show of hands or a roll-call vote, the representative of each Member or of Members where the voting right has been delegated, shall at the time of the vote-count, announce the number of votes that he/she represents. The votes shall be counted by the Director of the Technical Department or a member of his staff. The Director of the Technical Department shall immediately announce the results.

#### **Article 9 Secretariat:**

The Director of the Technical Department is ex-officio Secretary to the Standing Technical Committee and the Bureau. He attends the meetings of both, together with a sufficient number of staff of the Technical Department as he deems necessary. The Technical Department also provides the secretariat services for activities of the Topic Chairmen and their Project Managers.

#### **Article 10 Convening of Meetings:**

1. The annual plenary meeting of the Standing Technical Committee takes place, as a rule, immediately before the annual meeting of the General Assembly.
2. The Standing Technical Committee may be convened at any other time, with the agreement of the Administrative Council, by the Chairman of the Standing Technical Committee or, on his behalf, by the Director of the Technical Department, provided that such a request is made by at least one third of the Full and Additional Full Members, or unanimously by the Bureau.
3. The Bureau normally meets two times in each year: One of these meetings shall be held immediately before, and if necessary additionally, during the course of each plenary meeting of the Standing Technical Committee and at the same place, whereas the second meeting shall be held near the middle of the interim period between annual plenary meetings of the Standing Technical Committee. Subject to the approval of the Administrative Council, a meeting of the Bureau may be convened at any other time by the Chairman upon his wish or at the request of at least three of its members.
4. Notices for convening a meeting of the Standing Technical Committee or its Bureau shall be sent at least two months before the date fixed for the meeting.

#### **Article 11 Agenda for Meeting:**

1. The agendas for meetings of the Standing Technical Committee or its Bureau are prepared by the Director of the Technical Department and submitted for approval to the Chairman of the Standing Technical Committee. The agenda must be despatched to the Members concerned at least two months before the date fixed for the meeting.
2. No decision may validly be taken by the Standing Technical Committee in any matter that does not appear in its agenda unless consent for its inclusion is obtained from not less than half of the Full Members and Additional Full Members present or represented.
3. Every Member is entitled to request the inclusion of items in the Agenda of a meeting of the Standing Technical Committee or its Bureau. However, items so requested may not be included in the agenda of a meeting unless the Director of the Technical Department is notified at least one week before the limit date for issuing the agenda for that meeting

#### **Article 12 Working Procedures:**

1. English shall be the official and working language of the Standing Technical Committee. The

Chairman may allow the use of a language other than English, provided that an immediate translation into English is available.

2. The Chairman shall direct discussion and maintain order during the sessions of the meetings. He may rule that certain sittings or sessions of a meeting of the Committee shall be held in restricted committee limited to the Full Members and Additional Full Members.
3. A register of attendance shall be kept by the Director of the Technical Department for each sitting of every session of the Standing Technical Committee and its Bureau.
4. The Decisions and Recommendations of the Standing Technical Committee and of the Bureau shall be reported to the General Assembly, pointing out any differences of opinion expressed. This report is prepared by the Chairman of the Standing Technical Committee, with the assistance of the Director of the Technical Department.
5. On urgent matters submitted to the Standing Technical Committee or to the Bureau between two meetings, the Chairman of the Standing Technical Committee or, on his behalf, the Director of the Technical Department, may consult Members by correspondence.
6. A document initiated by a Topic Chairman may be submitted, on behalf of the ABU, to an international organisation if the submission is approved by the Standing Technical Committee at a normal meeting.

However, if in an exceptional case, a Topic Chairman determines at a time subsequent to the normal meeting of the Standing Technical Committee, that a document covering an issue of urgent concern to ABU would need to be submitted to an international organisation(s) before the next meeting of the Standing Technical Committee, he may request the Chairman of the Committee to apply an accelerated approval procedure. Such a request may also be initiated by a member organisation through the appropriate Topic Chairman.

The accelerated procedure applicable in such cases will be as follows:

Upon receiving the request, the Chairman of the Standing Technical Committee will determine in consultation with the Vice-Chairmen, whether the matter is indeed sufficiently urgent to warrant the application of the accelerated procedure. If he agrees that the matter is sufficiently urgent, the concerned Topic Chairman will, with the assistance of the concerned Project Manager, prepare a draft document and distribute it through the Director of the Technical Department, to all elected Members of the Bureau for approval within a specific period of time, at least 10 working days. If more than 50 percent of the responding Bureau Members approve the document, the document will be considered as having been approved for submission to the concerned international organisation.

When the document is submitted to the concerned international organisation, the Director of the Technical Department shall assign the contact person responsible for contribution and all of the activities in the concerned meetings on behalf of the Standing Technical Committee.

7. Summary Records of every sitting of the Standing Technical Committee shall be prepared by the rapporteurs appointed by the Committee with assistance from the Secretariat and submitted to the Chairman for his approval and signature. The Summary Records shall be confirmed at the next sitting or ordinary session of the Standing Technical Committee.
8. Details of the working procedure of the Standing Technical Committee and of the Bureau other than those provided for in these Rules of Procedure or in the Statutes of the Union may be decided from time to time at any session of the Standing Technical Committee and its Bureau.

### **Article 13 Supplement:**

1. The provisions of these Rules of Procedure can be amended at a meeting of the Standing Technical Committee with the approval of more than two-thirds of the Full Members and Additional Full Members present.

2. If necessary, an extension may be given to the Chairman, Vice-Chairmen and Bureau members until next election during the Force Majeure. Whereby, Force Majeure means any act of God, weather or other environmental conditions, inevitable accident, fire, flood, epidemic, earthquake, volcanic eruption, explosion, lockout, strike or other labor dispute, act of public enemy, threat or act of terrorism or war (declared or undeclared), act of vandalism, riot, civil commotion or disturbance, blockade, embargo, law, regulation, rule, order or other act of government or any government agency (whether national, federal, provincial, local or other), or any other similar cause or circumstance beyond the control of the Secretariat and the Member.

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