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Documents of the Plenipotentiary Conference (Malaga-Torremolinos, 1973)

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- This PDF includes Document No. 201-300
- The complete set of conference documents includes Document No. 1-449 and Document DT No. 1-94

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 201-E
23 October 1973
Original : Spanish

COMMITTEE 4

SUMMARY RECORD

OF THE

FIFTH MEETING OF COMMITTEE 4

1. Amend paragraph 1.8 on page 3 (eighth line from the bottom) as follows :

"... and he insisted that the first essential was to determine the amount of cash which the Headquarters needed to deal with the problem arising in the first few months of each year due to those countries which were a few months in arrears in the payment of their annual contributory shares. That cash deficiency which could not be very great and which had not even occurred in some years, had no bearing on the debts of the nine countries which had been unable to clear their debts for a period of years and once the amount of the cash deficiency was known, it would be possible to calculate to what extent the debts could be waived without burdening the other countries with the sum in question. He was convinced that ..."

2. In paragraph 1.9 on page 4, fifth line, replace "He" by "The delegate of Bolivia".

3. In paragraph 1.17 on page 5, alter to read :

"... the delegate of Cuba concerning Annex 2 to Document No. DT/25, the Head ..."



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 201-E

11 October 1973

Original : French

COMMITTEE 4

SUMMARY RECORD

OF THE

FIFTH MEETING OF COMMITTEE 4

(FINANCES OF THE UNION)

Thursday, 4 October 1973 at 1130 hrs

Chairman : Mr. RÜTSCHI (Switzerland)

Vice-Chairman : Mr. AHMED (Pakistan)

Subject discussed :

Accounts in arrears

Document No.

DT/25, 146, 54



Accounts in arrears (Documents Nos. DT/25, 146, 54)

1.1 The Chairman, summing up the position taken by the Committee on accounts in arrears, pointed out that it had been agreed that interest on arrears should be placed in a special debtors' account which would not be included in the normal debtors' balance of the Union. He also noted that some delegates had asked that a repayment programme be worked out and had requested that the interest on arrears, which amounted to nearly three million Swiss francs, should be settled before the next Plenipotentiary Conference was held. He then requested the delegate of the Yemen Arab Republic to introduce his proposal contained in Document No. 146.

1.2 The delegate of the Yemen Arab Republic stated that his country had been primarily interested in finding a realistic solution calculated to help the debtor members and to enable them in future to settle their contributions completely in due course. It was in the Union's interest to solve the thorny problem of arrears once and for all.

1.3 In response to a request from the delegate of Japan that the proposal of Yemen be expressed in figures, the Head of the Finance Department stated that the repayment of the sum due under the head of interest on arrears, amounting to about three million Swiss francs, would be spread over five years, at a rate of 600,000 Swiss francs per year, or 1,260 Swiss francs per contributory unit. The question of the outstanding three million Swiss francs would therefore be settled before the next Plenipotentiary Conference. However, if the deficit of about 9,600,000 Swiss francs had to be made up over a period of ten years, it would represent an amount of 2,021 Swiss francs per contributory unit per year.

1.4 The delegate of the United States recalled that he and the delegate of Cuba had already expressed certain reservations and drawn particular attention to the fact that the problem of arrears raised a fundamental question of principle, which made it difficult, on legal grounds, to adopt the proposal of Yemen. He personally considered that the payment of the accumulated interest on arrears could be waived but that, so far as the rest was concerned, the Secretary-General should be requested to draw up, in conjunction with the debtor countries, a programme for the payment of the outstanding amounts (about six million Swiss francs) over a period of five to ten years. Such a solution would be equitable, and it would also be quite normal, if the countries at present in difficulties were to choose a lower class of contribution for the future, so that they could always keep up to date in their payments to the I.T.U.

1.5 The delegate of the United Kingdom endorsed that view, stating that it would be unfair if the non-debtor countries were called upon to make additional payment to cover the existing deficit of six million Swiss francs. By agreeing to waive the interest on arrears, the Committee had already reduced the arrears by one third and that was a substantial concession.

1.6 The delegate of Cuba rapidly reviewed the situation and referred to the terms of Resolution No. 13 of the Montreux Conference, 1965. He pointed out that the economic and financial circumstances of each debtor Member were different and that each case should therefore be studied on its merits. One of the solutions envisaged, which he himself thought unfair, entailed the settlement of the debt by the payment of an annual instalment by the non-debtor countries as well. Yet the Convention contained no provision for the waiver of a debt. The Committee should therefore take a carefully considered decision, which should safeguard the interests of all Members. The two decisions already made by the Committee testified to its readiness to assist Members in difficulty and it would be wise to consider arrangements for the payment of debts, spread over a period of ten years, for example.

1.7 The delegates of Italy, Canada, and Australia shared the views expressed and supported the proposals of the delegates of the United States and the United Kingdom.

1.8 The delegate of Mexico stated that the Secretary-General had already very clearly pointed out that he would be unlikely to induce the countries concerned to pay their debts, since their situation made it impossible for them to honour the commitments which they had entered into in the past, perhaps somewhat ill-advisedly. He would ask the Committee to show understanding towards them and he thought that the Members which were not in arrears might agree to make the financial effort requested of them - over a period of ten years - in order to restore the I.T.U.'s situation to normal. With regard to the question of principle raised by some delegates, the Committee had already decided to waive the interest on arrears, although the Convention contained no provision for such a measure. It could therefore go a little further by settling the question of arrears once and for all. He wondered, moreover, whether the I.T.U. really needed to recover the entire arrears, amounting to some six million Swiss francs, and he considered that it would be useful to have the necessary statistical data to determine the sums which the Union actually required to ensure its proper operation. He was convinced that this assistance, granted to the debtor countries in quite exceptional circumstances, would in no way constitute a precedent and that the countries themselves would not be opposed to the taking in future of sanctions against Members in arrears.

1.9 The delegates of Bolivia and Chile supported the proposal of the delegate of Mexico. The delegate of Chile expressed his gratitude to the delegate of Mexico and to the other delegates who had declared their readiness to assist the debtor Members. He also called the Committee's attention to Document No. 54 containing the proposals made by Bolivia with a view to regularizing its situation with the Union and said that, if the Plenipotentiary Conference did not waive the balance of contributions in arrears of his country, it would continue to remain in the Union's debt, since its financial situation did not permit it to pay the sums outstanding.

1.10 The delegate of Peru endorsed the views expressed by the delegate of Mexico and hoped that the Committee would be able to go further in its assistance to debtor Members. However, he understood that some objection might be raised to the principle whereby the payment of debts should be partly borne by the non-debtor Members.

1.11 The delegate of Rwanda supported the views expressed by the delegates of the United Kingdom and Cuba and was opposed to the assumption of part of the arrears by the non-debtor countries.

1.12 After a brief review of the situation, the Chairman asked the delegate of the Yemen Arab Republic whether he would agree to the Committee's submission to the Plenary Meeting of a proposal in keeping with the two decisions which it had already taken without going any further for the time being.

1.13 The delegate of the Yemen Arab Republic asked for further information on the data contained in Annexes 2 and 3, Document No. DT/25.

1.14 This intervention called forth various comments on the part of the delegate of Peru, whom the Head of the Finance Department provided with the necessary explanation, referring to the figures quoted for Peru in Annex 2 to Document No. DT/25.

1.15 The Secretary-General said that the annexes to the document concerned should be considered in their entirety. He made various comments on the interpretation to be given to the columns in Annexes 2 and 3 and pointed out that Annex 2 contained figures based on the reduced contributions, as well as the interest on arrears calculated on the basis of these contributions, whereas Annex 3 included only the reduced contributions without interest.

1.16 Following a doubt expressed by the delegate of Peru concerning the arrears due from his country, the Secretary-General explained, in the light of the figures contained in Annex 2, the precise situation of Peru at the present time.

1.17 In reply to a question put by the delegate of Cuba, the Head of the Finance Department gave a detailed explanation of the position of the accounts in arrears of Costa Rica.

1.18 The delegate of the U.S.S.R. said that the discussion which had just taken place clearly showed that the Committee could not take the course suggested in Annex 2 to which his own delegation could not give its approval.

1.19 Following a fresh exchange of views between the Chairman and the delegates of Mexico and Bolivia, it was agreed that the discussion on accounts in arrears would be resumed at the next meeting, to which the delegate of the Yemen Arab Republic would submit a new document containing all the data required to enable the Committee to take a fully-informed decision.

The meeting rose at 1300 hours.

The Secretary :

R. PRELAZ

The Chairman :

R. RÜTSCHI

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 202-E
22 October 1973
Original : English

COMMITTEE 5

SUMMARY RECORD
OF THE
THIRD AND FINAL MEETING OF COMMITTEE 5

1. In paragraph 3.2 on page 2, delete the United States of America from the delegates listed and add the following sentence at the end of the paragraph :

"The United States delegate supported the proposal provided that salaries of elected officials were not increased."

2. In paragraph 3.12 on page 4, delete the United States of America from the delegates listed and add the following sentence at the end of the paragraph :

"The United States delegate supported the proposal provided it was clearly understood that the Administrative Council had the final word on the increases".



COMMITTEE 5

DELEGATIONS ARE INVITED TO COMMUNICATE AMENDMENTS TO THE SECRETARIAT
NOT LATER THAN 17 OCTOBER

SUMMARY RECORD

OF THE

THIRD AND FINAL MEETING OF COMMITTEE 5

(STAFF MATTERS)

Thursday, 4 October 1973, at 1615 hrs

Chairman : Mr. F.G. PERRIN (Canada)

Vice-Chairman : Mr. A. ZAIDAN (Saudia Arabia)

Subjects discussed :

Document No.

- | | |
|--|-------------|
| 1. Approval of the Summary Record of the 1st meeting | 121 |
| 2. Approval of the 1st Report of the Committee | 143 |
| 3. Salaries and Representation Allowances of Elected Officials | 46
DT/29 |
| 4. Closure of the work of the Committee | |

1. Approval of the Summary Record of the 1st meeting
(Document No. 121)

1.1 The delegate of the United Kingdom submitted an amendment to paragraph 3.8.

1.2 Document No. 121, as amended, was approved.

2. Approval of the 1st Report of the Committee (Document No. 143)

2.1 With regard to Annex 2, the Chairman suggested that as the words "Document No. 35" in the second line under "having considered" were redundant they should be deleted. It was so agreed.

2.2 Document No. 143, as amended above, was approved.

3. Salaries and Representation Allowances of Elected Officials
(Documents Nos. 46, DT/29)

3.1 Introducing Documents Nos. 46 and DT/29, the Secretary reviewed the present system for establishing and modifying elected officials' salaries and described the cumbersome procedure that system imposed on keeping such salaries adjusted to the Common System. In reply to a question from the delegate of Tanzania, he explained that one class of post adjustment represented about 4% of base salary so that in Geneva the post adjustment was now fifteen times that figure.

3.2 In view of the fact that representation allowances had remained unchanged since 1965, the delegate of Canada, supported by the delegates of Saudi Arabia, the United States of America, the U.S.S.R. and Poland, proposed that those allowances be raised to Sw. fr. 15,000 for the Secretary-General and Sw. fr. 7,500 for the other elected officials as provided in Montreux Resolution No. 1.

3.3 It was unanimously agreed to adopt the Canadian proposal.

3.4 The delegate of Canada, supported by the delegate of Saudi Arabia, further proposed that the salary of the Secretary-General be raised from US \$ 28,700 to US \$ 31,000 and that the same percentage increase be made to the salaries of the other elected officials.

3.5 The delegate of the United States of America, supported by the delegates of the U.S.S.R. and Poland, considered that the salaries of elected officials should be maintained at their present levels. He said that the present salaries were comparable to those for other organizations of similar size and budget and that while the Union should not lag behind in salary matters it should not on the other hand be the leader in initiating a round-the-board increase.

3.6 The delegate of the U.S.S.R. said that although he agreed that adjustments ought to be made to compensate cost-of-living increases and maintain take-home pay levels, increases beyond that could only be justified on the grounds of increased work and responsibilities on the part of the officials concerned.

3.7 The delegate of the United States of America further said he was strongly opposed to the idea (put forward in paragraph 5 of Document No. 46) of "pegging" the salaries of elected officials to the maximum salary in the D2 grade since he considered that the Administrative Council ought to retain its responsibility on behalf of the Union for authorizing salary increases.

3.8 The delegate of Tanzania said that his delegation was not itself opposed to the idea (put forward in paragraph 7 of Document No. DT/29) that the Administrative Council might adjust elected officials' salaries to the Common System without consulting Members, but he felt that some Members who were not represented on the Council might still wish to be consulted.

3.9 The Secretary felt that the Committee should be informed, when considering the relative size of organizations, of the fact that the budget figures given in Annex 2 to Document No. 46 excluded U.N.D.P. contributions. If those were taken into account, the relevant budget figures as regards organizations whose Secretary-General was paid the same salary as that of the I.T.U. would become : I.T.U., \$ 17,677,000; W.M.O., \$ 11,641,000; U.P.U., \$ 4,850,000; I.M.C.O., \$ 2,861,000. (The corrected figure for I.C.A.O. became \$ 17,730,000, but that organization had a permanent Administrative Council with a paid Chairman.).

3.10 The Chairman proposed that as a compromise the Committee might consider an increase to US \$ 30,100 (the I.L.O. figure for its Deputy Director-General) for the Secretary-General and a similar percentage increase for the other elected officials.

3.11 The delegate of the United Kingdom said that the United States position on pegging was too extreme, for there was much to be said for not occupying the Administrative Council with the minutiae of salary scale calculations. Furthermore, the action taken on salary increases in the past amounted in effect to pegging the salaries of elected officials to the Common System scale for appointed staff in the D2 grade. However, he too was opposed to fully automatic salary adjustment and felt that the Administrative Council should retain its right to scrutinize increases and exercise its control if it felt any such increase was improper on any particular occasion. Setting elected officials' salaries at the percentages of the maximum D2 salaries that they were at present (see paragraph 6 of Document No. 46) and adjusting those levels accordingly as the D2 rate changed throughout the Common System would involve no immediate change in salary but would be a more just solution for elected officials in the long run. He therefore proposed that such a procedure be adopted with the proviso that increases applied as a result of adjustments to the Common System be subject to the scrutiny of the Administrative Council and that if approved they would be adopted without the need to consult the Membership of the Union.

3.12 The delegates of Saudi Arabia, the U.S.S.R., the United States of America, the Federal Republic of Germany, France and the Congo supported the United Kingdom proposal.

3.13 In the light of the discussion, the United Kingdom proposal was unanimously adopted and it was decided to recommend that Resolution No. 1 of the Montreux Convention be amended accordingly.

4. Closure of the work of the Committee

4.1 The delegate of the U.S.S.R., on behalf of the Committee, congratulated the Chairman on the admirable way he had conducted the meetings and expressed the Committee's appreciation of the work he, the Vice-Chairman and the Secretary had accomplished to ensure the successful completion of the Committee's agenda.

4.2 The Chairman thanked the delegate of the U.S.S.R. for his kind words. He also thanked the delegates who had attended the meetings of the Committee and warmly appreciated their cooperation. He then declared the work of the Committee concluded.

The meeting rose at 1735 hours.

The Secretary :

M. BARDOUX

The Chairman :

F.G. PERRIN

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 203-E
19 October 1973
Original : French

COMMITTEE 8

SUMMARY RECORD
OF THE
EIGHTH MEETING OF COMMITTEE 8

Amend paragraph 1.15 on page 3 as follows :

"1.15 The delegate of Switzerland said that the words "by it or on its behalf" at the end of No. 5 could be deleted since the legal entity which exercised the power to conclude treaties was, in such a case, determined by the rules of public international law."



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 203-E
11 October 1973
Original : English

COMMITTEE 8

SUMMARY RECORD
OF THE
EIGHTH MEETING OF COMMITTEE 8
(RIGHTS AND OBLIGATIONS)

Friday, 5 October 1973, at 0940 hrs

Chairman : Mr. GABRIEL TEDROS (Ethiopia)

Vice-Chairman : Mr. G. José J. HERNANDEZ (Mexico)

Subjects discussed :

Document No.

1. Draft first report of Committee 8

DT/32(Rev.)

2. Establishment of Working Groups

3. Texts :

Chapter 1 - Article 2
Introductory paragraph
Nos. 13-15

DT/1 and 3
Proposals :
10, 11, 12, 21,
22, 23, 24, 29,
37, 41, 48, 64,
67, 69.

1. Draft first report of Committee 8 (Document No. DT/32(Rev.))

1.1 The Chairman said that in order to conform to the decision taken at the fifteenth Plenary meeting the word "Convention" should be substituted for the word "Constitution" in the text of the preamble and Article 1 annexed to the Committee's first draft report.

1.2 The delegate of the Ivory Coast recalled the amendment he had proposed at the previous meeting to delete the word "its" in No. 4 because of its ambiguity: it was not clear whether or not the Members referred to were those listed in Annex 1.

1.3 The Chairman pointed out that the word "its" should be retained in order to stress that the Union consisted of Member countries. Normally they comprised those already Members at the signature of a Convention and any that acceded subsequently.

1.4 The delegates of Gabon and Guinea agreed with the delegate of the Ivory Coast and considered that all ambiguity would be removed by the insertion of the words "which are those listed in the General Regulations" after the word "Members" in No. 4. The word "those" in No. 5 should be dropped.

1.5 The delegate of the U.S.S.R., supported by the delegate of Argentina, considered that the words "by it or on its behalf" in No. 5 should be deleted. It was a violation of sovereignty to provide for signature, ratification or accession by a Member on behalf of another.

1.6 The delegate of the United States of America said that the deletion of the word "those" and of the final phrase in No. 5 would create serious difficulties for the United States Government because of the territories for which it was responsible which were at present represented in the Union and made a substantial contribution. There were certain political entities in the world which were dependent territories and which did not necessarily aspire to independence and they should continue to have the right to be associated with the Union. With enough flexibility and mutual understanding a compromise could be reached on that serious issue.

1.7 The delegate of the United Kingdom said that the proposal to restrict the scope of No. 5 would also create problems for his Government because of its present responsibilities for the foreign affairs of certain areas.

1.8 The delegate of France observed that the word "its" in No. 4 was redundant and should be dropped. He proposed the substitution of the words "the Members" for the words "those" at the beginning of No. 5. That would make it clear that the Members were those referred to in Annex 1 of the General Regulations.

1.9 France was in the same position as the delegates of the United States and the United Kingdom regarding the last phrase in No. 5 because it still had responsibilities for certain entities.

1.10 The delegate of the United States of America supported the French amendment.

1.11 The delegate of Mexico said that the word "its" in No. 4 was redundant. The word "countries" should be inserted at the beginning of No. 5.

1.12 The delegate of the United Kingdom supported the French proposal to substitute the words "the Members" by the word "those" at the beginning of No. 5.

1.13 The words "by it or on its behalf" were concerned with the mechanics of signature and ratification, or accession and did not give rise to any question of principle. On that understanding and on the understanding that it would be for those concerned to sign and ratify, or accede to, the Convention in whatever was the appropriate manner, he proposed that the words be deleted.

1.14 The delegate of Ireland said that there ought to be no objection to the final phrase in No. 5 because at present one Member could act on behalf of another, for example, by exercising a proxy vote, so it was not only a function connected with ratification.

1.15 The delegate of Switzerland said that the final phrase in No. 5 could be dropped since in any event the entity which had the treaty-making power was determined by the rules of international law.

1.16 The delegate of Argentina said that each individual State could determine how to exercise its responsibilities towards dependent territories through declarations in a final protocol of the kind drawn up at the Montreux Conference and which formed an integral part of the Montreux Convention. The agreement reached in the Committee on No. 5 had formed part of a package deal and his delegation could certainly not accept the inclusion of any kind of colonial clause.

1.17 The delegate of the United States of America supported the United Kingdom amendment. Referring to the previous speaker's comment, he expressed doubt as to whether the majority was in fact in favour of a rigid limitation on the scope of No. 5.

1.18 It was agreed to delete the word "its" in No. 4.

1.19 There were 57 votes in favour of substituting the words "the Members" for the word "those" and 27 votes in favour of substituting the word "countries" for the word "those" in No. 5, with 11 abstentions.

1.20 The United Kingdom amendment to delete the words "by it or on its behalf" in No. 5 was adopted by 91 votes to none, with 11 abstentions.

1.21 The delegate of Zaire suggested that Committee 9 might consider dividing No. 4 into two sentences, the second starting with the words "Having regard to ...".

1.22 It was decided to transmit the text of the preamble and Article 1, as amended, contained in the Annex to the Committee's first draft report to Committee 9.

2. Establishment of Working Groups

1.23 The Chairman, drawing attention to the provision in Article 6, No. 41 of the Montreux Convention, according to which the Plenipotentiary Conference should only revise the Convention if it considered that necessary, said that the Committee must devise a procedure for expediting its work. He would suggest the establishment of two working groups - one on the Convention and the other on the General Regulations - to sift the numerous proposals and classify them into those of substance and those that entailed only drafting changes. The substantive proposals that were essentially similar could be grouped together to facilitate the Committee's discussions. The working groups might consist of the authors of proposals plus any other delegations wishing to take part.

1.24 The Chairman's suggestions were adopted.

1.25 The delegates of the United Kingdom and France signified their willingness to serve as chairmen of the working groups.

1.26 The delegate of Zaire said that it would have been preferable for the working groups to elect their own chairmen but he would make no formal objection.

1.27 The delegates of the United Kingdom and France were appointed chairmen of the working group on the Convention and on the General Regulations respectively.

1.28 The Chairman announced that there would be a meeting of the Vice-Chairman, the two chairmen of the working groups, the Secretary of the Committee and himself to work out the exact terms of reference of the working groups.

1.29 It was so agreed.

3. Texts : Chapter 1 - Article 2

Introductory paragraph

3.1 The Chairman recalled that the delegate of India had been entrusted with the task of producing a new text for Article 2.

3.2 The delegate of India said that, after consulting the delegate of the United Kingdom he wished to suggest that an introductory paragraph be prefaced to Article 2. He had two texts to submit to the Committee, the first a redraft of his own proposal in Document No. 64/3, the second a proposal by the United Kingdom, reading either : "All Members of the Union shall have all the rights as provided in the Convention and shall discharge their obligations implied by its application", or : "Members of the Union shall have the rights and obligations provided for in the Convention". He was ready to accept whichever of the two texts the Committee preferred.

3.3 The delegate of Brazil suggested that the United Kingdom text be modified to make clear that, while enjoying rights, Members were subject to obligations which arose out of those rights. The sentence could read : "Members of the Union shall have the rights and shall be subject to the obligations provided for in the Convention".

3.4 The delegate of the United Kingdom accepted that amendment.

3.5 The delegates of Spain, the Federal Republic of Germany, Mexico and Kuwait endorsed the United Kingdom proposal as amended by the delegate of Brazil and withdrew their own proposals.

3.6 The delegates of Italy and Somalia also supported the amended text.

3.7 The delegate of India accepted the amended text. He understood the word "Convention" to mean the text of the Convention itself, of the General Regulations and of the Administrative Regulations.

3.8 The delegate of Nigeria said he was in favour of the amended text but pointed out that while some of the rights of Members were embodied in the Convention, others were merely implied. Moreover, it would be recalled that the Conference had decided that the Union would keep a Convention as its basic instrument until the next Plenipotentiary Conference. At the present time, there was no way of knowing which texts would form part of that Convention, and which would be transferred to the General Regulations.

3.9 The Chairman, supported by the delegates of Brazil, India and Ireland, pointed out that the General Regulations were an integral part of the Convention. He took it that the Committee wished to approve the proposal by the delegate of the United Kingdom as amended by the delegate of Brazil.

3.10 It was so agreed.

Nos. 13, 14 and 15

3.11 The delegate of Brazil proposed that the rights referred to in Nos. 13, 14 and 15 be introduced by a short phrase stating : "The fundamental rights are :", which made it clear that other rights appeared elsewhere in the text of the Convention.

3.12 The delegate of Mexico recalled the decision adopted by the Conference in Document No. DT/33, which called for a redistribution of articles along the lines suggested by the study group. He agreed with the delegate of Brazil that Nos. 13, 14 and 15 should remain in their present place but thought they should not be qualified as fundamental. They could perhaps be introduced by a phrase along the following lines : "The rights of Members include the following :".

3.13 The delegate of Ireland suggested that the rights of Members could perhaps be divided into two kinds : general rights and voting rights.

3.14 The delegate of India suggested that the introductory phrase should read : "Rights of Members in respect to their participation in I.T.U. conferences and meetings shall be as follows :".

3.15 The delegates of Brazil and Mexico said they were ready to accept the Indian proposal.

3.16 The Chairman suggested that the delegate of India be asked to produce for the Committee a written text of his proposal. He recalled that Canada had suggested a new draft for No. 13 which seemed to meet with general approval. In addition, Poland had submitted an amendment to No. 14 concerning the right of administrations to authorize another delegation to represent and vote for them. He suggested that the delegate of Poland raise that point at the appropriate place during the examination of the General Regulations.

3.17 The delegate of Poland said he was ready to accept that suggestion.

3.18 The delegate of Brazil, after recalling the difficulties that had arisen in the past, expressed the view that the question of proxies should be clarified in the text of the Convention.

3.19 The Deputy Secretary-General pointed out that the Administrative Council had formally decided that proxy voting should be allowed in elections for the posts of Director of C.C.I.R. and C.C.I.T.T. That seemed to him to add weight to the view that ambiguities in the present text should be clarified.

3.20 The delegates of the Federal Republic of Germany and Australia supported the comments of the delegate of Brazil.

3.21 The delegate of the U.S.S.R. requested the delegate of Brazil not to press for a discussion of proxies under Article 2, since it seemed to him to be more a question of procedure than of basic rights.

3.22 The delegate of Brazil said he was willing to deal with the issue under a different article but would like to leave open the possibility of reverting to it under Article 2 at a later stage.

The meeting rose at 1250 hours.

Secretaries :
A. C. DAVID
R. MACHERET

Chairman :
GABRIEL TEDROS

FOR GENERAL INFORMATION

Cameroon (United Republic of)

STATEMENT

Mr. Chairman,

The time is come for me to depart, to return to dear Cameroon. It is unfortunate that this must be before the next Plenary Meeting. I am therefore unable to speak at the said Plenary Meeting, to say "Thank you" to you and to the good Spanish people and "thank you and goodbye" to the distinguished delegates at this Conference. I do wish that I could stay on to do this, Sir, but I really can't. The call of duty warrants my return home.

Mr. Chairman, you are our head at this Conference. You are our highest servant too. Permit me, therefore, to request you to pass on my thanks to those concerned. I feel quite sad that I am unable to do this, myself, through my living voice. This illness cannot be cured and so it must be endured.

I thank you, Sir, for the full understanding and consideration which the Cameroon Delegation has received from you thus far. I have full confidence that it shall be so till the end of this Conference. On our part we reaffirm our offer of full cooperation all through the Conference.

I heartily congratulate you, Sir, on the success you have so far achieved in the conduct of the Conference. I pray that by the time it ends this success will be greater still. I am convinced that not only will the final note be one of harmony and concord but, also, that the friendships and human understanding here cultivated and nurtured under your guidance shall long endure.

Mr. Chairman! I very sincerely thank the Spanish Authorities and people for the excellent arrangements made in favour of this conference. I thank them more, Sir, for the great hospitality reserved for and dished out to all the distinguished delegates to this conference. We have met nothing but friendship everywhere; we have received nothing but kindness from everyone. We feel really overwhelmed.



A day before I came here, Sir, I would rather have been whipped than come. Now, a day before my departure, I would rather be shot than depart. Mr. Chairman, stay I may, but go I must. The stern call of duty is always supreme, always prevails. This is more so when it is backed, as in my case, by those ties which make home, dear home.

When I leave here I shall not leave alone. I will carry away with me sunny thoughts and happy memories of lovely Torremolinos and Malaga and, Sir, of the enchanting coast of the sun, dear Costa del Sol. I shall hardly, if ever, forget Spain and her kind people. Sir, in the cathedral of my heart a candle will always burn for Spain.

Permit me, Sir, to thank all the distinguished delegates for their understanding and cooperation; for the marvellous receptions given by some of them and/or for the gifts of lovely stamp albums. I will always treasure these albums very highly, true reminders of our time here together at this Plenipotentiary Conference.

Allow me now to thank very sincerely and in a special manner, those distinguished delegates who voted Cameroon into the Administrative Council of our Union. We can hardly, if ever, thank them well enough. May I promise them that Cameroon is resolved to justify the great confidence that they have reposed in her and to ensure that their votes shall not have been cast in vain.

My thanks go in no less manner to those distinguished delegates who were unable to vote for Cameroon. They played a good double role. They voted for other candidates and, more important, their keen participation in the vote made it possible for the basic democratic rule of "the majority" to breathe and to prevail. It is our hope that when next the opportunity offers itself, they too, will join the others in joy to vote for Cameroon.

Mr. Chairman, let me congratulate the members of the new Administrative Council on their success at their election last week. It is my hope that the Council will benefit much from the experience of those of them who were re-elected. I promise the Council, on behalf of the Cameroon Delegation, full cooperation in the interest of efficient and effective service. We owe this duty to our electors - to our UNION. I make no request for Cameroon but for their cooperation and understanding; for the opportunity to be of real service to the Union.

I must thank the out-going Members of the Council very sincerely for the excellent work they did during their term of office. We of the new Council shall surely benefit much from their work, left for us as monuments, in reports and documents of great value.

Mr. Chairman, I wish to thank most sincerely, our Secretary-General and all the staff of our General Secretariat present at this conference for the excellent work they are doing; for their ever-ready-to-help attitude; for their courtesy, respect, patience and understanding. We could hardly ask for more. It is my faith that this standard they have set will continue till the end of the Conference, will continue in Geneva.

Finally, Sir, my special thanks go to the interpreters and translators at this Conference. What could we have done without them? I want them to know and to understand that they are doing an excellent job and that we appreciate it very much indeed.

Mr. Chairman, tomorrow I will be away from here. I wish you every success in the conduct of the Conference. To all the distinguished delegates, to the Secretary-General and his staff, to our translators and interpreters I say "FAREWELL". To the Spanish Authorities and to the kind and hospitable people of Spain I say "Thank you and Adios".

Mr. Chairman, thank you.

PLENARY MEETING

SECOND REPORT OF COMMITTEE 5

Salaries and Representation allowances
of Elected Officials

1. The Committee considered this question on the basis of sub-paragraph 2.5.4.10 of the Report of the Administrative Council to the Plenipotentiary Conference, as well as Documents Nos. 46 and DT/29.

2. The Committee heard explanations on the present procedure for establishing and adjusting the base salaries of elected officials pursuant to Resolution No. 1 of the Montreux Conference. While the base salaries were fixed at Montreux, they had been adjusted since on three occasions by the same percentages as had been applied throughout the Common System. The membership of the Union had therefore been consulted on measures which in fact flowed from decisions of the United Nations General Assembly. This General Assembly was expected to increase the base salaries and decrease in the same proportion the amounts payable under the post adjustment system (without therefore modifying take-home pay) with effect from 1 January 1974; as a consequence, should this Plenipotentiary Conference set amounts for the salaries of elected officials, these would never become effective since they would have to be modified on the date of their entry into force.

The discussion in the Committee centred on the base salary of the Secretary-General; no suggestion was made as regards changing the relationship between the salaries of the various elected officials.

3. A proposal was made and supported that the salary of the Secretary-General be increased to \$ 31,000.
4. Some delegations considered that the salary of the Secretary-General should be kept in line with that of executive heads of organizations comparable to the I.T.U. as regards size and budget and that a decision should take account of whether the responsibilities of the Secretary-General had increased since 1965. On these bases they favoured the status quo, which was approved by the other delegations which expressed their view.
5. The possibility of avoiding an unnecessary consultation of the membership was discussed and it was unanimously agreed that the recognition of a link with the highest salary paid to appointed staff (the maximum of grade D.2) was the best solution, provided the Administrative Council retained the power to adjust the salaries as necessary following adjustments in Common System scales.
6. The Committee unanimously agreed that an increase following cost-of-living movements should be applied to the amounts of representation allowances which should be raised respectively from 10,000 to 15,000 Swiss francs and 5,000 to 7,500 Swiss francs.
7. A draft resolution is annexed.

Annex : 1

A N N E X

DRAFT RESOLUTION

Salaries and Representation Allowances
of Elected Officials

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

noting

that, pursuant to Resolution No. 1 adopted by the
Plenipotentiary Conference (Montreux, 1965), the membership of
the Union had approved adjustments to the salaries of elected
officials, as proposed by the Administrative Council on the
basis of changes in the United Nations Common System, through
an expensive and time consuming consultation process;

recognizing

that the salaries of elected officials should be
set at an adequate level above those paid to appointed staff in
the United Nations Common System;

resolves

that, subject to the measures which could be
proposed by the Administrative Council to the Members of the
Union in accordance with the instructions hereunder, the
Secretary-General, the Deputy Secretary-General, the Directors
of the International Consultative Committees and the members
of the International Frequency Registration Board shall be
paid with effect from 1 January 1974 salaries fixed in relation
to the maximum salary paid to appointed staff on the basis of
the following percentages :

Secretary-General	124
Deputy Secretary-General	
Directors of the Consultative Committees	111
I.F.R.B. Members	106

instructs the Administrative Council

- i) if a relevant adjustment is made in Common System salary scales, to approve the modification as necessary of salary amounts resulting from the application of the above-mentioned percentages;
- ii) in the event of such overriding factors appearing to the Administrative Council to justify a change in the above-mentioned percentages, to propose for the approval of the majority of the Members of the Union, revised percentages with appropriate justifications.

further resolves

that costs incurred for representation will be reimbursed against vouchers within the following limits :

	Swiss francs per year
Secretary-General	15,000
Deputy Secretary-General, Directors of the Consultative Committees . .	7,500
I.F.R.B. (for the Board as a whole at the discretion of the Chairman)	7,500

further instructs the Administrative Council

in the event of a marked increase in the cost of living in Switzerland, to propose, for the approval of the majority of the Members of the Union, suitable adjustments to the above limits.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 206-E

11 October 1973

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PLENARY MEETING

MINUTES

OF THE

THIRTEENTH PLENARY MEETING

Wednesday, 3 October 1973, at 1540 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

Subjects discussed :

1. Election of the Administrative Council (continued)
2. Debate on the nature of the new basic instrument of the Union.



1. Election of the Administrative Council (continued)

1.1 The delegate of Dahomey said that official duties had prevented him from attending the opening of the Conference but he would like to offer his congratulations to the Chairman on his election and request him to transmit the greetings of the President of Dahomey to the Government and people of Spain.

His own country had always condemned racial discrimination in all its forms and therefore welcomed the decision to exclude South Africa and Portugal from the Conference and other meetings of the Union.

In its struggle for economic independence, Dahomey had accorded high priority to the development of telecommunications. In an effort to make maximum use of its own resources, it had concentrated first on training, i.e. the development of human resources, and then on practical achievements designed to overcome underdevelopment. At the present time Dahomey was developing its means of telecommunication and had established direct links with Nigeria, Togo and Niger with a view to putting an end to the necessity of communicating with its neighbours via the former metropolitan power. His country was also participating in the Pan-African network in which it placed high hopes.

He wished to congratulate Mr. Mili and Mr. Butler on their re-election and wished them every success in their work. Finally, he congratulated the new Members of the Administrative Council and expressed the hope that they would do their utmost to develop world telecommunications in general, and the Pan-African network in particular.

1.2 The delegate of Uganda, speaking on behalf of the East African Community, made the following statement :

"Thank you, Mr. Chairman, for giving me the floor.

Ladies and Gentlemen :

This is my first time to address the Conference and I cannot but feel greatly honoured and privileged to speak on an occasion such as this.

The East African delegations, which comprise Tanzania, Kenya and Uganda, are extremely happy that Tanzania, a member of the East African Community, has been elected to the Administrative Council. The Conference will be happy to know that I, personally, come from Uganda. We feel this is a mark of confidence not only in Tanzania but also in the entire regional grouping of the East African Community and the principles which underlie the Union. We are most grateful to those countries which have shown their support by voting for us and on our part we would like to assure the Conference that Tanzania, together with its partners in the East African Community, will, as in the past, continue to uphold the aims of the Union and will fully play their part in the work and activities of the Administrative Council.

We also feel, Mr. Chairman, that our election to the Administrative Council is, in a way, a practical demonstration of the members' adherence to the principle of equitable regional representation, which spirit we hope will not only be maintained but also enhanced. In this connection, I fully support the statement made earlier by the distinguished delegate from Pakistan.

To those members who, on this occasion, did not vote for us, we trust we will in future merit their support.

Permit me, Mr. Chairman, to say a few words about our set-up in East Africa. Cooperation in East Africa began as early as 1901 with the construction of the railway line from the coast to serve inland areas. Over the years, it has gradually expanded through the introduction of new services into what is known today as the East African Community.

The Community brings together Kenya, Uganda and Tanzania in a common endeavour to bring about accelerated and balanced economic development through the strengthening and regulation of industrial, commercial and other relations of the partner states.

Telecommunication services in Kenya, Uganda and Tanzania are operated by the East African Posts and Telecommunications Corporation, an institution of the Community. Today East Africa enjoys a completely integrated automatic telecommunications network, providing subscriber trunk dialling within the partner states and international subscriber dialling on telex services. In addition, the Community is also responsible for a number of technical, economic, social and research services which include railways, airways, harbours and civil aviation, to mention only a few.

The Community, despite the various problems it faces, is a bold endeavour and has played an effective part in the development effort in the region. It has also demonstrated the numerous advantages that can accrue from such a union. It is the earnest hope of the East African partner states that the Community will provide a nucleus for an even much larger regional grouping.

Mr. Chairman, last but not least, permit me to congratulate you on your election as Chairman of the Conference and on the manner in which you have conducted these meetings and the wise decisions that have been taken so far. I would also like to take the opportunity to congratulate Mr. Mili and Mr. Butler on their appointments. I was, unfortunately, not able to arrive in time for the opening of the Conference due to official engagements at home. May I also express my sincere appreciation to the Spanish Government for the wonderful hospitality and arrangements for the Conference."

1.3 The delegate of the Ivory Coast made the following statement :

"Mr. Chairman,

It is not my intention to abuse the kindness of our august assembly by inflicting a speech upon it.

My delegation feels in duty bound to thank not only all those who by their vote have expressed their trust in it but also the delegations who felt unable to support its candidacy. My country has been a Member of the I.T.U. and of the U.P.U. since 1961 and has never stood for office in either of them before preferring to support the candidacies of other brother countries. The Ivory Coast, which is by tradition a friendly country favouring amicable discussion, was quick to affirm its personality as a young nation by cultivating its ideal of understanding and of peace between peoples, and has made an open policy to the outside world one of the principles of its development. Despite its modest resources and with the aid of friendly countries, it is now one of the most highly developed West African countries as regards telecommunication networks. It has managed to set up direct radio links with more than 17 African countries. It has had 60 satellite link circuits for more than a year now and 60% of its telephone network has been automatic since 31 July this year.

Despite its absence from the Administrative Council my country will continue to make its modest contribution to the development of telecommunications as a means of bringing people closer together.

I offer my wishes, Mr. Chairman, to the former members and new members of the Council for a term of fruitful work in the interest of all.

For the last five years, on the initiative of the Administrative Council, the tradition has grown up of celebrating World Telecommunications Day together every year.

At the fifth such celebration, on 17 May 1973, the theme was international cooperation. Like many other countries, my country organized various events for the occasion - lectures, the showing of films supplied by the I.T.U. and so on. These activities were a means of making public opinion as well as the government authorities alive to the often little known but fundamental role played by telecommunications in the steady growth of the economic interdependence of countries and in encouraging young people to take up scientific and technical careers as sure guarantees of a future of progress. We think that active public information is of the highest interest for Members of the Union, particularly for developing countries. I remember that extraordinary world telecommunications exhibition, Telecom 71, which I visited like many of you here. There is no doubt that this initiative was most useful and instructive.

We know that this matter will be discussed here during the next few weeks, but we should like to obtain information now about the means the Union has at its disposal for conducting its public relations.

At this very Conference we have been able to see a small but most interesting exhibition of the Union's activities. For some years past we have been receiving documents, photos and films, in particular in preparation for World Telecommunications Day.

It would be most useful if details could be given at this juncture to all delegations on the structure and possibilities of the Public Relations Division which exists within the Union.

May I again express my sincere thanks for all the kind attention which has been lavished on us since the start of this Conference. May this welcoming earth and sky inspire our work and help us to find ways by which we can give back to the world, as a pledge of peace, this profound humanism which is the common starting point of our civilizations.

In conclusion, may this Conference be the occasion for the powerful ones of the world to become more clearly aware of certain demands, and for the most humble and those least blessed by Nature may it be a source of more solid hope of fraternal justice.

Thank you, Mr. Chairman."

1.4 The delegate of Morocco suggested that the Chairman of the Conference, speaking on behalf of all participants, might thank those who had voted in the election, congratulate those who had been elected and express regrets to those who had failed to be elected. In that way, the Conference would be able to proceed rapidly with its work.

1.5 The Chairman said he would be happy to follow that suggestion, provided it was acceptable to all. He had noted that of the 36 members of the Administrative Council, 13 were taking up their duties for the first time. Thus the new Council would combine continuity with change. On behalf of the Conference as a whole, he thanked all who had voted, congratulated those who had been elected and commended the departing members on their most valuable efforts.

2. Debate on the nature of the new basic instrument of the Union

2.1 The Chairman drew the Conference's attention to the conclusions of the Steering Committee on the item under consideration. The Committee felt that the Conference should provide answers to three separate but related questions. First, it should decide in principle whether the Union's basic instrument should be in the form of a Constitution or a Convention. That decision, of course, involved more than a change in wording. The choice of a Constitution implied that the more permanent texts, revision of which would require a special majority or even a special procedure, would appear in a Charter, the remainder in general regulations. Secondly, if the Conference chose a Constitution, it would have to decide which texts to place in the body of the Charter and which in the General Regulations and Annexes. Alternatively, if it decided in favour of a Convention, it could revise the present text on the basis of the valuable work performed by the Study Group set up by the Montreux Conference. Thirdly, provision would have to be made for the functioning of the Union during the transitional stage.

The Steering Committee had thought it would be useful to hear the Secretary-General's views on the matter, followed by the observations of the Chairmen of Committees 7, 8 and 9.

2.2 The Secretary-General made the following statement :

"Mr. Chairman,

First of all, allow me to thank you for your kind invitation to speak in order to give you an opinion on the important subject which you have included in the agenda of this Plenary Meeting.

I am all the more conscious of the honour in that this august assembly will be called upon to take a decision of whose importance we are well aware.

Ladies and gentlemen,

One of the main duties of the Secretary-General of the I.T.U. is to ensure strict compliance with the provisions of the Convention. For us, this is the basic document to which we have to refer constantly, even daily.

In my eight years of service at the I.T.U., I have been called upon to consult the Convention on innumerable occasions. My overall impression is that, apart from certain contradictions and, in some cases, lack of precision, the International Telecommunication Convention is a document as complete as it is practical.

Complete - because it allows for all the situations which may arise in the everyday activities of the Union, because it leaves nothing unclear and because it has been supplemented or amended regularly by the various Plenipotentiary Conferences.

Practical - because it represents a working tool founded not merely on theoretical considerations but also on concrete facts directly connected with the real activities of the I.T.U.

In a general way, I can state that we are very satisfied with it. In my eight years of office I have had a large number of extremely difficult problems to resolve. In every case I have been able to find the necessary legal basis for the solution of these problems either in the Convention or in the Resolutions of the Administrative Council.

It is therefore reasonable to put the following question : why should we replace the Convention by a Constitution? I shall tell you frankly that I personally see no advantage in so doing. On the contrary, I see a large number of serious drawbacks.

First drawback :

The permanent character of the Constitution. The main reason given by those wishing to have a Constitution is that the I.T.U. must have a permanent instrument. Personally, I consider that the fact of having a permanent instrument would involve serious disadvantages for the normal development of our Organization.

I was saying a few moments ago that the Convention had been established and put into its final form by successive retouchings to take account of the constant and rapid pace of development in telecommunications.

If we want the I.T.U. to retain its youthful character despite its advanced age, it is essential that its fundamental instrument should be revised regularly and adapted to technical progress. This is what has always been done since the Madrid Conference and there is no reason to change our procedure. On the contrary, since the Convention is a working tool and not a kind of "Declaration of Human Rights" it is essential that it should be able to be easily and regularly amended to allow mainly for two new factors :

- the large-scale advent of the developing countries to the international arena
- the explosion in telecommunications media

Let me explain myself.

In the past ten years, the I.T.U. has been enriched by the accession by a large number of new Members. To provide the necessary assistance to these new Members, our Organization is developing apace. This is therefore not the time to fix a rigid pattern by means of a permanent basic text, when this evolution has not yet run its course.

In my view this Conference would be committing a serious blunder and one detrimental to the new or developing countries, if it were to adopt such a decision.

On the contrary, I am convinced that the period of five or six years to come will entail adjustments which will have to be made to the Convention at the next Plenipotentiary Conference. I am also certain that this development will persist for a long time to come, at least until the developing countries have reached the level of the industrially developed countries. You will agree with me that this is not for tomorrow.

In short, it is in the interests of the developing countries, for the time being, not to have a permanent instrument for the Union.

Also over the past ten years, telecommunication satellites and high-capacity coaxial cables have revolutionized telecommunication media. This revolution is still in its infancy and it is essential that the I.T.U.'s basic Act should be able to match these developments.

Since these new media concern mainly the industrially developed countries, it is not in their interests either that the Union should be equipped with a permanent instrument.

Second drawback

The dual procedure of ratification of the Constitution and of the General Regulations would without any doubt represent a serious handicap both for the technically advanced countries and for the developing countries.

Until now, the procedure for ratifying the Convention with the General Regulations as an Annex was a relatively simple one, and the word "Convention" did not draw much attention from meticulous lawyers.

Would the same apply to a Constitution? I do not think so, since I have been told that in certain countries the ratification of a Constitution would encounter very serious difficulties.

Therefore, why expose ourselves gratuitously to the fulminations of the lawyers without any compensatory advantage?

Until now, also, the signature of the Convention by the Plenipotentiaries already committed governments, the ratification by parliaments being only a pure formality. No parliament has yet refused to ratify any I.T.U. Convention.

Would the same apply to a permanent Constitution? A number of delegations have already informed me that the opposite would be the case. The Plenipotentiaries' signature would not in any way commit their governments. Since the latter would subsequently carry out a thorough study of the Constitution, it would detract from a considerable part of the usefulness of our Plenipotentiary Conference.

We would therefore be compelled to dispense with the extremely judicious and practical procedure of stating in the very text of the Convention that it will enter into force automatically on a date fixed by the Plenipotentiary Conference.

The I.T.U. would thus run the risk of being faced with an institutional void having serious consequences, while the Secretary-General of the Union might be faced with very difficult situations.

Furthermore, what would happen in the case of countries which did not ratify the Constitution? How would they continue to be connected to the I.T.U.?

So far, countries which have not ratified the Convention in force have remained connected to the I.T.U. by the last Convention which they ratified or to which they acceded.

Since there are no fundamental differences between the various Conventions to which the I.T.U. has been or is subject, the situation of countries which have not ratified the Convention in force has never raised any delicate problems.

With a permanent Constitution which is not ratified, I am afraid that the situation would be quite different.

Advantage of a Constitution

It is held that one of the advantages of a Constitution is that it would be unnecessary to revise it in its entirety at each Plenipotentiary Conference.

To this I would reply that it is not necessary to revise the Convention in its entirety either. In fact, No. 41 of the Montreux Convention specifies that the Plenipotentiary Conference shall revise the Convention if it considers this to be necessary.

In short, Mr. Chairman, I think that there are many drawbacks in adopting a permanent Constitution without any real benefits resulting for the Union. On the other hand, experience has shown all the advantages which the Union has derived from the Convention in its existing form.

We may retain the admirable reordering which has been carried out by the Charter Study Group, provided that we maintain the term "Convention" for the new instrument and that we do not require a two-thirds majority for its revision.

Mr. Chairman,
Ladies and Gentlemen,

Since I have the floor and although it is not my business to comment on the activities of the Conference, allow me to express some ideas which the work of the Conference has prompted.

The function of the Plenipotentiary Conference is to take stock of the Union's activities, to assess its efficiency and map out the guidelines of the policy to be followed in the years ahead.

We are therefore entitled to raise the following questions :

Are we satisfied with the activities of the International Telecommunication Union?

Are all the Members of the Union taking advantage of its benefits without any discrimination, with no privileges for particular countries?

Has it not been justifiably emphasized that for the past 108 years knowledge has been transferred from the most advanced countries to the less advanced countries in a systematic way in this organization, mainly owing to the work of the two C.C.I.'s?

Have not a number of developing countries in this Assembly expressed their legitimate satisfaction with the plans for the development of their telecommunication networks using the most advanced equipment?

What is the source of all these benefits?

The reply is very simple. All these miracles have been made possible by the International Telecommunication Union and the spirit of international cooperation which prevails within it. The efficiency of our organization is universally acknowledged and nobody has ever cast any doubt on the worth of its activities, particularly those intended to assist the developing countries.

In that case why insist on changing everything? Why insist on transforming everything? Why insist on flagellating the source of so many advantages.

In short, let us be modest and let us recognize that, in adopting a Convention in the form that we know it, our predecessors were constantly concerned with the objectives of preserving a certain balance and a certain harmony and that, whenever a delicate problem arose, they managed to reach that famous consensus which is the fundamental characteristic of our Union.

To disturb this balance or this harmony would be a serious step which could have unforeseeable repercussions on the future of our Union and which could consequently harm the Membership of the Union as a whole.

Mr. Chairman,
Ladies and Gentleman,

At the inaugural meeting, I proposed that this Conference should be symbolized by the spirit of friendship and you approved this suggestion with your unanimous applause.

Last Friday, when you were kind enough to renew the expression of your confidence in me, I thanked you by quoting the words which I had spoken at Montreux in 1965. Please allow me to read for a third time what I wrote eight years ago.

"It is this search for unanimity in solving problems which are liable to provoke cleavages with equally harmful consequences for both sides - it is this search for unanimity, as I say, that has enabled our Union constantly to rejuvenate itself as it grows older."

Let us beware : if we allow ourselves to be carried away on to an extremely slippery slope, we run the risk of seeing this historic Conference transformed into a conference marking a cleavage between the rich and poor countries, or between the European and the non-European countries, or between Northern and Southern, or Eastern and Western countries.

It would then become the Conference of disunion, the conference marking the death of the I.T.U. Despite our undeniable good faith, we should ourselves have assassinated our benefactor, our mother, who has showered so many benefits upon us for more than a century and who has made us what we are today.

The new or developing countries might justifiably wonder whether they have derived as many benefits from this Organization as the others.

To this I would reply that, since the very beginning of this Conference, the delegates of the countries concerned have frequently taken the opportunity to state how satisfied they were with the assistance which is generously provided.

In any case, it is wiser to improve the instrument we already have and are familiar with than to destroy it without knowing what to replace it by.

Mr. Chairman,
Ladies and Gentlemen,

Excuse me for having been so long and above all pardon my boldness.

I have already told you that the International Telecommunication Union merits entire devotion to its services and it is out of this sincere desire to serve it that I have taken the liberty of imparting these few reflections to you. I may have been wrong. However, acting in good faith and in accordance with the wise precepts of Moslem philosophy, I feel that even in a case of this sort I have been right to speak.

I crave pardon in advance of those whom I may have surprised."

(Applause)

2.3 The delegate of Brazil considered that the Secretary-General's statement was not simply for information or explanation but constituted a criticism of Resolution No. 35 of the Plenipotentiary Conference of Montreux and he was surprised at that attitude, especially as the Secretary-General had never previously expressed such a position, either at Montreux, during his first term of office, or at the meetings of the Charter Group.

2.4 The Chairman pointed out that, as Chairman of the Steering Committee, it was his duty to present its conclusions to the Conference. Each delegate had his personal opinions; Committee Chairmen had to try to express the point of view of the majority. As for the Secretary-General's statement, all delegates were entitled to agree with it or not. What could not be doubted was that it had been made for the sole purpose of furthering the interests of the Union.

2.5 The delegate of Italy considered that the title given to the results of the Conference's work, whether Constitution or Convention, was of much less importance than the actual substance. That point of view had been eloquently advanced by the Secretary-General. Furthermore, national parliaments were familiar with the notion of a Convention, but might raise objections to a Constitutional Charter, thereby leading to a lengthy process before ratification could take place. A further important factor was that a Convention could easily be modified, whereas a Charter had an immutable character requiring a qualified majority before it could be changed.

His delegation felt that the Conference ran the risk of losing its way and should seek a practical solution to its difficulties. While ready to accept the wishes of the majority, he was in favour of continuing with the system that had served the Union so well in the past, namely a Convention.

2.6 The delegate of Nigeria said he thought it would help the Conference if it could hear the views of the Chairmen of Committee 7, 8 and 9 before proceeding with the general debate.

2.7 The Chairman of Committee 7 said that the Committee understood that the only significant difference between a Constitution and a Convention was that the former would have greater permanence because of the voting constraints written into it. Appreciation of the basic difference between a Convention and a Constitution had, to some extent, been an

inhibiting factor in progressing the work of the Committee. A number of delegations had indicated that some of their proposals, already before the Committee, would either be withdrawn or amended if a Convention were to be retained.

He listed a number of proposals that were already involved in this issue and others that would shortly be involved.

Notwithstanding this situation, the Chairman of Committee 7 indicated that many proposals before the Committee were associated with changes that were sought irrespective of whether the basic instrument is to be a Convention or a Constitution.

2.8 The Chairman of Committee 8 said that Committee 8 was using the draft Constitutional Charter and General Regulations as the basis for its work. Progress had been extremely slow because of the need to give due consideration to an instrument which might have the finality of a Constitution. In addition, Committee 8 had to decide upon the method for amendment and coming into force of the basic instrument; should it be signed and ratified at each successive Plenipotentiary Conference, or only once? The Convention or Constitution of Torremolinos, which was to be based on the draft Constitutional Charter, would be very different both in form and substance from the Montreux Convention.

If it was decided that the instrument should be a Convention, it would be simple for Committee 8 to proceed with its work. If, however, it were to be a Constitution with the finality which that implied, it would be difficult for the Committee to complete its task, and he would suggest that the work should be tackled in two stages and that the Constitution should be adopted only at the next Plenipotentiary Conference.

2.9 The Chairman of Committee 9 emphasized the urgency of reaching a decision on the form of the basic instrument. The existing uncertainty, which had delayed the work of Committees 7 and 8, had made it impossible for Committee 9 even to begin its task.

2.10 The delegate of the U.S.S.R. said that the Montreux Convention contained certain provisions which were fundamental to the work of the Union, and which did not need to be reviewed at each Plenipotentiary Conference, and other provisions

regarding the review of those parts which required it. His delegation was in favour of the adoption of a stable permanent instrument which would not need to be reviewed at each Plenipotentiary Conference. Such a document would probably take the form of a Constitution although it was possible that a Convention might be so improved as not to require amendment at each Plenipotentiary Conference.

In connexion with the Secretary-General's speech, his delegation did not see, however, how the adoption of a permanent instrument could be contrary to the interests of the developing countries; the Constitution of, for example, the Universal Postal Union (an organ similar in function to I.T.U.) did not interfere with the rights of any country.

2.11 The delegate of Saudi Arabia said that his delegation had come to the Conference with an open mind, but after hearing the arguments on both sides it had reached the conclusion that it was better for the Union to continue with a Convention, which could be amended at any time so as to cope with the rapid developments in the field of telecommunications. The idea of a permanent legal instrument was attractive but the present system of a flexible Convention had given rise to no difficulties and should be continued. Montreux Resolution No. 35 had set up a study group to prepare a draft Constitutional Charter but the present Plenipotentiary Conference was sovereign and could take what decisions it thought fit.

2.12 The delegate of Japan made the following statement :

"Mr. Chairman,

It seems to us that there is a little confusion or rather misunderstanding on the "Charter or Convention" problem which might lead us into a more complicated and more difficult discussion in the forum.

We understand, in essence, to establish a charter, is to have the amendment clause in the basic instrument of the Union, whether it is called a charter, convention or whatever it may be, and nothing else.

As the study group on the charter problem has correctly pointed out, only the I.T.U., among various international

organizations, has no amendment clause in its Convention. All the distinguished delegates present here must realize this fact and pay careful consideration to what the amendment clause means.

Once again I emphasize that the establishment of the charter means substantially to have the amendment clause in itself.

Therefore the first task that the Plenary must deal with is to decide the principle of whether the amendment clause is necessary in the Union's instrument or not.

All other problems such as the amendment procedure, voting procedure or the division of the articles between the charter and the regulation, are to come under secondary consideration. Although we are convinced that the qualified majority such as two-thirds is necessary for the adoption of the amendment to the Charter and also two-thirds ratification for its entry into force, as it is generally seen in other international organizations.

In this way, I am sure, we shall be able to reduce the complicated "charter or convention" problem to a simple and clear-cut question.

With the reasons mentioned above, the Japanese delegation proposes that the Plenary should first take decision on whether the new instrument of the Union will have the amendment clause or not.

Thank you Mr. Chairman."

2.13 The delegate of Nigeria said that it had been the wish of the Montreux Conference as expressed in Resolution No. 35 to put an end to the practice of consideration and amendment of the whole Convention at each Plenipotentiary Conference, a practice which led to arguments over purely drafting matters.

It was vital for the Conference to decide that, whatever the basic instrument was to be called, there should be one part of it which was not subject to continuous amendment but which contained provision for amendment procedure if necessary. The second part of the instrument should contain provisions which could be amended from time to time. It would be difficult for

the Conference to complete its work in time but it must try to produce an acceptable draft instrument which could if necessary be initialled at the next Plenipotentiary Conference.

2.14 The Peruvian delegate said that the first subject which should have been discussed in Plenary was whether to have a Convention or a Constitution, but whatever decision was reached regarding the name of the instrument, and that was after all merely a question of semantics, the important thing was that it should be in two parts, one enshrining the basic philosophy of the Union and the other containing rules and regulations which could be easily changed.

2.15 The delegate of Switzerland, stressing that the Secretary-General's statement had been made at the request of the Steering Committee, said that the essential decision which must be taken by the Conference to enable it to proceed with its work was whether or not a two-thirds majority should be required to amend the substance of the basic instrument. If certain articles of the present Convention were to be amendable only by a two-thirds majority then they would in effect become a Constitution.

2.16 The delegate of Argentina endorsed the statement made by the Brazilian delegate in reply to the Secretary-General's intervention. His delegation had been surprised and hurt by the unexpectedly aggressive tone of some of the expressions used by the Secretary-General. While a somewhat polemic tone might have been used in the heat of the debate, his delegation's words had never been those of an electoral campaigner.

The question of whether the instrument should be called a constitution or a convention was purely semantic. There was no point in not changing the name of the instrument merely in order to ensure ease of ratification; his Government's decision to ratify would be based on the content and not on the name of the document. A constitution could be flexible or rigid depending upon the ease with which it could be amended. He was in favour of a constitution containing basic fundamental principles but capable of amendment in accordance with attached regulations.

2.17 The delegate of Australia said that the difference between a constitution and a convention should not be exaggerated; both could consist of almost the same text, the only real difference being that one would have restraints included

in it which would make it a little more difficult to change. A basic instrument incorporating restraints which made it more difficult to change was merely an amended Convention and the Union had managed satisfactorily with amended Conventions over the years. The only problem involved in the smooth movement into another amended Convention incorporating harder to change constraints might arise in connexion with signature and ratification when delegates with objections to certain provisions realized that it would be more difficult than in the past to amend them. If there was delay in signature and ratification in some cases following signature of the Final Acts, this need not be of great concern as such countries would remain attached to the Union by the last Convention which they had ratified or to which they had acceded.

His delegation saw no strong arguments on either side, but tended to favour a Constitution because it believed that it was now time for the Union to have a more permanent basic instrument.

For example, let there be agreement that the meeting favoured continuation of the federal structure of the Union. It should not be too easy to suddenly change it into a pyramidal structure. Some would say that a degree of stability was not appropriate to a Union operating against a background of change. However communications all over the world knew that it was necessary to establish networks and structures that could accommodate change but were nevertheless essentially stable. If one waited for stability in telecommunications technology one would wait for ever.

With a greater degree of permanence in the basic instrument there could be more concentration on efficiency and effectiveness. If the Conference's desire was for a Constitution he thought there would be no great difficulty for Committees 7 and 8 to complete their work and delegates should be able to sign the Final Acts at that Conference.

2.18 The delegate of India endorsed the Australian delegate's remarks to the effect that both a constitution and a convention had merits and that too much was being made of the difference between them. What was necessary was to rearrange the Convention into two parts, as proposed by the Study Group, keeping basic provisions which did not require amendment in the first part. The basic instrument thus rearranged could be a Convention and if no need for change in the first part had appeared before the

next Plenipotentiary Conference it could then be adopted as a Constitution. The instrument adopted should be subject to amendment either by a simple or a two-thirds majority.

2.19 The delegate of Venezuela said that his delegation had been surprised by the Secretary-General's statement. His delegation had come to the Conference to consider the adoption of a permanent constitutional charter in accordance with Montreux Resolution No. 35, and he was astonished to be told at that stage that a permanent instrument would damage the interests of the developing countries.

The name of the instrument was of little importance. The essential thing was to produce a permanent instrument supplemented by regulations which might be changed by future Plenipotentiary Conferences or any future General Assembly.

The meeting rose at 6.45 p.m.

The Secretary-General :
M. MILI

The Chairman :
L. HERRERA ESTEBAN

COMMITTEE 9

FIRST SERIES OF ARTICLES OF
THE CONVENTION APPROVED BY
COMMITTEE 7

ARTICLE 5

Structure of the Union

- NOC 27 The organization of the Union shall be as follows :
1. the Plenipotentiary Conference, which is the supreme organ of the Union;
- NOC 28 2. Administrative Conferences;
- NOC 29 3. the Administrative Council;
- NOC 30 4. the permanent organs of the Union, which are :
- a) the General Secretariat;
- NOC 31 b) the International Frequency Registration Board (I.F.R.B.);
- NOC 32 c) the International Radio Consultative Committee (C.C.I.R.);
- NOC 33 d) the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.).

ARTICLE 6

Plenipotentiary Conference

- MOD 34 1. The Plenipotentiary Conference shall be composed of delegations representing Members. It shall be convened at regular intervals and normally every five years.
- NOC 35 2. The Plenipotentiary Conference shall :
- a) determine the general policies for fulfilling the purposes of the Union prescribed in Article 4 of the Convention;
- MOD 36 b) consider the report by the Administrative Council on the activities of all the organs of the Union since the previous Plenipotentiary Conference;
- MOD 37 c) establish the basis for the budget of the Union and determine a fiscal limit for the expenditure of the Union until the next Plenipotentiary Conference after considering a programme of the probable administrative conferences and meetings of the Union foreseen until the next Plenipotentiary Conference;
- MOD 38 d) fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union; and, if necessary, provide for any general directives dealing with the staffing of the Union;
- MOD 39 e) examine and where appropriate finally approve the accounts of the Union;
- NOC 40 f) elect the Members of the Union which are to serve on the Administrative Council;

- NOC 41 g) elect the Secretary-General and the Deputy Secretary-General and fix the dates of their taking office;
- ADD -- h) elect the members of the I.F.R.B. and fix the dates of their taking office;
- ADD -- i) revise the Convention if it considers this necessary;
- SUP 42
- SUP 43
- NOC 44 j) conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded, on behalf of the Union, by the Administrative Council, and take such measures in connection therewith as it deems appropriate;
- NOC 45 k) deal with such other telecommunication questions as may be necessary.

ARTICLE 7

Administrative Conferences

- NOC 46 1. Administrative conferences of the Union shall comprise :
- a) world administrative conferences;
- NOC 47 b) regional administrative conferences.
- MOD 48 2. Administrative conferences shall normally be convened to consider specific telecommunication matters. Only items included in their agenda may be discussed by such conferences. The decisions of such conferences must in all circumstances be in conformity with the provisions of the Convention and General Regulations.
- subject to decision to be taken in Plenary.

- NOC 49 3. (1) The agenda of a world administrative conference may include :
- a) the partial revision of the Administrative Regulations mentioned in 149;
 - NOC 50 b) exceptionally, the complete revision of one or more of those Regulations;
 - NOC 51 c) any other question of a worldwide character within the competence of the conference.
 - NOC 52 (2) The agenda of a regional administrative conference may provide only for specific telecommunication questions of a regional nature, including instructions to the International Frequency Registration Board regarding its activities in respect of the region concerned, provided such instructions do not conflict with the interest of other regions. Furthermore, the decisions of such a conference must in all circumstances be in conformity with the provisions of the Administrative Regulations.

ARTICLE 8

Administrative Council

- MOD 53 1. (1) The Administrative Council shall be composed of thirty-six 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 regions of the world. Except in the case of vacancies arising as otherwise provided for in the General Regulations, the Members of the Union elected to the Administrative Council shall hold office until the date on which a new Administrative Council is elected by the Plenipotentiary Conference. They shall be eligible for re-election.
- MOD 54 (2) Each Member of the Council shall appoint its representative on the Council who may be assisted by one or more advisers.

SUP 55

NOC 56 3. The Administrative Council shall adopt its own Rules of Procedure.

NOC 57 4. In the interval between Plenipotentiary Conferences, the Administrative Council shall act on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.

MOD 58 5. (1) The Administrative Council shall be responsible for taking all steps to facilitate the implementation by the Members of the provisions of the Convention, of the Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary Conference.

MOD 59 (2) It shall ensure the efficient coordination of the work of the Union and exercise effective financial control over its permanent organs.

NOC 60 (3) It shall promote international cooperation for the provision of technical cooperation to the developing countries by every means at its disposal, especially through the participation of the Union in the appropriate programmes of the United Nations; and, in accordance with the purposes of the Union, it shall promote by all possible means, the development of telecommunications.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 208-E

15 October 1973

Original : English

PLENARY MEETING

MINUTES

OF THE

FOURTEENTH PLENARY MEETING

Thursday, 4 October 1973, at 0900 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

Subject discussed :

1. Debate on the nature of the new basic instrument of the Union (continued)



1. Debate on the nature of the new basic instrument of the Union
(continued)

1.1 The delegate of the United States of America made the following statement :

"Mr. Chairman,

The Secretary-General has expressed with wisdom and sensitivity his concern on a number of major issues. We listened carefully to his statement, and trust that this Plenipotentiary Conference will give serious attention to his views.

For the moment, Mr. Chairman, I should like to confine my comments to what seems to us the most fundamental of these concerns : the question of whether we are to proceed with the adoption of a Constitution or the retention of a Convention as the more appropriate instrument for the achievement of our purposes.

Mr. Chairman, the delegation of the United States believes it is the sense of the Conference that a prompt decision on the question of Convention versus Constitution is essential to enable us to proceed efficiently and effectively with our work. There seems to be little doubt that this is a question still open for discussion. Our delegation has given long and earnest thought to this matter. I should like to explain the views which we have arrived at independently.

First, as we stated in our proposals to the Conference, we believe that the Union's present structure is well suited to the carrying out of its functions and responsibilities. Furthermore, we have found that the renewable Convention format has served the Union well. It has provided the flexibility necessary to adapt and accommodate to the rapid changes in the field of telecommunications. On the other hand, we have kept in view certain benefits which might accrue from a Constitution.

We therefore arrived in Torremolinos with an open mind. What is important to my country in reaching a decision is whether we are now in a position to draft such an instrument which would safeguard the advantages obtained through reliance on the Convention form in the past and which at the same time would not give rise to problems we have heretofore avoided.

As I have said, we are committed to investigation of the possibility of moving toward a Constitution provided the concerns I have just expressed can be satisfied. However, taking a realistic view, we believe it is questionable whether at this juncture there remains sufficient time for the Conference to deal thoughtfully and carefully with the issues which are most crucial to a change from a renewable Convention to a Constitution. Our concerns in this regard are based on the time it has taken the Conference thus far to resolve the matters already disposed of and on the large number of serious questions still remaining to be considered, debated and resolved. Furthermore, aside from the foregoing, we must realize that a Constitution would undoubtedly be sufficiently different from prior I.T.U. Conventions as to require that some, if not all, delegations be given adequate time before the end of the Conference to allow their foreign ministries and legislative authorities to examine and react to the proposed text in its entirety.

I would like, at this point, to mention some of the important matters which have not yet been addressed and which bear directly on the issue of the adoption of a Constitution at this Conference.

These include, among others :

- a) the proper division of responsibilities between the Constitution and the General Regulations, that is to say, those which may be changed only by amendment of the basic document and those which could be changed more readily;
- b) the procedures for adopting the Constitution and how it should enter into force, including voting requirements;
- c) the procedure for ratification of amendments voted by future Conferences and the procedure whereby entry into force is achieved.

In the meantime, the Conference is proceeding with the important work of reviewing and determining whether and how the substantive portions of the Montreux Convention should be revised. If despite the problems I have discussed there is consensus for moving toward a greater degree of permanence in our governing instrument, we believe that certain changes could be entertained, perhaps only a few at this time, which could pave the way for more stability in the Union's affairs.

Such an approach could give us the necessary experience upon which to determine whether later we should proceed further along the road toward a Constitution and in a manner consistent with the Union's ability to absorb innovation and change.

I hope what I have said so far has been of assistance in helping you understand our concern that time and circumstances here may not permit our going beyond the approach we have suggested.

Thank you, Mr. Chairman."

1.2 The delegate of France made the following statement :

"Mr. Chairman,

To begin with, a pledge - I will make every effort to be brief.

The French delegation has listened with lively interest to the important statement by the Secretary-General which, we must recall, was made at the request of the Steering Committee.

Because our delegation respects all opinions, because it believes in the goodwill of all the delegates to this Conference, and because it has faith in the cooperative mission of the I.T.U., it wishes to tell you that it shares the fears he expressed in so lucid a fashion regarding the real danger of a schism which would paralyze our Union.

Except for a few minor points and on the basis of the text of the Secretary-General's statement as distributed, the French delegation is grateful to Mr. Mili for having made heard in this Assembly the voice of common sense, wisdom and experience with courage and determination and with all the authority attached to his person and office.

An organization like ours, with close on 150 Members, can function properly only if there is mutual trust and friendly collaboration between all its Members - I repeat, "between all its Members" - in accordance with the principles enunciated in the texts which have governed our Union since its inception.

But, to get back to the point, which is the very purpose of the Plenipotentiary Conference, namely, consideration of our Convention.

Our debates are being bogged down in Byzantine discussions; Charter, Constitution or Convention?

Every sort of argument has been put forward to defend or refute the one thesis or the other. Curiosity prompted me to consult the I.T.U. archives, and do you know that the same discussion, with the same arguments, took place at the St. Petersburg Conference in 1875?

According to the records at that time, the question was whether to divide the Convention into two parts - one containing the principles considered to be immutable and untouchable, the second being the annexed Regulations as the part more subject to evolution.

After lengthy controversies, the Conference adopted a Convention which, unless I am mistaken, remained in force until the 1932 Madrid Plenipotentiary Conference, that is to say, for more than half a century.

We need a convenient, practical document clearly defining the principles which are to govern our Union. If, as the Secretary-General thinks and as is apparently the opinion of the United States delegate, such principles would be better safeguarded in a Convention as more adaptable than a Constitution to the evolution of our Union, to technical progress and to the needs of developing countries, our Conference would be justified in deciding in favour of such a Convention, and the French delegation would concur in that decision.

We already have this document, in the form of the Montreux Convention; it has stood the test of time satisfactorily and it is enough to amend it on certain points which should be kept to the essential minimum. Instead of girding our house with a corset or a reinforced concrete cage, let us adorn it so that each of us feels at home in it, and the conscience of the Chairman of the Committee will be at peace.

Can we not find a compromise solution acceptable, if not to all, at least to a large majority?

Our delegation would like to make a suggestion, a mere suggestion, which can be summed up as follows :

1. The Conference should adopt the principle of a Convention, and
2. The Convention should comprise two parts :

Part 1 should consist of the articles considered by the Conference to have a certain permanency of character; if I am not mistaken, the distinguished delegate of Brazil in his statement ran quickly through a list of such items which is undoubtedly not exhaustive.

The Conference would back up this position by a resolution solemnly adopted and - we naively hope - adopted unanimously, in order to affirm the principles approved and the character which it would like to give them.

Part 2 would contain the other articles which, usually, would be amended at shorter intervals.

If the Conference could assent to such a suggestion we should have made a great step forward and displayed a loftiness of ideas.

Thank you, Mr. Chairman, for your kind attention."

1.3 The delegate of Peru referred to Document No. 152 which reproduced (with certain omissions) the statement made by the Secretary-General at the previous meeting. As the parts he had contested had subsequently been withdrawn, he would like to have his own comments on them withdrawn as well.

1.4 The delegate of Canada said that his delegation's views were fairly flexible on the substance of the point at issue, though it did have some preferences. He found reasonable the suggestion made by the delegate of France but would like to know whether the permanent elements to be contained in the first part of the Convention would be amendable by a two-thirds majority or not.

1.5 The delegate of Mexico said that sight should not be lost of the basic principles behind the philosophy of the Union. He supported the proposal to separate the basic instrument into two parts, indeed, into two separate documents.

1.6 The delegate of Dahomey said that the Montreux Resolution had provided for a Group to study a draft Constitutional Charter; his delegation had examined the work done by the Group but had arrived at the Conference without any fixed opinion. It had appeared from the previous meeting that the Secretary-General had already taken a very definite decision and he thought that was regrettable.

1.7 The delegate of Bangladesh, as a new Member of the Union, preferred retention of the Convention for the time being so that it could be seen how well it served its purposes and whether in future more rigidity in the instrument were needed.

1.8 The delegate of the United Kingdom said that the rapidity of coming to a decision was more important than the actual nature of the decision.

The Secretary-General had drawn attention to some of the consequences of introducing a Constitution which he personally thought undesirable and it was right and proper that he should do so, but there were consequences which some would think undesirable in retaining the Convention. He thought either course could be taken without significant damage being done to the Union or to the interests of any particular section of the membership. The real problem was lack of time and for that reason he was attracted to the method of progress advocated by the delegations of India and Switzerland.

The proposals for the Conference had been presented in the form of amendments to the draft Charter prepared by the Study Group in accordance with the Montreux Resolution. The Committees had started considering them on that basis and if now they were to revert to the form of the Convention, it would add materially to their task and deprive them of valuable time. He suggested that the Conference proceed with the revision of the basic instrument of the Union in the form of a charter but not take the final step which would make it a Charter as opposed to a Convention. In that way the Committee need not go into the examination of the Document in depth and in detail which

delegations would obviously wish to undertake before giving the instrument a substantially greater degree of permanence. The next Plenipotentiary Conference would have the benefit of several years of experience operating with an instrument that was very nearly in the form of a Charter or Constitution and could then take the decision of principle with greater knowledge of what was involved and with much more time to debate the issues of principle unimpeded by problems of detail.

1.9 The delegate of Pakistan said that much time had been wasted because the objectives had not been kept clearly in view. The Conference's task was to discuss the draft Constitution as prepared by the Study Group and re-opening the issue would be an unfortunate precedent amounting to reversal of a decision by the previous Plenipotentiary Conference. He assumed that delegations had been briefed by legal experts; he himself had been advised that there was no legal objection to the proposal to make amendments by a two-thirds majority. He agreed with the proposals to separate the permanent elements from those subject to change and refer them back to the Study Group for necessary changes before final adoption at the following Plenipotentiary Conference. He wished to know what the difficulties were with regard to lack of flexibility to which several delegates had referred.

1.10 The delegate of Poland thanked the Secretary-General for leaving out the statement reproduced in Document No. 152 certain expressions which he had been surprised and distressed to hear.

1.11 The delegate of Brazil also referred to the Secretary-General's statement and expressed his satisfaction at the omission of a few passages.

1.12 The delegate of Argentina said that many of the things that had occurred during the Conference had been reminiscent of Kafka or Ionesco. On the previous day, the Secretary-General had made a speech but in the printed text which had been published some of the most important phrases used had been left out. In its reply the Argentine delegation had used the same words as the Secretary-General who had referred to "demagogic" statements and "sorcerers' apprentices", phrases which had not appeared in print. The impression given was that the words had been introduced by the Argentine delegate, which was not the case.

The attitude of the Argentine delegation at the Conference had been clear and consistent. If some of the remarks it had made during the discussions had been uttered somewhat hastily, it had to be borne in mind that the questions dealt with affected the vital interests of nations which were fighting for their complete independence. Under no circumstances was it possible merely to refer to "demagogy" or "electioneering" behaviour. For that reason the Argentine delegation wished to have its statement published in the minutes.

1.13 The delegate of Yugoslavia replying to a question by the delegate of Brazil said that Resolution No. 35 had a collective origin. His delegation was in favour of an instrument of a lasting nature but he doubted whether the three weeks remaining were sufficient to elaborate a document of value and he therefore thought that the final issue should be postponed. In the meantime amendments could be made with a view to an eventual constitution and a Working Group could be formed.

1.14 The delegate of India said it had been found absolutely necessary to split the provisions of the existing Convention into two parts with a start made on the texts prepared by the Study Group, taking other associated proposed rearrangements into account. He also was concerned at the short time left to consider all aspects and favoured the suggestions already made to proceed with the division, continue to call the instrument a Convention, and if it stood the test of time over the next four or five years without needing to be changed, it could then be converted into a Constitution. He proposed that an ad hoc Working Group be set up as advocated earlier by the Secretary-General.

1.15 The delegate of Cuba expressed his delegation's gratification at the fact that the Secretary-General had wisely withdrawn certain passages of the statement he had delivered at the preceding meeting. At the Montreux Conference, the Cuban delegation had opposed the draft which had resulted in the adoption of Resolution No. 35, more or less for the reasons that the Secretary-General had given; subsequently, however, the work of the Charter Group and the experience of other specialized agencies had led it to the conclusion that it would be useful for the Union to have a more permanent basic instrument, so that less time should be spent amending the Convention at Plenipotentiary Conferences. Whatever name was given to the basic instrument, it would be wise to insert in it the basic principles governing the I.T.U.

1.16 The delegate of Sri Lanka associated his delegation with the views expressed by the delegates of the United Kingdom and India. The draft Constitutional Charter could well be taken as a basis for the Conference's work, priority being given to the separation of semi-permanent provisions from more transitory provisions which could be dealt with in the General Regulations. His delegation further considered that another Convention would suffice for the time being. The wording of Resolution No. 35 did not make it mandatory for the Conference to adopt a Constitution; it merely instructed the Administrative Council to set up a group to draft a Constitutional Charter.

1.17 The delegate of Saudi Arabia pointed out that there had never been any convincing complaint by Administrations concerning the application of the Convention. On the other hand, whereas the competent authorities in developing countries such as his own had never had any trouble in ratifying successive Conventions, they were only too likely to find it difficult to ratify a Constitution with a formal amendment procedure. Accordingly, he supported the French proposal to maintain the name "Convention", to divide the instrument into semi-permanent and more transitory provisions, to retain the existing ratification procedures and to leave it to any future Plenipotentiary Conference to take action in the matter on the basis of proposals from Members.

1.18 The delegate of Ethiopia observed that the past four Plenipotentiary Conferences had spent many weeks on relatively minor amendments to successive Conventions. At the current Conference, moreover, participants had not been provided with background documentation concerning the reasons for the changes proposed in the draft Constitutional Charter and it would be useful to have some explanations of how the Montreux Conference had arrived at Resolution No. 35 and how the Charter Group had conducted its work.

Many delegations had come to the Conference assuming that the principle of having a Constitution had been accepted and that all that was necessary was to adopt the draft Constitutional Charter with some amendments. Since the principle did not seem to have been accepted, however, it was clearly impossible to adopt a Constitution at the current Conference. In view of the time wasted on amending Conventions, it was to be hoped that the next Plenipotentiary Conference would be in a position to sign a more permanent instrument.

1.19 The delegate of Australia had said that the meeting seemed to be reaching common ground. Since many delegations hesitated to include restrictive amendment procedures in the basic instrument, it would be preferable to call that instrument a Convention. The draft Resolution suggested by the French delegate would serve to indicate to the next Plenipotentiary Conference how far the current Conference had felt it could go in the direction of a more permanent instrument.

1.20 The delegate of Singapore said that, since the draft Constitutional Charter contained relatively few amendments to the existing Convention and no major difficulties had been encountered in the application of that instrument, it would be wise to retain the Convention and perhaps to adopt a resolution concerning the desirability of introducing a Constitution at the next Plenipotentiary Conference.

1.21 The delegate of New Zealand observed that the essential purpose of changing from a Convention to a Constitution was to establish the semi-permanency of certain provisions which could only be amended by a special procedure involving a qualified majority. In his delegation's opinion, however, the present stage of social evolution and of the development of telecommunications hardly warranted the adoption of a semi-permanent Constitution. For example, it had recently been decided by a fairly narrow majority in Committee 8 that the two-thirds majority rule should no longer apply in settling the fundamentally important question of the admission of new Members; that decision raised the whole issue of whether the concept of a qualified majority was acceptable to the majority of Members of the Union, and it would be clearly dangerous to include such a provision in a semi-permanent instrument. Accordingly, the best course would be to treat the draft Constitutional Charter as a revised Convention.

1.22 The delegate of Peru said that his delegation was in favour of revising the existing Convention on the basis of the draft Constitutional Charter, on the understanding that semi-permanent provisions concerned with the fundamental principles of the Union would be separated from provisions which were more subject to change. Amendments to the semi-permanent provisions should be made by Plenipotentiary Conferences : in any case, such amendment would take as much time if the instrument was called a Convention as it would if it was called a Constitution.

1.23 The delegate of Nigeria agreed with the Ethiopian delegate that it would be useful for the meeting to have a report on the manner in which the Charter Group had conducted its work, in the form of an introduction of the draft Constitutional Charter.

1.24 The Nigerian delegation appreciated the Secretary-General's gesture of deleting from the final version of his statement (Document No. 152) certain passages which many delegations had considered unwarranted. The Secretary-General's personal views should, of course, be taken into account; it should be borne in mind, however, that Committees 7 and 8 had worked for three weeks on the assumption that a Constitution would be the outcome of the current Conference, and also that the Secretary-General had been conversant for 8 years with Montreux Resolution No. 35 which must have followed closely the considerable work that the Charter Group, the General Secretariat and the Administrative Council had done with a view to producing the draft Constitutional Charter.

Where future work was concerned, the Conference obviously would not have time to adopt a new basic instrument in the time remaining to it, and the French compromise proposal was therefore most welcome.

1.25 The delegate of Brazil said that the French proposal provided a solution for the problem. Provided it was understood that the instrument adopted would be a slightly amended version of the Montreux Convention, it hardly mattered whether it was called a Charter, a Constitution or a Convention.

1.26 The delegate of Rwanda said that his delegation had come to the Conference expecting that that assembly would adopt a Constitution, since that was its interpretation of the mandate of the Montreux Conference. Yet certain delegations had seemed to be bent on delaying the study of the draft Constitutional Charter and the Secretary-General's statement at the preceding meeting had suddenly shown that there was no consensus for the adoption of that instrument. His delegation was deeply disappointed by that turn of events; it was highly undesirable to postpone a decision on the adoption of a permanent Constitution and to continue the practice of constant amendment of existing Conventions.

1.27 The delegate of Zaire said that the important point was not the designation of the basic instrument of the Union, but its content. The I.T.U. should ensure that those of its procedures which were outdated could be easily adapted to modern realities. The examples of other specialized agencies showed that there was no standard appellation for their basic instruments and also that there was a general trend towards streamlining procedures and making them more flexible. Montreux Resolution No. 35 did not oblige the current Conference to adopt a Constitution or to amend the existing Convention; provisions of a permanent or semi-permanent character could be introduced into a Convention, Charter or Constitution. Perhaps the meeting could agree on the name "Constitutive Charter".

1.28 In reply to the delegate of Belgium, the delegate of France said that he would be prepared to submit a draft resolution along the lines of his proposal, with the delegations of Brazil, Canada and Saudi Arabia as co-sponsors.

1.29 The Chairman said that the document to be produced should provide the answers to three questions. In the first place, did the Conference wish the permanent basic principles governing the I.T.U. to be grouped together as a separate part of the instrument to be adopted? Secondly, if the answer to the first question was in the affirmative, did the Conference wish the basic instrument to be called a Constitution or a Convention? Thirdly, did the Conference wish the basic instrument to be amended by a two-thirds majority or by any other qualified majority.

1.30 The delegate of the United Kingdom, speaking as Vice-Chairman of the Charter Group, said that he would be prepared to provide the information requested by the Ethiopian delegate in the form of an oral presentation of the draft Constitutional Charter.

The meeting rose at 1200 hrs.

The Secretary-General :
M. MILI

The Chairman :
L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 209-E,
6 November 1973
Original : French

PLENARY MEETING

MINUTES
OF THE
15th PLENARY MEETING

(Concerns the French text only).



INTERNATIONAL TELECOMMUNICATION UNION

• **PLENIPOTENTIARY CONFERENCE**

• **MALAGA - TORREMOLINOS 1973**

Document No. 209-E
12 October 1973
Original : English

PLENARY MEETING

MINUTES

OF THE

FIFTEENTH PLENARY MEETING

Thursday, 4 October 1973, at 1345 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

Subjects discussed :

Document No.

1. Debate and decision on the nature
of the new basic instrument of the
Union (continued)
2. Other business

DT/33



1. Debate and decision on the nature of the new basic instrument of the Union (continued) (Document No. DT/33)

1.1 The Chairman announced that the document prepared by the small working group set up during the preceding meeting was not yet available in all the working languages. In view of the importance of the subject, he suggested that the meeting should be suspended until 1800 hours.

1.2 As had been requested by the delegate of Ethiopia, the Vice-Chairman of the Charter Study Group made the following statement :

"Thank you, Mr. Chairman, for this opportunity of formally presenting the Report of the Charter Study Group. I am presenting this as Vice-Chairman of the Study Group because our Chairman, Mr. Vargues of France, has retired from his administration since our last meeting and is not at Torremolinos. Before coming to the substance of the Report, I first of all have to record with deep regret that one member of the Study Group set up under Montreux Resolution No. 35 has since died. I refer to our much respected colleague, Mr. William H. Watkins (Bill Watkins) of the United States of America. All but two of the other past or present members of the Group, including our first Chairman now confirmed as Deputy Secretary-General of the I.T.U., are here in Torremolinos and available to assist the Conference as may be required.

The way in which the Study Group approached its task during our meetings in 1967-1969 is described in Part I of the Group's Report, that is, at pages 3-7 of the document distributed to Members of the Union in March 1970, and now before us as an Annex to Document No. 3. There are only a few additional comments I think it might be helpful to make at this stage. The Study Group's task under Montreux Resolution No. 35 was to prepare a Draft Constitutional Charter and Draft General Regulations to assist the present Conference if it decided to replace the Convention by a Charter-type treaty. It was not our task to present arguments for or against making such a change. Similarly the ten of us sitting around the table in Geneva did not feel that, by giving us the mandate under Resolution No. 35, the Members of the Union intended the Study Group to act as a miniature Plenipotentiary Conference dealing with the several proposals put before us for making substantive changes to the structure of the Union and its Secretariat. These proposals were included in the communications which the Study Group received

direct from 25 countries or were included in the 14 documents of Montreux which made proposals for a Charter. On the other hand, we could not ignore the existence of such proposals. Accordingly, we refer to these proposals in the notes of Parts III and V of our Report as matters which this Plenipotentiary Conference may wish to take into consideration. However, in our work we did take full account of the many proposals put to the Study Group, and to the Montreux Plenipotentiary Conference for redistribution of the Articles of the Montreux Convention between a Draft Constitution and Draft General Regulations.

As several delegations have already pointed out, the drafts we have submitted are therefore the provisions of the Montreux Convention and General Regulations, so far as possible without change of wording, redistributed in a form which the Study Group consider most appropriate for a Constitution for the I.T.U. We felt that the Constitution itself should comprise only the basic provisions governing the structure and purposes of the Union with the complementary detailed provisions on the functioning of the various organs being set out in the General Regulations. Accordingly, we transferred some 125 detailed provisions to the General Regulations. A few other provisions were divided between the Draft Constitution and the Draft General Regulations while others were amalgamated.

In addition 16 new provisions are proposed essentially as a consequence of the proposed change from Convention to Constitution format. The most important new provisions are those concerning :

- procedural arrangements for amendment of the Constitution
- the majority required
- ratification of Amendments
- arrangements for their entry into force.

It is decisions on these points which determine whether the Treaty we conclude is a semi-permanent Constitution or a Convention.

As regards the distribution of texts between the Draft Constitution and Draft General Regulations, without doubt there are many ways of redistributing the texts and there are

a number of proposals before the Plenipotentiary Conference for further redistribution. The arrangement recommended by the Study Group was evolved during lengthy discussions. These discussions took a group of ten people seven weeks over a period of 1 1/2 years before the Group was satisfied that the format it presents in its Report was the most suitable to the needs of I.T.U.

If we pursue this question of redistribution between the Basic Instrument and the Draft Regulations at this Conference, this will occupy the Plenipotentiary Conference for far more time than the remaining three weeks we have available. If we adopt at this Conference a Convention, subject to amendment by simple majority - and this is how I interpret the consensus of opinion at this morning's Plenary Session - it may well be that delegations present would feel able to accept the format recommended by the Study Group. In the light of my experience in working in the Study Group, Mr. Chairman, I would urge that the distribution recommended by the Group should be accepted unless there is a really important reason for making a change because otherwise I cannot see how this Conference will have time to conclude its work.

Thank you, Mr. Chairman."

1.3 The meeting was suspended at 1605 hours and resumed at 1745 hours.

1.4 The delegate of France, Chairman of the Working Group, introduced the draft Decision contained in Document No. DT/33. The aim of the Working Group, composed of the delegates of Brazil, Canada, France, India, Poland, Saudi Arabia, the United Kingdom and the United States of America had been to produce a proposal that could help the Conference to come to a speedy decision. For that purpose, the draft Decision offered a precise answer to the question concerning the kind of instrument which would govern the Union until the next Plenipotentiary Conference. It began by considering Resolution No. 35 of the Montreux Conference and the work of the Study Group, then, acknowledging that insufficient time remained to conclude consideration of the Study Group's report, proposed that a Convention be kept as the basic instrument. That decision had been reached unanimously, despite the fact that some members of the Working Group would have preferred a Charter. However, realizing that their aim could not be attained at the present Conference, they had agreed to a Convention on the understanding that by the time of the next Plenipotentiary Conference the work would have progressed sufficiently to adopt a Constitution.

1.5 Since its aim was to facilitate the passage from a Convention to a Constitution at the next Plenipotentiary Conference, the draft Decision proposed that the Convention should comprise two parts, the first grouping texts of a permanent character, and the second texts concerning the methods whereby the different organs of the Union should function. With regard to the question of amendment, the Working Group proposed, regretfully in some cases but unanimously, that a simple majority should suffice, on the understanding that the first part might be revised only when that was deemed indispensable. As to the redistribution of articles between the two parts, the Group had come to the conclusion that the work of the Study Group should be adopted. Finally, the draft Decision instructed the Administrative Council to examine the question of the majority required for revision and to submit clear and unequivocal proposals to the next Plenipotentiary Conference, in the hope that a unanimous decision could then be reached.

1.6 Since the final draft had been produced, some members of the Group had expressed doubts about certain of its provisions, which they found lacking in flexibility. They would doubtless propose amendments.

1.7 The delegate of Italy considered that the draft Decision offered the best possible compromise at the present stage and therefore proposed that, once all delegations had been given the opportunity to speak, it be adopted by acclamation.

1.8 The delegate of Australia, while endorsing the substance of the draft Decision, felt that the final paragraph should allow the Administrative Council more latitude. The purpose of the paragraph was to introduce some kind of constraint in order to prevent too hasty a modification of the basic texts. That constraint could take several forms, such as provisions for a specific majority or quorum, or a requirement for approval of any proposed revision by two successive Plenipotentiary Conferences. He therefore proposed that the final paragraph instruct the Administrative Council to consider the matter in more general terms.

1.9 The delegate of the United States of America thought there was an inconsistency between paragraph 3, which provided for amendment by a simple majority, and the final paragraph, which instructed the Administrative Council to make proposals on the subject to the next Plenipotentiary Conference. Presumably it was intended that the Administrative Council's proposals should be submitted to the Plenipotentiary Conference following the next one.

1.10 He proposed that paragraph 4 should begin with the words "to be guided by the redistribution ..." since in its present form it was too rigid. The Study Group's Report had not been fully considered at the Conference and not all were agreed on where the various points belonged. Furthermore, the Conference might subsequently take decisions affecting the proposed redistribution which would have to be taken into account. For those reasons the draft Decision should provide a greater degree of flexibility.

1.11 The delegate of India said he agreed with the substance of the draft Decision but had some amendments to put forward. In the final preambular paragraph, the words "associated proposals" should be replaced by "the proposals before the Conference". He further doubted whether the sentence as a whole truly reflected what had taken place and suggested it be redrafted to state that the Conference had considered the question of a Constitution or a Convention, had decided that there was insufficient time and had therefore taken the decision which followed.

1.12 He also had difficulties with paragraph 4, in which the word "articles" should be replaced by "provisions". Like the delegate of the United States, he thought it should be made more flexible, either by inserting the words "for the present" after "adopt" or by changing the word "adopt".

1.13 Finally, he wished to propose that the last paragraph be amended to read as follows :

"instructs the Administrative Council

1. to consider if the redistribution of the provisions referred to above between the two parts of the Convention could be further improved;
2. to examine the question of the majority required for the revision of the two parts of the Convention;
3. to submit specific proposals on 1 and 2 to the next Plenipotentiary Conference."

In that way, the next Plenipotentiary Conference would dispose of all the information it needed before adopting a Constitution.

1.14 The delegate of Rwanda said that, in view of the terms of the draft Decision, the Conference might just as well readopt the Montreux Convention.

1.15 The delegate of Yugoslavia said that he had had doubts about the final paragraph, but in the light of the French delegate's explanation that the word "specific" should be interpreted as meaning "clear" or "unequivocal" he was ready to accept the text and supported the Italian proposal.

1.16 The delegate of Cameroon agreed with the remarks of the delegate of India. The task entrusted to the Administrative Council was too restrictive in scope and should be enlarged to include the question of the redistribution of articles as well as the majority required for revision.

1.17 The delegate of Denmark also agreed with the delegate of India and would like to see a greater degree of flexibility in paragraph 4. He wondered whether the Administrative Council was a suitable body for taking up the question of redistribution, as some delegates had proposed, and suggested that it might be preferable to set up a special group.

1.18 The delegate of Brazil said he was ready to accept the draft Decision as a compromise solution. The Study Group set up in accordance with Resolution No. 35 had selected ten basic principles for incorporation in the Draft Constitution. Not all countries agreed on the proposed redistribution, but the developing countries, and especially Brazil, regarded the ten principles as essential. So long as they were maintained, he could agree to the amendment to paragraph 4 proposed by the United States delegate. With regard to the instruction to the Administrative Council, he thought it was the task of the Plenipotentiary Conference to decide what majority would be required for the revision of the basic instrument.

1.19 The delegate of Nigeria agreed with the delegate of Brazil that it was for the Conference itself to settle the question of the required majority. With regard to the redistribution of articles, he thought that paragraph 4 did not accurately reflect what the Study Group had actually done. He therefore suggested that the paragraph be reworded as follows :

"4. to consider, and if necessary, to modify the redistribution of the provisions of the 1965 Montreux Convention as proposed by the Study Group in the preparation of the Convention of Malaga-Torremolinos."

1.20 In his view, the draft Decision left two questions unanswered. It did not specify what form the Union's basic instrument would take after the next Plenipotentiary Conference and it did not make any provision for dealing with proposals submitted on the understanding that the present Conference would adopt a Constitution.

1.21 The delegate of Sweden agreed with the proposal to retain a Convention until the next Plenipotentiary Conference but felt, like the delegate of Nigeria, that some provision should be included regarding the form of the basic instrument after that date. He therefore suggested that the Administrative Council be instructed to take appropriate measures for studying the best redistribution between the Constitution and the General Regulations, taking into account the opinion of the 1973 Plenipotentiary Conference, and to submit the outcome to the next Plenipotentiary Conference.

1.22 The delegate of Canada said he, too, would have liked the draft Decision to contain a clearer indication of the Conference's collective intention of moving towards a Constitution. He would also have preferred a more incisive statement in paragraph 3 concerning the procedure for amendment but, in a spirit of cooperation, he was prepared, albeit reluctantly, to accept the proposed text.

1.23 He was in favour of amalgamating the proposals of Nigeria and the United States with regard to paragraph 4, which should read : "to consider, and if necessary to modify, but in any event to be guided by ...".

1.24 The delegate of Poland said he was opposed to extending the task entrusted to the Administrative Council and to the proposal to set up yet another study group. He was ready to adopt the draft Decision in its present form and suggested that a vote be taken immediately.

1.25 The delegate of India said that he had not intended the Administrative Council to set up a new study group, but simply to form a working party, composed of its own members, to look into the question of the redistribution of provisions, including proposals that the Conference had not had time to examine.

1.26 With regard to the form of the basic instrument to be studied by the next Plenipotentiary Conference, he thought it would be possible to cover all eventualities by rewording

the first instruction to the Administrative Council as follows :
"to examine the question of the majority required for the revision of the two parts of the Convention, or Constitution if there is need to adopt a Constitution".

1.27 The delegate of New Zealand said he could accept the draft Decision in its present form.

1.28 The delegate of Ethiopia suggested that the Conference agree immediately on the principle embodied in the draft Decision and defer the adoption of a suitable text to the end of the Conference.

1.29 The delegate of Senegal thought that paragraph 4 would be better placed immediately after paragraph 2. In addition, the French version of paragraph 4 should be brought into line with the English text.

1.30 The delegate of Pakistan agreed with the comments of the delegates of Canada and Nigeria.

1.31 The delegate of the Ivory Coast considered that the title of the document should make it clear whether or not it was intended to be a Conference resolution. He further thought that the final preambular paragraph, which stated that the Conference had had insufficient time to conclude its consideration of the Study Group's report, left it unclear whether the Convention which was to govern the Union till the next Plenipotentiary Conference was the Montreux Convention or the Convention of Malaga-Torremolinos. The decision to keep a Convention until the next Plenipotentiary Conference seemed to preclude the possibility for that Conference, even if it so wished, to decide to retain a Convention. In his view, paragraph 1 was premature. Finally, he thought that paragraph 3 should make clear which Convention might be amended by a simple majority.

1.32 The Chairman thought that, following the proposal by the delegate of Ethiopia, the Conference might now approve, if possible unanimously, the substance of the draft Decision contained in Document No. DT/33. The speakers who had proposed amendments could submit them in writing to the Chairman of the Working Group, who would attempt to produce a universally acceptable text.

1.33 It was so agreed.

2. Other business

2.1 The delegate of Brazil noted with regret that Dahomey had not been elected to membership of the Administrative Council, with the unfortunate result that its brilliant representative, the former Vice-Chairman, Mr. T. Bouraima, would not be available as the new Chairman. On behalf of the Conference, he expressed his appreciation to Mr. Bouraima for his invaluable services to the Administrative Council.

2.2 The delegate of Dahomey thanked the delegate of Brazil for his kind words, expressed his gratitude to those countries which had voted for Dahomey, and voiced his full confidence in the new Administrative Council.

The meeting rose at 1850 hours.

Secretary-General :

M. MILI

Chairman :

L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 210-E
12 October 1973
Original : English

COMMITTEE 8

SUMMARY RECORD
OF THE
NINTH MEETING OF COMMITTEE 8
(RIGHTS AND OBLIGATIONS)

Monday, 8 October 1973, at 1530 hrs

Chairman : Mr. GABRIEL TEDROS (Ethiopia)

Vice-Chairman : Mr. G. José J. HERNANDEZ (Mexico)

Subjects discussed

Document No.

1. Summary Records of the fourth and fifth meetings

155, 162

2. Texts :

Article 2

DT/38

Article 3

Article 4, Nos. 18-22

ARG/67/6

BEL/26/1, 2

CAN/24

E/12/5, 6, 7, 8, 9

I/47

IND/64/4

ISR/49/5, 6

MEX/69/4, 17

NIG/68/1

URS/15/2

PRG/17/Add. 2



1. Summary Records of the fourth and fifth meetings
(Documents Nos. 155, 162)

1.1 The delegate of the United States of America proposed an amendment to paragraph 2.12 of Document No. 155 and the delegate of the United Kingdom an amendment to paragraph 2.21 of Document No. 162.

1.2 The Summary Records, as amended, were approved.

2. Texts :

Article 2 (Document No. DT/38)

2.1 The Chairman drew attention to the proposed text of Article 2 contained in Document No. DT/38. An amendment had been overlooked in No. 13, in which the words "any of its organs" should be replaced by "the Administrative Council and shall have the right to nominate candidates for election to any of its permanent organs;". He reminded the Committee that the delegate of Poland had proposed the deletion of the phrase "in which it participates" from No. 14, but had agreed to take the matter up under No. 394 of the General Regulations.

2.2 The delegate of Poland confirmed the Chairman's statement.

2.3 The delegate of Sweden said he could accept that procedure on the understanding that the Committee would revert to No. 14 after discussing the amendment to No. 394.

2.4 The delegate of Ireland recalled the suggestion he had made at the previous meeting to divide the rights of Members into two different parts.

2.5 The delegate of the United States of America suggested that, if Members were all agreed, the words "in which it participates" could be deleted immediately.

2.6 The Chairman said he took it that the Committee wished to approve the proposed text for Article 2, as amended, and to submit it to the Editorial Committee.

2.7 It was so agreed.

Article 3

2.8 The Chairman pointed out that no proposals had been received. The text of this Article was accordingly approved.

Article 4 (Note 6, paragraph 1, page 43, Report of Charter Study Group)

2.9 The Chairman suggested that the Committee consider Article 4 paragraph by paragraph, beginning with a presentation of the various proposals by their sponsors.

No. 18 (Documents Nos. E/12/5 and 6, ARG/67/6, CAN/24, MEX/69/4, IND/64/4)

2.10 The delegate of Spain pointed out that his two proposals consisted of an amendment to the Spanish text of the title of Article 4 and the introductory phrase to No. 18.

2.11 The delegate of Argentina said that his proposal consisted in amalgamating Nos. 18, 19 and 20 in order to simplify the text and bring it more closely into line with the United Nations Charter.

2.12 The delegate of Canada introduced his proposal which was intended to emphasize the main purpose of the Union. The words to be deleted from No. 18 were to be replaced in No. 20.

2.13 The delegate of Mexico said that his amendment consisted in adding the words "the rational use and the improvement" of telecommunications at the beginning of No. 18.

2.14 The delegate of India proposed that the words "of all kinds" be deleted.

2.15 The Chairman noted that there was no support for these proposals consequently in accordance with No. 691 of the Convention, the proposals of Argentina, Canada, Mexico and India, could not be discussed.

The text of No. 18 was approved without change.

No. 19 (Document No. BEL/26/1, 2)

2.16 The delegate of Belgium pointed out that, up to the present, the Union had functioned empirically, responding to needs as they arose. But with the increasing integration of networks, the time had passed when each country could take its own decisions regardless of others. Empirical methods were no longer adequate : the Union must cease to be guided by events and begin to take steps to guide them. For that purpose worldwide planning and coordination were essential, and I.T.U. was the only body capable of carrying out that task. The proposal was ambitious but not utopian; a modest start should be made and activities gradually developed until a world network had been achieved. He therefore proposed that new paragraphs incorporating those aims be added after No. 19.

2.17 The Chairman noted that there was no support for the Belgian proposal. The text of No. 19 was approved without change.

No. 20 (Document No. PRG/17/Add. 2)

2.18 The Chairman pointed out that Paraguay had proposed the replacement of "nations" by "Members".

2.19 The delegates of Spain, Argentina and Canada supported that proposal.

2.20 The delegate of the United States of America asked whether the aim of the amendment was to restrict the work of harmonization exclusively to Members of the Union. He wondered whether it might not be preferable, in the interests of achieving worldwide harmonization, to retain the broader term.

2.21 The delegate of Canada replied that coordination with non-Members was already carried out under informal arrangements and was covered in the Convention by Article 27. Furthermore, the term "nations" was nowhere defined.

2.22 The delegates of France, the United Kingdom, Nigeria, Indonesia, Italy, Mali and Brazil supported the term "nations".

2.23 The delegate of Spain pointed out that only Members of the Union could be said to have "common ends". Consequently, if the word "nations" was retained, the last part of the paragraph would have to be modified.

2.24 The delegate of the United States of America said that, after listening to the explanations, he was convinced that the present wording was preferable.

2.25 The delegates of Mexico and Argentina suggested that No. 20 refer to the actions of "all nations".

2.26 The Chairman put to the vote the proposal to replace "nations" by "Members".

2.27 The proposal was rejected by 41 votes to 4, with 9 abstentions.

2.28 The delegate of Nigeria proposed that the words "those common ends" be replaced by "these ends".

2.29 The proposal was approved by 21 votes to 9, with 22 abstentions. The text of No. 20 was accordingly approved with the change proposed by Nigeria.

No. 21 (Documents Nos. ARG/67/7, E/12/7, ISR/49/6)

2.30 The delegate of Argentina introduced his proposal which consisted in combining Nos. 21 and 22.

2.31 The delegate of Spain introduced his proposal concerning No. 21, which made a broad reference to the allocation of the spectrum and to interference, leaving the specific duties of I.F.R.B. to a later Article. He also had a proposal with regard to No. 22, which concerned coordination of efforts in the development of new systems, particularly space facilities. Perhaps his proposal could be combined with that of Argentina to produce a compromise solution.

2.32 The delegate of Brazil pointed out that, from the point of view of the developing countries, I.F.R.B. was one of the Union's most outstanding achievements and that a reference to its work under Article 4 was indispensable.

2.33 The delegate of Spain stated that it was in no way his intention to belittle the work of I.F.R.B. He had merely considered that a general reference to its field of activities was sufficient under Article 4.

2.34 The Chairman of I.F.R.B. pointed out that Nos. 21 and 22 contained a most succinct statement of the tasks of I.F.R.B. and that any proposal to modify them should be treated with the utmost caution.

2.35 The delegate of Brazil insisted that the reference to the registration of radio frequency assignments was of fundamental importance and must be retained.

2.36 The delegate of Argentina recalled that his proposal had been drafted with a view to the adoption by the Conference of a charter. He suggested that a working party of legal and technical experts be set up to study the texts of Nos. 21 and 22.

2.37 The Chairman noted that there was no support for the Argentine and Spanish proposals.

2.38 The delegate of Mexico said he would like a reference to the geostationary orbit to be added.

2.39 The delegate of Israel introduced his proposal concerning the geostationary orbit, one of the most promising means of telecommunication of the future. Orderly international coordination was essential if rational use were to be made of it.

2.40 The Chairman requested the delegates of Mexico and Israel to present their proposals under No. 22. He assumed that the Committee was not in favour of the proposal by Paraguay to replace "different countries" by "Members". The text of No. 21 was accordingly approved without change.

No. 22 (Documents Nos. E/12/8, ISR/49/5, 6, MEX/69/17, URS/15/2)

2.41 The Chairman referred to the proposals for the redrafting of No. 22 by the delegates of Spain (E/12/8) and Israel (ISR/49/5, 6) and the proposals for the insertion of a new paragraph by the delegates of the U.S.S.R. (URS/15/2) and Mexico (MEX/69/17). The Committee must take a decision of principle as to whether a reference to the concept of space should be introduced in Article 4.

2.42 In the course of the general discussion which ensued, the delegate of the U.S.S.R., supported by the delegates of Spain, Israel, the German Democratic Republic and Czechoslovakia, said that in view of the importance of space telecommunications in the work of I.T.U., their special significance as compared with wire communications and the need to organize cooperation in the peaceful uses of outer space, there should be a generalized reference to space in the part of the basic instrument which outlined the purposes of the Union. It was felt that reference to the geostationary orbit as proposed by the delegates of Mexico and Israel was too specific for inclusion in Article 4.

2.43 The delegate of Australia agreed with the need for a reference to the subject in the Convention but suggested it might be more appropriately inserted in Article 10, which dealt with the duties of the I.F.R.B.

2.44 The United States delegate had serious reservations about the inclusion of a reference to space in Article 4, and his view was supported by the Nigerian and Japanese delegates.

2.45 The Spanish delegate referred to Administrative Council Resolution No. 637, and said that one of the main reasons for including a reference to space in Article 4 was to strengthen the authority of I.T.U. in its dealings with other international organizations involved in space telecommunications.

2.46 The Chairman of the I.F.R.B. said that space telecommunications were essentially different from other types of telecommunication because the geostationary orbit was such a limited resource, and its management could not be disassociated from that of the radio frequency spectrum. Not only the I.F.R.B. but other I.T.U. organs such as the C.C.I.R. and World Administrative Radio Conferences were involved in the management of the geostationary orbit.

2.47 The Deputy Secretary-General outlined the historical background of Administrative Council Resolution No. 637. It had been adopted at a time when substantial interest in the use of outer space had been expressed by other international organizations, and it had been suggested that the regulatory aspect was not perhaps within the province of I.T.U. The possibility of a new international organization to deal with space matter had also been mentioned.

2.48 Reference had been made to the functions of the I.F.R.B. in connection with orbital use and frequency management, but the 1971 Space Conference had also issued directives to the C.C.I.R. in that connection. It would not therefore be appropriate to place the reference to space in an article dealing with one particular organ.

2.49 The Canadian delegate said he was not convinced of the need to embody a reference to space in the basic instrument. Important as space telecommunications were, they were only one aspect among the many forms of communication covered by the Union's activities, and he saw no reason to make a specific reference to them in an article on the basic purposes of the Union.

2.50 After further discussion, the Chairman summed up the general consensus as showing little support for the inclusion of a detailed technical reference in Article 4, but considerable support for the inclusion of a general reference which would emphasize the importance of I.T.U.'s role in the field of space telecommunications.

2.51 The United States delegate entered a reservation regarding the Chairman's view that the consensus had been in favour of the inclusion of a general reference. Views had been divided.

2.52 It was agreed to establish a working group consisting of those delegates who wished to participate in it, under the chairmanship of the delegate of Spain, to produce a consolidated text along the lines of the various proposals, and to consider the possibility of adopting, in addition, a resolution updating Montreux Resolution No. 24, as proposed by the United States delegate.

The meeting rose at 1850 hours.

Secretaries :

A. DAVID
R. MACHERET

Chairman :

GABRIEL TEDROS

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 211-E

12 October 1973

Original : English

COMMITTEE 7

SUMMARY RECORD

OF THE

11th MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Friday, 5 October 1973, at 1535 hrs

Chairman : Mr. Evan SAWKINS (Australia)

Vice-Chairman : Mr. L. KATONA KIS (Hungarian People's Republic)

Subjects discussed :

Documents Nos.

- | | |
|--|--|
| 1. Proxy for the Khmer Republic | - |
| 2. Report of Drafting Group | DT/30 |
| 3. Article 5 - Structure of the Union | PRG/17, J/19,
CAN/24 HOL/25,
DNK/41, IND/64,
ARG/67, MEX/69 |
| 4. Article 6 - Plenipotentiary
Conference | TCH/10, CAN/24 |

1. Proxy for the Khmer Republic

1.1 The Chairman announced that the delegation of the Khmer Republic had requested the delegation of Laos to exercise the right to vote on its behalf until 9 October.

2. Report of the Drafting Group (Document No. DT/30)

2.1 The delegate of India proposed that No. 44 should be amended to read "The Plenipotentiary Conference shall be convened at regular intervals and normally every five years" and that the following new paragraph 44A should be inserted before No. 45 : "The date and place of the Conference shall, if not decided by the preceding Plenipotentiary Conference, be decided by the Administrative Council with the concurrence of a majority of the Member countries of the Union". Those texts reflected the decision taken in the Plenary meeting on the periodicity of the Conference and the actual procedure whereby the date and place of the Conference were established.

2.2 The delegate of Nigeria suggested that the words "fixed by the Administrative Council" would be more appropriate in the proposed No. 44A than "decided by the Administrative Council".

2.3 The delegate of India accepted that change.

2.4 The delegate of Sri Lanka said that the Drafting Group had no objection to the Indian amendment.

2.5 The delegates of the U.S.S.R. and France had some misgivings about the Indian amendment which seemed to reduce the powers of the Plenipotentiary Conference; they also wondered whether the new No. 44A was compatible with Nos. 47 and 48, since the Administrative Council was thus referred to twice in different contexts.

2.6 The Chairman pointed out that Nos. 44 and 44A referred to normal sessions of the Conference, while Nos. 45 to 48 provided for extraordinary situations.

2.7 The delegate of India, referring to Note 1, observed that the corresponding numbers in the report of the Charter Study Group were 202 to 206 of the Draft General Regulations. He hoped that the details of the provisions concerned would be kept in the Regulations, rather than in the Convention.

2.8 The Chairman said, in connection with Note 4, that the use of the word "individually" in No. 46 did not seem to preclude the submission of proposals prepared by groups, since those might be submitted by individual delegations. Since the Indian amendment met the difficulty expressed in Note 5, he suggested that the Committee should approve the substance of the document as amended, subject to the necessary adjustment with regard to the words "and Associate Members" in No. 46, and that the text be revised to take care of the remarks by the U.S.S.R. and France as necessary. A new text would be prepared by the Secretariat and circulated.

3. Article 5 - Structure of the Union (Documents Nos. PRG/17, J/19, CAN/24, HOL/25, DNK/41, IND/64, ARG/67, MEX/69)

3.1 The Chairman suggested that the proposals to change the name of the Plenipotentiary Conference in Documents Nos. J/19, HOL/25 and ARG/67 might be disregarded, in the light of the decision of the Plenary meeting to retain a Convention.

3.2 It was so agreed.

3.3 The delegate of Denmark drew attention to the proposal of the five Nordic countries in Document No. 41 to add an explanatory clause, No. 33A, to Article 5, showing which provisions concerning the organs of the Union appeared in the Convention and which in the General Regulations. The proposal was not substantive, and could be referred to the Editorial Committee for final wording.

3.4 The delegate of the U.S.S.R. considered that the clause was unnecessary, since the headings of chapters and articles would suffice to show the content of the Convention and the Regulations. Moreover, if such a clause appeared in Article 5, similar provisions should be inserted in several other articles.

3.5 The delegate of the United States of America agreed that there was no need for such a provision in the Convention, but suggested that it might be inserted as a footnote, after the words "as follows" in No. 27.

3.6 The delegates of India and the Federal Republic of Germany said they objected to the insertion of a footnote to a legally binding text such as the Convention.

3.7 The delegate of the United Kingdom considered that either No. 82 of the Convention should be discarded, or a text along the lines of the Nordic proposal should be inserted, since it was illogical to have one without the other. Perhaps the best course would be to omit both texts, since neither of them added anything to the content of the instrument.

3.8 The Deputy Secretary-General said that No. 82 was a fundamental clause of the existing Convention, since it referred to responsibilities and procedures of the C.C.I.s which did not necessarily flow from Article 7, Administrative Conferences of the Union. It might be wise to consider a revision of that clause in the light of the redistribution of provisions between the Convention and the General Regulations, but it should not be discarded.

3.9 The delegate of the Federal Republic of Germany suggested that the spirit of the Nordic proposal was covered by Nos. 148 and 149.

3.10 The delegate of Australia observed that the nexus between the Convention and the General Regulations was already ensured by No. 201. Together with a revised No. 82, it would meet the purpose of the Nordic proposal.

3.11 The delegate of Denmark withdrew the Nordic proposal on behalf of the sponsors.

3.12 The delegate of Argentina withdrew his delegation's proposals in Document No. 67 for the establishment of a new organ dealing with technical cooperation and for merging the C.C.I. and I.F.R.B. specialized secretariats with the General Secretariat. Nevertheless, he wished to maintain the proposal for the deletion of the word "Consultative" from the names of the C.C.I.s : in the first place, the adjective was redundant, since all committees were consultative, and secondly, the current activities of the two Committees went far beyond the merely consultative.

3.13 In reply to the delegate of Brazil, the Deputy Secretary-General said that the basic nature of the C.C.I.s' duties, set out in Nos. 73, 74 and 75, remained unchanged and that they were not involved in operational or executive activities. Their tasks with regard to technical cooperation were also consultative in character. The Directors of the C.C.I.T.T. and the C.C.I.R. added that the success of the C.C.I.s

was due precisely to the fact that they were consultative; their recommendations were usually followed practically unanimously although they were not binding. Their activities continued to be purely consultative, despite their greatly expanded duties.

3.14 The Chairman observed that the Argentine proposal had not been supported.

3.15 The delegate of Mexico said that his delegation's proposal (MEX/69), similar to those of Japan and Paraguay (J/19, PRG/17), to delete the words "which is the supreme organ of the Union" from No. 27 had been motivated by the fact that those words already appeared in Article 6, No. 34.

3.16 After a brief discussion, it was decided to retain the phrase in No. 27 and to delete it from No. 34.

3.17 The delegate of India said that the purpose of his delegation's proposal in Document No. 64 to amend No. 27 to read "The organization of the Union shall comprise the following conferences and organs" was to clarify the text, which was somewhat equivocal.

3.18 The delegate of Canada said that his delegation, too, did not consider the text to be sufficiently precise and had therefore proposed in Document No. 24 that the wording should be changed to "The activities of the Union shall be discharged by the following conferences and organs".

3.19 The delegates of Brazil, Spain, Australia and France said they could not accept the Canadian text, since Article 5 was concerned with the structure, not the activities, of the Union. The existing text seemed to be perfectly adequate.

3.20 The delegates of India and Canada withdrew their proposals.

3.21 The Chairman observed that there was no support for the Indian amendment to No. 29 (IND/64) or for the Paraguayan amendments to Nos. 28 and 30 (PRG/17).

3.22 He announced that the Committee had completed consideration of Article 5 without amending it in any way.

4. Article 6 - Plenipotentiary Conference (Documents Nos. TCH/10, CAN/24)

4.1 The Chairman pointed out that, although eight delegations had proposed that the clause on the periodicity of Plenipotentiary Conferences should be inserted in Article 6, the Plenary meeting had decided in principle that the Charter Group's distribution of provisions between the Convention and the General Regulations should be followed wherever possible. He suggested that, if there were no objections, that course should be taken in the case at issue.

4.2 It was so agreed.

4.3 The Chairman suggested that the Secretariat should be requested to draft a text on the election of the members of the I.F.R.B. for insertion between Nos. 40 and 41.

4.4 It was so agreed.

4.5 The delegate of Canada, introducing his delegation's proposal (CAN/24) for a new No. 36 bis providing for the election of the Directors of the C.C.I.s by the Plenipotentiary Conference, said that the main purpose of the amendment was to stress the central and fundamental role of the supreme organ in laying down guidelines for all Union activities, a role which had been enhanced by the decision that the Conference should elect the members of the I.F.R.B. It was also essential for the senior officials of the I.T.U. to derive the necessary moral and legal authority from the supreme organ. To ensure the retention of the Union's federal structure, however, and to ensure the technical suitability of candidates, Canada proposed that the C.C.I. Plenary Assemblies should submit a list of recommended candidates for final election by the Conference. The role of the Plenary Assemblies would thus not be diminished.

4.6 The delegate of Czechoslovakia said that the purpose of his delegation's proposal (TCH/10) was similar to that of the Canadian amendment. His delegation had also suggested that the Deputy Directors of the C.C.I.s should be elected by the Conference and had emphasized the need for equitable geographical distribution of the highest posts in the Union.

4.7 The delegates of the United States of America, Belgium, Italy, the Federal Republic of Germany, the United Kingdom, Mali, Spain, Australia, France and Singapore could not support the Canadian and Czechoslovak proposals. The existing procedure, which had caused no difficulties in the past, logically linked the election of the Directors with the bodies to which they were directly responsible, a connection which would be sundered if the Directors were to be elected by the Plenipotentiary Conference. Recent experience had shown once again how time-consuming elections during the Conference could be. Consolidation of all elections in the Conference could only militate against the Union's federal structure, by eliminating the existing salutary system of checks and balances. The Directors derived all the necessary authority by being elected by their fellow telecommunication experts, whereas the diplomats and jurists who also comprised delegations to the Conference could hardly be expected to come rapidly to a correct choice. The principle of geographical distribution of elected officials had been adequately observed under Nos. 89 and 90 of the existing Convention, and there was no reason to believe that that observance would not continue. In discussing the question of the body which should elect the members of the I.F.R.B., delegations had been aware that they were considering a balance of disadvantages which did not, however, exist in the case of the C.C.I.s, since their Plenary Assemblies met at fairly regular intervals, were widely representative and were composed of fully qualified experts. The quality of the C.C.I.s' output largely depended on the encouragement and enthusiasm of their Study Groups and Working Parties, and might be impaired if the experts in question were not allowed to elect the Directors. The decision concerning the I.F.R.B. members also could not serve as a precedent because the arbitratory and regulatory role of the Board made it logical for the elections to be carried out by the Conference. Finally, it was suggested that the same difficulties as those which had arisen in connection with the terms of appointment of the I.F.R.B. members under Nos. 172 and 175 of the Montreux Convention might arise under No. 196 in the case of the Directors of the C.C.I.s.

4.8 The delegate of the U.S.S.R. said that the decision that the members of the I.F.R.B. should be elected by the Plenipotentiary Conference marked a trend to have all the senior officials of the Union elected by that body. In view of the length of the debates on the election of the I.F.R.B. members, however, it might not be propitious to decide on the issue at the current Conference; perhaps the Administrative Council should be asked to study the question further and to report to the next Plenipotentiary Conference.

4.9 The delegate of the Federal Republic of Germany said he could not agree that the Administrative Council should study the question. The amendments in question had been proposed to the Convention itself and should be decided forthwith.

4.10 The delegates of Canada and Czechoslovakia withdrew their proposals.

The meeting rose at 1830 hours.

The Secretary :
M. BARDOUX

The Chairman :
Evan SAWKINS

COMMITTEE 7

State of Israel

PROPOSALS FOR THE WORK OF THE CONFERENCE

CHAPTER 5

International Frequency Registration Board

ISR/212/15 MOD 294 (4) If in-the-interval-between-two
(176) world-administrative-conferences-which-elect
members-of-the-Board an elected member
(the rest unchanged)

ISR/212/16 MOD 296 (6) If in-the-interval-between-two
(178) world-administrative-conferences-which-elect
members-of-the-Board the replacement should
resign
(the rest unchanged)

ISR/212/17 MOD 298from recalling that person
(180) between-two-world-administrative-conferences
which-elect-members-of-the-Board during his
term of office.

Reasons : a) Consequential to draft
resolution contained in
Document No. DT/26(Rev.).

b) Simplification of text.

ISR/212/18 MOD 292 (2) At each election any serving
(174) member of the Board may be proposed again-as
a-candidate-by-the-country-of-which-he-is-a
national for reelection.

Reasons : Sponsors of candidates are
defined in No. 69 of the
Convention.



COMMITTEE 7

State of Israel

PROPOSALS FOR THE WORK OF THE CONFERENCE

CHAPTER 5

International Frequency Registration Board

ISR/212/15 MOD 294 (4) If in-the-interval-between-two
(176) world-administrative-conferences-which
elect-members-of-the-Board an elected
member....
(the rest unchanged)

ISR/212/16 MOD 296 (6) If in-the-interval-between-two
(178) world-administrative-conferences-which
elect-members-of-the-Board the replacement
should resign....
(the rest unchanged)

Reasons : a) Consequential to draft
resolution contained in
DT/26(Rev.).

b) Simplification of text.

ISR/212/17 MOD 298from recalling that person
(180) between-two-world-administrative
conferences-which-elect-members-of-the
Board during his term of office.

Reasons : See proposal ISR/ /16.

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 213-E
19 October 1973
Original : English

COMMITTEE 6

SUMMARY RECORD

OF THE

SEVENTH MEETING OF COMMITTEE 6

1. Amend the second sentence of paragraph 2.15 to read :

"There was certainly no need for regional offices for purposes other than...."

2. Amend the second sentence of paragraph 2.19 to read :

"Decentralization had its advantages and it was therefore necessary to undertake a more detailed cost/benefit analysis of regional offices to the extent that such an analysis was possible. The U.N.D.P. should be consulted with a view to setting up regional offices under pool arrangements with other organizations such as ECAFE in Asia if that were to prove more economical."

3. Replace paragraph 2.26 by the following :

"2.26 The delegate of Kenya said there appeared to have been no objection in the Administrative Council to the principle of establishing regional offices, the problem being that the U.N.D.P. was unable to finance them. It was doubtful whether the question would be pressed with U.N.D.P. by Governments of developing countries as each had varied views on the priority they placed on telecommunication development. That was the more so as the trend was for telecommunication organizations to be self-financing outside the Central Treasury of the Government and therefore there was need to consider raising separate funds for regional offices from other sources including the possibility of setting up a special fund to be contributed by Members themselves."



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 213-E

12 October 1973

Original : English

COMMITTEE 6

SUMMARY RECORD

OF THE

SEVENTH MEETING OF COMMITTEE 6

(TECHNICAL COOPERATION)

Friday, 5 October 1973, at 0930 hrs

Chairman : Mr. Ben ABDELLAH (Morocco)

Vice-Chairman : Mr. L. DVOŘÁČEK (Czechoslovakia)

Subjects discussed

Document No.

1. Second report of Committee 6 to the
Plenary Meeting of the Conference

DT/31

2. Regional offices

Administrative Council.
Report : Part VI,
point 3.2
(section 5.2.9)
83, 129



1. Second report of Committee 6 to the Plenary Meeting of the Conference (Document No. DT/31)

1.1 The second report of Committee 6 to the Plenary Meeting of the Conference (Document No. DT/31) was approved, subject to an amendment by the delegate of Kuwait.

2. Regional offices (Administrative Council Report : Part VI, point 3.2 (section 5.2.9); Documents Nos. 83, 129)

2.1 The Secretary-General introduced section 5.2.9 of the Administrative Council's report.

2.2 He explained that with the introduction of the new U.N.D.P. procedure for the establishment of five-year programmes, it had become vital for a telecommunication expert to act as advisor to the U.N.D.P. Resident Representative and to the telecommunication administrations. When, a few years previously, U.N.D.P. had reduced regional credits, it had been feared that it would be difficult to finance regional experts' missions and thought had been given to the desirability of establishing regional offices. However, the financial situation had now taken a more favourable turn than expected since the savings effected on the Training Division could, if necessary, as from January 1974, be used to finance two or three missions of regional experts. In his view, therefore, the establishment of regional offices was no longer an urgent priority.

2.3 The delegate of Malawi said that priorities must be established. So far as his delegation was concerned the first priority was cash for fellowships; regional offices were of low priority.

2.4 The delegate of Pakistan said that taking into account the Secretary-General's remarks and the financial situation his delegation thought the establishment of regional offices was not immediately necessary. Further cost-benefit studies on the subject should be undertaken.

2.5 The United States delegate endorsed the remarks by the delegates of Malawi and Pakistan.

2.6 Referring to Document No. 83, he said that the COM/CITEL draft resolution had not been a unanimous decision of the meeting because the United States delegation represented at that meeting had not been in favour of the resolution.

2.7 The Venezuelan delegate begged pardon for the error in Document No. 83. It should read "majority" and not "unanimous" decision. He introduced his delegation's proposal for the setting up of regional offices as contained in Document No. 83.

2.8 The delegate of the People's Democratic Republic of Yemen said that his delegation's proposal in Document No. 129 might be covered by the establishment of regional offices, and he would support that, provided those offices could be adequately staffed and equipped. However, if regional offices were to be merely a sort of liaison office for routine administrative work there would be no advantage in establishing them.

2.9 In answer to questions by the delegate of the People's Republic of the Congo, the Secretary-General said that the financial repercussions of the establishment of regional offices would depend on the tasks assigned to them. As indicated in the Administrative Council's report, the annual cost of the Head of a Regional Office would be about 50,000 dollars which was roughly the same amount as for each one of the present regional experts, plus about 40,000 dollars for each additional expert. Moreover, a regional office would have to be almost entirely financed from I.T.U.'s regular budget. The U.N.D.P. had been approached about the possibility of financing at least a proportion of the cost if regional offices were set up, but it had flatly refused to do so. If regional offices were established they might, as the delegate of the People's Democratic Republic of Yemen had suggested, lengthen the administrative procedures, and he doubted whether one office per region could cope with the tasks which might be allocated to it, particularly in the case of the African region and Latin America. It was preferable to have a number of experts in sub-regions, each of whom was directly responsible to headquarters in Geneva.

2.10 The delegate of Tanzania said that the Administrative Council's report merely echoed the views of the Secretary-General and contained no definite recommendation by the Council on the question of regional offices. He invited a further expression of views by Council Members.

2.11 The Australian delegate said that when the matter had been discussed in the Administrative Council his delegation had not been convinced that regional offices were the best solution either for the developed or the developing countries. The figures of cost given by the Secretary-General were an absolute

minimum and he believed that greater expense especially for overheads would be involved as well as increased administrative delays. It would be better to improve present procedures, for example by increasing the number of members of the group of engineers to give specific advice on problems.

2.12 The Mexican delegate deplored the fact that the Secretary-General, after initially submitting reports favourable to the establishment of regional offices, had now changed his mind regarding their urgency. It was unnecessary to repeat the obvious advantages of establishing regional offices as set out in Document No. 83, but he stressed the savings in travel costs which they would make possible in the case of short-term expert missions. The modern trend was towards decentralization, and he believed that sooner or later regional offices would have to be set up.

2.13 The Secretary-General confirmed that he had been in favour of the creation of regional offices when certain financial difficulties were expected, and it had seemed to him at the time that U.N.D.P. could contribute to some extent to their financing. His hope had thus been to create a regional office to support each regional expert so that there would have been not three but ten regional offices. The U.N.D.P. had since said that it could not finance such offices at all and the project would have to be deferred for a few years till the financial situation improved.

2.14 The Lebanese delegate endorsed that view and said the Committee should recommend the sending of as many expert missions as possible. He did not entirely agree with the Mexican delegate. Many regions had their own regional telecommunication groupings and he did not see that there was much to be gained by establishing new regional offices.

2.15 The United Kingdom delegate said that the less spent on a costly organizational infrastructure, the more was left for actual technical assistance, and the Secretary-General had said that funds would be available for enough regional experts to provide the advice needed by the developing countries. There was no need for regional offices for anything other than technical cooperation work and their establishment would have implications for the structure and balance of the Union as a whole. There was already a heavy burden on Union funds and concern had been expressed at the growth in the contributory unit. He therefore urged delegations to follow the Secretary-General's advice not to consider the establishment of regional offices at present.

2.16 The delegate of Poland opposed the establishment of regional offices which he did not consider the right solution at that time. The matter should be considered at the next Plenipotentiary Conference by which time conditions might have changed.

2.17 The Venezuelan delegate pointed out that the Secretary-General's studies had originally been favourable to the establishment of regional offices and the only objection had been on financial grounds. Since the financial situation might change, the matter should be kept in abeyance; the Administrative Council should be urged to reconsider the establishment of regional offices when financial resources became available and in the meantime to make a more detailed study of their functions and responsibilities. He repeated that his Government strongly favoured decentralization.

2.18 The delegate of Botswana supported the views expressed by the delegates of Malawi, Pakistan, Australia, the United Kingdom and Poland.

2.19 The delegate of Sri Lanka, noting that the major obstacle to regional offices was financial, said that although details had been given on costs no quantitative assessment had yet been made of the undeniable benefits such regional offices would bring or the comparative costs of basing experts at Geneva or in the regions. He supported decentralization and felt therefore that the Plenipotentiary Conference should undertake a more detailed cost/benefit analysis of regional offices and consider the economics either of having them partially financed by the U.N.D.P. or of setting them up under pool arrangements with other organizations, as had been done with ECAFE in Asia.

2.20 The delegate of Malaysia supported those views and said that a cost/benefit study was of the first priority. Malaysia felt (see Corr. to Annex 2 of Document No. 109) that a useful solution to the problem would be a collective pool of local regional experts to examine special problems arising in the region. He also thought Chile's suggestion (Document No. 61) for a register of telecommunication specialists merited discussion.

2.21 The delegate of the People's Democratic Republic of Yemen said that a majority appeared to favour the establishment of regional offices. The next stage was to consider how such offices would operate and his delegation's views on the matter had already been expressed. Finally, once the will to set up regional offices existed, ways and means of solving the financial problem could then be found. He felt that consideration of the matter ought not to be deferred to the next Plenipotentiary Conference.

2.22 The delegate of Lesotho said that no conclusions had clearly emerged from the Administrative Council report. However, the Secretary-General's proposed solution to the problem was acceptable in view of the present situation, although he wondered what would happen should the U.N.D.P. ever withdraw its financial support for the regional experts. Nevertheless, the Plenipotentiary Conference ought to insist that the Administrative Council take up the matter again and make an in-depth analysis of the working methods and effectiveness of the Technical Cooperation Department and the pros and cons of restructuring and decentralizing it.

2.23 The delegate of Senegal considered that regional offices were an essential part of the technical assistance developing countries needed. U.N.D.P.'s reluctance to finance them did not negate that fact. He supported the requests for further qualitative and quantitative study of the question and felt that such a study should also propose some solution to the financial question.

2.24 The delegate of Iraq thought it would be difficult to implement the suggestion made earlier that the C.C.I.s could take over some of the work of the regional offices. In his region, the Arab Telecommunication Union was in favour of regional offices and was prepared to cooperate actively in their work. He agreed with the delegate of Mexico that decentralization was bound to come and felt that the question required further study.

2.25 The delegate of Nigeria said there was no doubt that the need for regional offices existed. He therefore proposed that the Plenipotentiary Conference adopt the principle of establishing regional offices in spite of the fact that there were financial obstacles to its achievement. The mechanics of how the offices were to be set up should be left to the Administrative Council to decide.

2.26 The delegate of Kenya said there had been no objection in the Administrative Council to the principle of establishing regional offices. The problem was that the U.N.D.P. refused to finance them in view of the rising costs of the regional offices of other specialized agencies. Since it was doubtful whether the question would be pressed with U.N.D.P. by governments as countries varied in the priority they placed on telecommunication development, there was a need to consider raising funds for regional offices from other sources.

2.27 The delegate of Ecuador also felt that the principle of regional offices should be accepted and a separate study made to find some way of financing them.

2.28 The delegate of Bangladesh supported the views expressed by the delegate of Venezuela. However, the technical cooperation programme for all regions should be broadened at the same time as the further study was in progress.

2.29 The delegate of the Federal Republic of Germany supported the reserves expressed in the Administrative Council report with regard to regional offices. Without the U.N.D.P. contribution the I.T.U. would be confined to a narrow field of assistance activities. Furthermore, establishment of regional offices would mean the loss of close cooperation between the regions and I.T.U. headquarters. Lastly, in his view, regional experts were more effective than regional offices.

2.30 In response to a request from the delegate of Dahomey, the Secretary-General said that the figure of \$ 50,000 given in the second paragraph of page 5/19 of the Administrative Council report referred only to the head of the office, i.e. to the regional expert himself. Every additional expert attached to the office would cost a further \$ 40,000, and secretarial assistance a further \$ 10,000. However, he drew the Committee's attention to the fact that the U.N.D.P. would refuse to pay the regional expert's expenses, if the latter was appointed as head of a regional office.

2.31 In reply to the delegate of Sudan, who wanted further information on the advantages and functions mentioned in the last two sentences of the second paragraph of section 5.2.9 of the Administrative Council report, the Secretary-General said that the Council had made a lengthy study of regional offices and had decided that they should be essentially devoted to technical assistance as it was not desirable to decentralize

the other activities of the Union. Because full or partial support for such offices would not be forthcoming from U.N.D.P., I.T.U. had either to renounce for the present the regional office structure it had envisaged or decide to support it wholly out of the regular budget. It was possible to give more direct help to governments; the crucial issue was the price the I.T.U. was willing to pay for it.

2.32 The delegate of Lebanon, further to his previous remarks, said that his country had benefitted on several occasions from experts' visits and would welcome them again in future. The tasks of regional offices should be defined by the needs of the developing countries concerned, and that they should not just be an administrative base but provide technical help as well. Administrations must do as much of their own work as they could and not ask experts to do it. Experts were there to act as catalysts to the local staff and so foster the progress of developing countries. An interim solution to the problem of regional offices might be to build up a group of experts who would travel round the region to advise administrations.

The meeting rose at 1245 hours.

The Secretary :

H. RUUD

The Chairman :

M. BENABDELLAH

Corrigendum No. 2 to
Document No. 214-E
18 October 1973

PLENARY MEETING

B.1

Does not concern the English text.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 214-E
16 October 1973

PLENARY MEETING

R.1

Replace the text on page 2 by the following :

"ADDITIONAL PROTOCOL A

DATE ON WHICH THE SECRETARY-GENERAL AND
THE DEPUTY SECRETARY-GENERAL SHALL TAKE OFFICE

The Secretary-General and the Deputy Secretary-General elected by the Plenipotentiary Conference (Malaga-Torremolinos, 1973), in the manner prescribed by it, shall take office on 1 January 1974."



Document No. 214-E
12 October 1973

PLENARY MEETING

R.1

1st SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for second reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
PL	B.1	Add. Prot. A
PL	B.2	Add. Prot. B
PL	B.1	Res. No. A
PL	B.1	Res. No. B
PL	B.1	Res. No. C
PL	B.2	Res. No. D
PL	B.2	Res. No. E
PL	B.2	Res. No. F
PL	B.2	Res. No. G
PL	B.2	Res. No. H
PL	B.2	Res. No. I
PL	B.2	Rec. A

Albert CHASSIGNOL

Chairman of
Committee 9

Annex : Pages

R.1/1 to R.1/15



Document No. 214-E

Page 2

ADDITIONAL PROTOCOL A

DATE ON WHICH THE SECRETARY-GENERAL AND
THE DEPUTY SECRETARY-GENERAL SHALL TAKE OFFICE

The Secretary-General and the Deputy Secretary-General
d by the Plenipotentiary Conference (Malaga-Torremolinos,
in the manner prescribed by it, shall take office on
ary 1974.

R.1/1

ADDITIONAL PROTOCOL B

Temporary Arrangements

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973), has agreed to the following arrangements to be applied on a provisional basis until the coming into force of the International Telecommunication Convention (Malaga-Torremolinos 1973) :

1. The Administrative Council shall be composed of thirty-six Members, elected by the Conference in the manner prescribed in that Convention. The Council may meet immediately thereafter and perform the duties assigned to it under the Convention.
2. The Chairman and the Vice-Chairman to be elected by the Administrative Council during the course of its first session shall remain in office until the election of their successors at the opening of the annual Administrative Council session of 1975.

RESOLUTION A

EXCLUSION OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
FROM THE PLENIPOTENTIARY CONFERENCE AND FROM ALL OTHER
CONFERENCES AND MEETINGS OF THE UNION

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

recalling

- a) the Charter of the United Nations and the Universal Declaration of Human Rights;
- b) Resolution No. 45 of the Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965) relating to the exclusion of the Government of the Republic of South Africa from the Plenipotentiary Conference;
- c) Resolution 2145 (XXI), 27 October 1966, of the United Nations General Assembly on the question of Namibia;
- d) Resolution 2396 (XXIII), 2 December 1968, of the United Nations General Assembly on the apartheid policy of the Government of the Republic of South Africa;
- e) Resolution 2426 (XXIII), 18 December 1968, of the United Nations General Assembly calling on all specialized agencies and all international institutions to take the necessary steps to cease all financial, economic, technical or other assistance to the Government of the Republic of South Africa until it renounces its policy of racial discrimination;

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f) Resolution No. 6 of the World Administrative Telegraph and Telephone Conference (Geneva, 1973) concerning the participation of the Government of South Africa in I.T.U. conferences and assemblies;

confirms

the provisions of Resolution No. 619 of the Administrative Council of the International Telecommunication Union declaring that the Government of the Republic of South Africa no longer has the right to represent Namibia within the Union;

resolves

that the Government of the Republic of South Africa shall be excluded from the Plenipotentiary Conference and from all other conferences and meetings of the International Telecommunication Union.

RESOLUTION B

EXCLUSION OF THE GOVERNMENT OF PORTUGAL FROM
THE PLENIPOTENTIARY CONFERENCE AND FROM
ALL OTHER CONFERENCES AND MEETINGS
OF THE UNION

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

recalling

- a) the Charter of the United Nations and the Universal Declaration of Human Rights;
- b) the Declaration of the United Nations General Assembly of 14 December 1960 on the granting of independence to colonial countries and peoples, which states : "subjecting peoples to foreign subjugation, domination and exploitation constitutes a denial of the fundamental human rights, is contrary to the United Nations Charter and jeopardizes the cause of peace and world co-operation";

considering

- a) the obstinate refusal of Portugal to give heed to the request made in Resolution No. 46 of the Plenipotentiary Conference (Montreux, 1965);
- b) the scale of the atrocities committed in conducting the colonial war and the suffering thus caused in contempt of humanitarian law;
- c) the recent massacre of the people of Mozambique and the disgusting assassinations of African leaders, including Amilcar Cabral;

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condemns without appeal

the colonial racist policy of Portugal;

denies

Portugal the right to represent the African
territories at present under its domination;

resolves

that the Government of Portugal shall be excluded
from the Plenipotentiary Conference and from all other
conferences and meetings of the International Telecommunication
Union.

RESOLUTION CELECTION OF MEMBERS OF THE
INTERNATIONAL FREQUENCY REGISTRATION BOARD (I.F.R.B.)

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973);

considering

its decision that the election of the members of the
I.F.R.B. shall take place at Plenipotentiary Conferences;

taking account of

the relevant provisions of the Montreux Convention and
the practical difficulties of holding such an election during
this Plenipotentiary Conference;

decides

1. pursuant to 57 and 58 of the Montreux Convention,
the World Administrative Radio Conference for Maritime Mobile
Telecommunications scheduled for 1974 is a world administrative
conference dealing with general radiocommunication matters for
the purposes of 172 and 175 of the Montreux Convention in
regard to election of the members of the I.F.R.B.;
2. that the next election of the members of the I.F.R.B.
shall be placed on the agenda of that Conference consistent with
57 of the Montreux Convention;

instructs the Secretary-General

to inform all Administrations of this Resolution as
soon as possible and to invite the submission of candidatures in
due time for circulation to Members and presentation to the
World Administrative Radio Conference for Maritime Mobile
Telecommunications scheduled for 1974.

RESOLUTION D

STAFF RULES AND REGULATIONS FOR
ELECTED OFFICIALS OF THE UNION

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

considering

- a) that provisional Staff Rules and Regulations for
Elected Officials were established and amended by the
Administrative Council in pursuance of Resolutions Nos. 1 and 4
adopted respectively by the Plenipotentiary Conference of Geneva,
1959, and Montreux, 1965;
- b) that certain decisions taken by this Conference entail
amendments to these provisional Staff Rules and Regulations;
- c) that such Staff Rules and Regulations should be given
permanent effect;

instructs the Administrative Council

to review and amend as necessary the Staff Rules and
Regulations for Elected Officials, in accordance with the
decisions of this Conference.

RESOLUTION E

MANNING TABLE POSTS

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

having noted

- a) the action taken by the Administrative Council in pursuance of Resolution No. 8 of the Plenipotentiary Conference (Montreux, 1965), as described in the Report of the Administrative Council;
- b) the present distribution of permanent and fixed-term posts in the manning table as well as the distribution of permanent and fixed-term contracts;
- c) the considerable number of short-term contracts granted every year;

resolves

to reaffirm the policy principles embodied in Montreux Resolution No. 8 :

- 1. tasks of a permanent nature should be performed by staff members holding permanent contracts;
- 2. the manning table should combine maximum stability with economic staffing;

instructs the Administrative Council

to implement the decisions of this Conference on staffing, to keep the manning table under review and to create permanent posts for duties which it is satisfied are of a permanent nature.

RESOLUTION F

GEOGRAPHICAL DISTRIBUTION OF UNION STAFF

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

- a) the pertinent provisions of the International Telecommunication Convention (Malaga-Torremolinos, 1973);
- b) the provisions of Resolution No. 7 adopted by the Plenipotentiary Conference (Montreux, 1965);
- c) the present geographical distribution of Union staff; and
- d) the need further to improve geographical distribution both generally and for particular regions of the world;

resolves

to reaffirm the directives contained in Montreux Resolution No. 7 as follows :

- I. In order to improve the geographical distribution of appointed staff in grades P.1 and above
 - 1. in general, vacancies in these grades shall be advertised to the administrations of all the Members of the Union. However, reasonable promotion possibilities for the staff in service must also be ensured;

2. in filling these posts by international recruitment, preference should be given, other qualifications being equal, to candidates from regions of the world which are not at present represented or are insufficiently represented; in particular, special attention should be given to securing equitable geographical representation of the five Regions of the Union when filling posts in grades P.5 and above;
- II.
1. officials in grades G.1 to G.7 shall, so far as is possible, be recruited from among persons resident in Switzerland, or in French territory within twenty-five kilometres of Geneva;
 2. in exceptional cases where the vacancies in grades G.7, G.6 and G.5 are of a technical character, consideration shall be given in the first place to recruitment on an international basis;
 3. where the recruitment of staff with the requisite qualifications is not possible in accordance with paragraph II.1 above, the Secretary-General should recruit them from as near a place to Geneva as possible. Where this is not possible, he should notify all administrations of the vacancy but should, in selecting the recruit, have regard to the financial implications;
 4. staff recruited in grades G.1 to G.7 shall be regarded as internationally recruited and entitled to the benefits of international recruitment, as provided in the Staff Regulations, if they are not of Swiss nationality, and if they are recruited from outside the area referred to in paragraph II.1 above;

instructs the Administrative Council

to keep this matter under review in order to achieve wider and more representative geographical distribution.

RESOLUTION G

GRADING STANDARDS AND POST CLASSIFICATION

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

having noted and approved

the action taken by the Administrative Council in pursuance of Resolution No. 6 of the Plenipotentiary Conference (Montreux, 1965), as described in the Report of the Administrative Council;

considering

that, taking into account the needs of the Union, the appropriate classification of posts must be achieved through an efficient system of organization and methods inspection, the continuous adaptation of grading standards to the guidelines approved for the United Nations Common System as a whole, the keeping up to date of job descriptions, the periodic review of the post classification plan and the securing of independent advice on individual gradings;

instructs the Administrative Council

to take whatever steps it considers necessary, without incurring unreasonable expense, to ensure that the above objectives be met.

RESOLUTION H

IN-SERVICE TRAINING

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

having noted

sub-paragraph 2.5.4.1 of the Report of the Administrative Council dealing with In-Service Training for I.T.U. staff;

endorsing

the action taken by the Administrative Council in regard to In-Service Training;

instructs the Secretary-General

to implement the Rules for In-Service Training of the I.T.U. staff;

instructs the Administrative Council

to keep the subject under review and allocate appropriate credits for this purpose.

RESOLUTION I

FINANCING OF THE RELIEF FUND

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

the usefulness of the Relief Fund for aiding staff members of the Union in straitened circumstances and, in particular, its value in aiding pensioners affected by variations in monetary exchange rates;

noting

that it is necessary to provide an income to the Relief Fund both to restore its capital and to provide for future needs;

requests the Administrative Council

to arrange for monies derived from extra-budgetary sources to be paid into the Relief Fund for such purposes.

RECOMMENDATION A

PENSION ADJUSTMENTS

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

recalling

Resolution No. 5 relating to the assimilation to the United Nations Common System adopted by the Plenipotentiary Conference (Montreux, 1965);

having considered

the report by the I.T.U. Staff Pension Committee (Document No. 35) concerning adjustment of pensions;

requests the United Nations General Assembly

to keep in mind the objectives summarized hereafter :

- 1) an early adjustment of pensions in payment :
 - a) to restore to the greatest extent possible the purchasing power of pensions equivalent to that of before May 1971, and
 - b) to maintain this purchasing power by adjusting pensions within the shortest possible delay;
- 2) the consideration of urgent provisional measures to compensate for the losses suffered by pensioners since May 1971; and to avoid similar losses suffered by recipients of benefits other than pensions;

and urges the General Assembly of the United Nations

to do all possible to ensure urgent and uninterrupted action towards these objectives.

PLENARY MEETING

REPORT OF COMMITTEE 3

(Budget control)

The Committee's terms of reference were to study the arrangements and facilities available to delegates and to examine and approve the accounts for expenditure incurred throughout the duration of the Conference. It held three meetings on 19 September and 2 and 12 October 1973.

A. Agreement between the Spanish Government and the Secretary-General of the International Telecommunication Union relating to the arrangements to be made for the organization of a Plenipotentiary Conference of the International Telecommunication Union

The Budget Control Committee made a detailed study of the agreement concluded in accordance with Administrative Council Resolution No. 83 (amended) between the Spanish Government and the Secretary-General relating to arrangements for organizing a plenipotentiary conference. It noted that all the services provided in the Agreement had been set up and were operating to everybody's entire satisfaction.

The Budget Control Committee noted that, according to the Agreement, the difference in expenditure resulting from the holding of the Conference in Malaga-Torremolinos instead of Geneva would be borne by the Spanish Government, on the understanding that the difference would be of the order of 275,000 Swiss francs.

The Committee recommends that the Agreement should be approved. A draft Resolution has been transmitted to the Editorial Committee.

B. Budget of the Conference

The Budget Control Committee also examined the budget of the Conference approved by the Administrative Council at its 27th session, 1972, including the additional credits assigned by the Administrative Council at its 28th session, 1973. (See Document No. 58.)



The Committee was informed that the budget had been prepared on the basis of an exchange rate of 3.84 Swiss francs to the US dollar; that rate had changed in the meantime so that the credit for subsistence allowance to be paid to staff seconded to the Conference should be reduced by 100,000 Swiss francs from 600,000 to 500,000 Swiss francs.

C. Cost of printing the Final Acts

Resolution No. 83 (amended) stipulates as follows concerning the publication of the Final Acts of conferences or meetings :

If a conference prints, for its own use, documents of which typographical composition can subsequently be used, in whole or in part, for the printing of the Final Acts, it must bear a percentage of the composition costs and the whole of the printing costs of the said document.

The percentage of the composition cost mentioned above shall be decided by the Plenary Assembly of the conference.

It is therefore up to the Plenary Meeting to decide what proportion of the composition costs of the Final Acts of the Malaga-Torremolinos Convention should be debited to the budget of the Plenipotentiary Conference. These costs can be estimated as follows :

Costs of composition and authors' corrections	40,000 Sw.fr.
Costs of printing, assembly, binding and paper including overtime worked by printers' staff	20,000 Sw.fr.
Total	60,000 Sw.fr =====

Committee 3 proposes to the Plenary Meeting that the percentage of composition costs to be charged to the Conference budget should be 1/3 of the composition and authors' corrections costs, amounting to 13,300 Swiss francs, plus the costs of printing, assembly, binding and paper including overtime worked by printers' staff, amounting to 20,000 Swiss francs.

D. Position of the accounts of the Conference

Two documents showing the situation of the accounts of the Plenipotentiary Conference at 24 September and 9 October 1973 have been referred to the Budget Control Committee. In accordance with the position of the accounts at 9 October, Document No. DT/35, the budget of the Plenipotentiary Conference, reduced in accordance with B. above, shows a margin of 94,550 Swiss francs.

The sum to be borne by the host Administration in accordance with point 4.2.b of the agreement between the Spanish Government and the Secretary-General of the I.T.U. has been calculated at 324,000 Swiss francs as against 275,000 Swiss francs originally envisaged.

The Budget Control Committee has greatly appreciated the generosity and efficiency of the Spanish Administration, thanks to which it has proved possible to keep Conference expenditure at a level very close to that of the estimates.

More detailed information on the position of the accounts of the Conference will be given in the final report to be presented shortly to the Plenary Meeting by the Budget Control Committee.

M.K. BASU
Chairman of Committee 3

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 216-E

13 October 1973

Original : English

COMMITTEE 7

COMMITTEE 9

SECOND SERIES OF ARTICLES OF THE
CONVENTION APPROVED BY
COMMITTEE 7

In the hope that there will not be any further changes to the text of Articles 9 to 13, and in order to avoid publishing the same text twice, this Document has been published for both Committees 7 and 9.



ARTICLE 9

General Secretariat

NOC 61 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

NOC 62 (2) The Secretary-General and the Deputy Secretary-General shall take up their duties on the dates determined at the time of their election. They shall normally remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election.

MOD 63 (3) The Secretary-General shall take all the action required to ensure economic use of the Union's resources and he shall be responsible to the Administrative Council for all the administrative and financial aspects of the Union's activities. The Deputy Secretary-General shall be responsible to the Secretary-General.

64 NOT YET AVAILABLE

NOC 65 2. The Secretary-General shall act as the legal representative of the Union.

NOC 66 3. The Deputy Secretary-General shall assist the Secretary-General in the performance of his duties and undertake such specific task as may be entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the absence of the latter.

ARTICLE 10

International Frequency Registration Board

MOD 67 1. The International Frequency Registration Board shall consist of five independent Members, elected by the Plenipotentiary Conference. These

- Members shall be elected from the candidates sponsored by countries, Members of the Union, in such a way as to ensure equitable distribution amongst the regions of the world. Each Member of the Union may propose only one candidate who shall be a national of its country.
- NOC 68 2. The Members of the International Frequency Registration Board shall serve, not as representatives of their respective countries, or of a region, but as custodians of an international public trust.
- NOC 69 3. The essential duties of the International Frequency Registration Board shall be :
- (a) to effect an orderly recording of frequency assignments made by the different countries so as to establish, in accordance with the procedure provided for in the Radio Regulations and in accordance with any decision which may be taken by competent conferences of the Union, the date, purpose and technical characteristics of each of these assignments, with a view to ensuring formal international recognition thereof;
- ADD 69 (aa) to effect, in the same conditions and for the same purpose, an orderly recording of the positions assigned by countries to geostationary satellites;
- MOD 70 (b) 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 most effective and economical use of the geostationary satellite orbit.
- MOD 71 (c) to perform any additional duties, concerned with the assignment and utilization of frequencies and with the utilization of the geostationary satellite orbit, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference of the Union, or by the Administrative Council with the consent of a majority of the Members of the Union, in preparation for or in pursuance of the decisions of such a conference.

NOC 72 (d) to maintain such essential records as may be related to the performance of its duties.

ARTICLE 11

International Consultative Committees

NOC 73 1. (1) The duties of the International Radio Consultative Committee (C.C.I.R.) shall be to study technical and operating questions relating specifically to radiocommunication and to issue recommendations on them.

NOC 74 (2) The duties of the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.) shall be to study technical, operating and tariff questions relating to telegraphy and telephony and to issue recommendations on them.

NOC 75 (3) In the performance of its studies, each Consultative Committee shall pay due attention to the study of questions and to the formulations of recommendations directly connected with the establishment, development and improvement of telecommunication in new or developing countries in both the regional and international fields.

MOD 76 2. The International Consultative Committees shall have as members :

(a) of right, the Administrations of all Members of the Union;

MOD 77 (b) any recognized private operating agency which, with the approval of the Member which has recognized it, expresses a desire to participate in the work of these Committees.

NOC 78 3. Each International Consultative Committee shall work through the medium of :

(a) its Plenary Assembly;

- NOC 79 (b) study groups set up by it;
- NOC 80 (c) a Director, elected by a Plenary Assembly and appointed in accordance with the General Regulations.
- MOD 81 4. There shall be a World Plan Committee, and such Regional Plan Committees as may be jointly approved by the plenary assemblies of the International Consultative Committees. These Plan Committees shall develop a General Plan for the international telecommunication network to facilitate coordinated development of international telecommunication services. They shall refer to the International Consultative Committees questions the study of which is of particular interest to new or developing countries and which are within the terms of reference of those Consultative Committees.
- NOC 82 5. The working arrangements of the International Consultative Committees are defined in the General Regulations.

ARTICLE 12

Coordination Committee

- MOD 83 1. (1) The Coordination Committee shall assist and advise the Secretary-General in all administrative, financial and technical cooperation matters affecting more than one permanent organ, and on external relations and public information, keeping fully in view the decisions of the Administrative Council and the interest of the Union as a whole.
- NOC 84 2. (2) The Committee shall also consider any important matters referred to it by the Administrative Council. After examining them, the Committee will report, through the Secretary-General, to the Council.

MOD 85 2. The Coordination Committee shall be composed of the Deputy Secretary-General, the Directors of the International Consultative Committees and the Chairman of the International Frequency Registration Board and shall be presided over by the Secretary-General.

ARTICLE 13

Elected Officials and Staff of the Union

NOC 86 1. (1) In the performance of their duties, neither the elected officials nor the staff of the Union shall seek or accept instructions from any government or from any other authority outside the Union. They shall refrain from acting in any way which is incompatible with their status as international officials.

MOD 87 (2) Each Member shall respect the exclusively international character of the duties of the elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.

NOC 88 (3) No elected official or any member of the staff of the Union shall participate in any manner or have any financial interest whatsoever in any enterprise concerned with telecommunications, except as part of their duties. However, the term "financial interest" is not to be construed as applying to the continuation of retirement benefits accruing in respect of previous employment or service.

MOD 89 2. The Secretary-General, the Deputy Secretary-General and the Directors of the International Consultative Committees and desirably also the Members of the I.F.R.B. shall all be nationals of different countries, Members of the Union. At their election, due consideration should be given to the principles embodied in 90 and to the appropriate geographical distribution amongst the regions of the world.

NOC

90

3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard must be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

COMMITTEE 9

SUMMARY RECORD
OF THE
FIRST MEETING OF COMMITTEE 9
(EDITORIAL)

Thursday, 4 October 1973, at 1145 hrs

Chairman : Mr. Albert CHASSIGNOL (France)

Vice-Chairmen : Mr. Harold A. DANIELS (United Kingdom)
Mr. José María ARTO MADRAZO (Spain)

Subjects discussed :

Document No.

- | | |
|--|---|
| 1. Opening of the meeting | |
| 2. Terms of reference of the Committee | General Regulations
(Nos. 759-762) |
| 3. Method of work | |
| 4. Timetable of work | |
| 5. Numbering of the provisions of the Final Acts | General Regulations
(Nos. 761 and 762) |
| 6. Place of meeting | |
| 7. Programme - Deadlines | |
| 8. Liaison with printer in Madrid and other facilities | |
| 9. Consideration of proposal E/12/1 | (DT/1, p. 3 or
Document No. 12, p. 1) |

1. Opening of the meeting

1.1 The Chairman welcomed the Members of the Committee and expressed his thanks for the confidence that had been placed in France whose representative, in accordance with tradition, had been asked to act as Chairman. He was glad to have the representatives of Spain and the United Kingdom working with him as Vice-Chairmen.

1.2 The Spanish Vice-Chairman, speaking on behalf of the other members of the Committee, congratulated the Chairman on his election.

2. Terms of reference of the Committee (General Regulations - Nos. 759-762)

The Chairman said that the duties of the Editorial Committee were specified in Nos. 759 to 762 of the General Regulations.

3. Method of work

3.1 The Chairman said that, in accordance with the relevant provisions of the General Regulations, the Committee, having received from the various committees the texts worded as far as practicable in their definitive form, had to submit them to the Plenary Meeting after perfecting their form without altering their sense.

3.2 There were normally two readings in Plenary Meeting. After a first reading of "blue" documents whose texts had already been dealt with by the Editorial Committee, the Plenary returned the texts, amended as necessary, to the Editorial Committee which then sent them back to the Plenary Meeting for a second reading as "pink" documents.

3.3 Finally, after any minor amendments required, the texts were printed on "white" paper in their definitive form as Final Acts and submitted as such for signature by the Plenipotentiaries.

4. Timetable of work

It was not possible to lay down a fixed timetable for the Editorial Committee, which would often have to work outside normal working hours.

5. Numbering (General Regulations - Nos. 761 and 762)

5.1 The Secretary of Committee 9 said that the Final Acts would be printed in Madrid, which would give rise to problems of coordination (dispatch of manuscripts, proofreading, delivery of Final Acts etc.). To keep to the very tight deadlines,

therefore, work would have to be simplified and facilitated as far as possible (pre-composition of texts between the first and second readings and issuance of final clearance immediately after second reading, having due regard to minor amendments of the text).

5.2 Under the circumstances it seemed advisable to retain the provisional numbering until the final printing of the Final Acts, despite the provisions of 762 of the General Regulations. However, it might be possible before the end of the Conference to produce a table for converting the temporary numbers into final numbers.

5.3 It was decided that the Chairman would explain the numbering problem to Committee 1 (Steering), and say that, as an exceptional measure and because of circumstances, the Editorial Committee would like to keep the provisional numbering.

6. Place of meeting

The Committee will meet as necessary in the Press Room in the basement, where there are all the telecommunications facilities necessary for liaison and contact with the printer in Madrid.

7. Programme - Deadlines

7.1 The Chairman said that the deadline for the reading of the last pink documents was 22 October. Work would therefore have to be speeded up for at least one week and members of delegations would have to be recruited so as to have two teams per language working continuously.

7.2 The Secretary of the Editorial Committee gave particulars about the texts which were already available and asked if the Committee could start work by the afternoon of the next day. It was so decided.

8. Liaison with printer in Madrid and other facilities

The delegate of Spain gave details about the liaison and contact facilities which the Spanish administration had provided between Torremolinos and Madrid and the Chairman expressed his appreciation for the efforts made by the Spanish Administration to facilitate the work of the Committee.

9. Consideration of proposal E/12/1 (Document No. 12, p. 1)

9.1 The delegate of Spain explained why his administration had made the proposal for rearranging the paragraphs in the basic texts of the Union and presenting them in a more logical order.

9.2 After a brief discussion in which the delegates of the United States, United Kingdom and Spain, and the Chairman, took part, the Committee, while recognizing its merits, considered that, ~~because~~ of the volume of work and the Conference deadlines, implementation of the Spanish proposal would be far too onerous and complex a task to be tackled within the very limited time available to it.

The meeting rose at 1300 hours.

The Secretary :
A. WINTER-JENSEN

The Chairman :
Albert CHASSIGNOL

Document No. 218-E
15 October 1973

PLENARY MEETING

B.5

5th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C6	196	Res. No. K
C6	195	Res. No. L
C6	197	Res. No. M
C3	DT/58	Res. No. N

Albert CHASSIGNOL
Chairman of
Committee 9

Annex : Pages
B.5/1 to B.5/8



RESOLUTION KParticipation of the Union in the
United Nations Development Programme

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga - Torremolinos, 1973),

having noted

the Report by the Administrative Council (Part V and
Annex 13);

having endorsed

the action taken by the Administrative Council, in
application of Resolutions Nos. 27 and 30 of the Plenipotentiary
Conference (Montreux, 1965), as regards participation of the
Union in the United Nations Development Programme;

decides

1. that the Union shall continue its full participation
in the United Nations Development Programme, within the
framework of the Convention;
2. that the administrative and operational services
costs resulting from the Union's participation in the United
Nations Development Programme shall be included in the budget
of the Union, on the understanding that the compensatory
payments from the United Nations Development Programme shall
be included as income in the said budget;

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Page 3

3. that the Union's auditors shall check all the expenditures and income relative to participation of the Union in the United Nations Development Programme;

4. that the Administrative Council shall also examine these expenditures and take whatever steps it deems appropriate to ensure that the funds thus assigned by the United Nations Development Programme are used exclusively for administrative and operational services costs;

instructs the Secretary-General

1. to present each year to the Administrative Council a detailed report on the participation of the Union in the United Nations Development Programme;

2. to submit to the Administrative Council such recommendations as he may deem necessary to improve the efficiency of this participation;

instructs the Administrative Council

to take all necessary measures to ensure the maximum efficiency of the Union's participation in the United Nations Development Programme.

RESOLUTION L

Recruitment of Experts for Technical Cooperation Projects

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

a) the importance of recruiting highly qualified experts for the successful conduct of the Union's technical cooperation activities,

b) the difficulties encountered in such recruitment;

having noted

a) that in many countries which are the main sources of candidates for expert posts, the age of retirement is being steadily lowered while the health of the population improves,

b) that the Union's needs for well-qualified experts and the conditions of their recruitment are little known in the developed countries;

wishes to express

its gratitude to the administrations which have provided experts for technical cooperation projects;

invites the Members of the Union

1. to make every possible effort to explore all sources of candidates for expert posts among the staffs of administrations, industry and training institutions, by giving the widest possible publicity to the information concerning vacancies;
2. to facilitate to the maximum the secondment of the candidates chosen and their reintegration at the end of their mission so that their period of absence does not prove a handicap in their careers;
3. to continue to offer, free of charge, lecturers and the necessary services for seminars organized by the Union;

instructs the Secretary-General

1. to pay the greatest possible attention to the qualifications and aptitudes of candidates for vacant posts when drawing up lists of experts for submission to beneficiary countries;
2. not to impose age limits on candidacies for expert posts but to make sure that candidates which have passed the retirement age fixed in the United Nations Common System are fit enough to perform the tasks listed in the vacancy notice;
3. to establish, keep up to date and distribute a list of expert posts in the different specialities which it is foreseen will have to be filled during the next few years to come, accompanied by information on conditions of service;
4. to establish and keep up to date a register of potential candidates for expert posts with due emphasis on specialists for short-term missions; this register will be sent to all Member countries on request;
5. to submit each year to the Administrative Council a report on the measures adopted in pursuance of this Resolution and on the evolution of the expert recruitment problem in general;

Document No. 218-E
Page 6

invites the Administrative Council

to follow with the greatest attention the question of expert recruitment and to adopt the measures it deems necessary to obtain the largest possible number of candidates for expert posts advertised by the Union for technical cooperation projects on behalf of the new or developing countries.

RESOLUTION M

Inter-country projects financed by the U.N.D.P.
in the field of telecommunications

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

emphasizing

that, to a large extent, the telecommunication
services are of an inter-country nature needing the same degree
of sophistication in regard to technical facilities and to
staff training in all countries in order to achieve successful
operation of international circuits and for the management of
the radio frequency spectrum;

recognizing

that in many of the new or developing countries the
national resources in respect of equipment, operational
arrangements and national staff are not yet of a sufficiently
high standard to ensure telecommunication services of an
acceptable quality and at reasonable rates;

expressing the opinion

that a certain amount of well-functioning
telecommunication installations for domestic and international
services is a basic requirement for any country, irrespective
of its stage of technical and economic advancement; and

that the U.N.D.P. and particularly its inter-country
programme is a valuable means to assist the new or developing
countries to improve their telecommunication services;

expressing its appreciation

of the consideration given to this matter in certain regions by the U.N.D.P. in making available to the I.T.U. allocations for inter-country projects of technical assistance to new or developing countries;

resolves to invite the U.N.D.P.

with a view to increasing the technical assistance in the telecommunication sector and thereby contributing significantly to an accelerated pace of integration and development,

to consider favourably an increase of the allocations to inter-country projects of assistance in that sector, in those regions in particular, where the present allocations are relatively low,

providing, if necessary for this purpose, for an increase in the total allocation for the inter-country part of the U.N.D.P. over the established level of 18%;

invites the Administrations of Members

to inform the governmental authority responsible for coordinating external aid to their countries of the contents of this Resolution and to stress the importance the Conference attaches to it;

invites those Members of the Union which are also Members of the Governing Council of the U.N.D.P.

to have regard to this resolution in that Council.

RESOLUTION N

Approval of the Agreement between the Spanish Government and the Secretary-General concerning the Plenipotentiary Conference (Malaga-Torremolinos, 1973)

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

a) that, by virtue of Administrative Council Resolution No. 83 (amended), an Agreement was concluded between the Spanish Government and the Secretary-General relating to the arrangements to be made for the organization of a plenipotentiary conference;

b) that the Budget Control Committee of the Conference has examined the Agreement;

decides

to approve the Agreement concluded between the Spanish Government and the Secretary-General.

COMMITTEE 8

State of Israel

PROPOSALS FOR THE WORK OF THE CONFERENCE

Chapter 8

Invitation and admission to Plenipotentiary Conferences
when there is an inviting government

ISR/219/19

ADD 321
bis

These replies may be sent directly to the inviting government or through the Secretary General or through another government.

Reasons: To facilitate the procedure of participation formalities, in similarity to the procedure foreseen in No. 318 (604).

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 220-E
15 October 1973
Original : English

COMMITTEE 7

Philippines (Republic of the)

PROPOSAL FOR THE WORK OF THE CONFERENCE

PHL/220/2

NEW

267

e) bis provide legal advice to
(bis) the Organs of the Union.

Reasons :

Following the decision of Committee 7 not to accept proposal PHL/179/1 to add "and provide legal advice to its Organs" to the end of No. 65 (149) in the Convention, it is proposed to add a similar provision to the duties of the Secretary-General as enumerated in Chapter 4 of the General Regulations. The reason is the same as that given in Document No. 179, namely, to make clear that it is the duty of the Secretary-General to provide legal advice in the same manner as he undertakes administrative arrangements (see No. 265).

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 221-E

13 October 1973

Original : French

PLENARY MEETING

FIRST REPORT OF COMMITTEE 4 TO THE PLENARY MEETING

In its first ten meetings, the Finance Committee took note of those sections of the Report of the Administrative Council to the Plenipotentiary Conference which relate to budgetary and financial matters and made a thorough examination of the problem of accounts in arrears. The Finance Committee reached the following conclusions :

1. Approval of the Union's accounts for the period 1965-1972

Under Article 6 of the Montreux Convention, 1965, the accounts of the Union must be finally approved by the Plenipotentiary Conference.

After considering the summary accounts for the years 1965 to 1972 submitted by the Administrative Council, the Finance Committee proposes that final approval be given to the accounts for the years 1965-1972.

2. Cash resources

The Finance Committee endorses the Administrative Council's proposal to convey to the Government of the Swiss Confederation its appreciation for the generous assistance provided in connection with the Union's finances.

3. External auditing of accounts

The Finance Committee agrees with the Administrative Council's proposal to express its gratitude to the Government of the Swiss Confederation for the care with which the Federal Auditing Department carried out its duties as external auditor of the Union's accounts.

4. Request submitted by Nicaragua

The Finance Committee considered in detail the request submitted by Nicaragua that the Union should waive its contributions for 1973 and 1974. It found that, although the Convention did not provide for such a decision, an exceptional measure was justified by the seriousness and extent of the disaster caused by the earthquake which devastated the city of Managua.

The Finance Committee unanimously proposes that the Nicaraguan Government's request should be granted, namely :

- exemption from its contribution of one unit to Union expenses for 1973,
- reduction of its contribution for 1974 from one unit to a half-unit,
- restoration of its contribution to one unit as from 1975.

While conceding that a display of solidarity towards Nicaragua was justified, some delegations argued that the Convention made no provision for such a measure. However, these delegations finally endorsed the majority view, so that a unanimous decision could be adopted.

5. Accounts in arrear

The Finance Committee carried out a thorough examination of the question of accounts in arrear, as reflected in Tables 1 and 2 annexed hereto, in five meetings. It emerged from the discussion that it was in the interests of all the Members of the Union to find a solution to the problem. Several delegations drew the Finance Committee's attention to the fact that the requests for a lowering of the class of contribution for 1973 and 1974 ran counter to the provisions of 218 of the existing Convention and that the solutions worked out should not affect Members which pay their contributions regularly.

The Finance Committee reached the following conclusions :

5.1 From 1 January 1973, no further interest should be charged on the accounts in arrear of the nine countries listed in Document No. 33 (Rev.) + Corrigendum No. 1.

5.2 The interest on arrears due from these nine countries as at 31 December 1972, i.e. 2,989,883.18 Swiss francs, should be transferred to a special interest on arrears account. This account should be amortized before the next Plenipotentiary Conference by means of credits which the Administrative Council would be instructed to include in the Union's ordinary budget.

5.3 The sums in arrear, less the interest on arrears in accordance with paragraph 5.2 above, i.e. 6,302,918.23 Swiss francs, should be transferred from the debtor's account to a special arrears account. The Secretary-General would be instructed to negotiate with the nine countries in question the terms of a staggered payment of their contributions in arrear.

5.4 By way of exception, the contributions for 1973 and 1974 should be calculated on the basis of the new classes of contribution already announced by the nine countries, unless the Plenipotentiary Conference adopts a scale of contribution different from that in the Montreux Convention, 1965. It should be noted in this connection that some delegations raised objections of principle which they reserved the right to amplify, if necessary, in the Plenary Meeting.

5.5 The Committee considers that the provisions governing the settlement of arrears of contributions should be applied to settle arrears connected with the supply of publications to the nine countries in question. The sums involved are 259,703.70 Swiss francs for the supply of publications and 84,515.45 Swiss francs for interest on arrears.

5.6 The Committee also considers that the statements showing the state of debtors' accounts which are published quarterly in the Notifications should mention these arrears.

5.7 As a result of its analysis, Committee 4 found that the Union's finances can be placed on a sound and stable footing only by the observance of strict financial discipline both by Members in the payment of their contributions and by the organs of the Union in their use of budget credits.

5.8 Nevertheless the Committee considers that it would be useful if steps were taken to eliminate the financial difficulties of the Union.

* *

Draft resolutions relating to the proposals made by the Committee which are the subject of points 1 to 5 above have been transmitted to the Editorial Committee.

The Chairman
"
R. RÜTSCHI

Annexes : 2 tables
6 draft resolutions for the
Editorial Committee

TABLE 1

BASIS: The figures in this table refer only to contributions and do not include publications.

Country	Number of unpaid contributions	Period	Total of amount in arrears	Amount of unpaid contributions	Amount of interest on arrears
	1	2	3 (= 4 + 5)	4	5
Bolivia (3)	23 years	1950-72	2,501,504.95	1,452,934.22	1,048,570.73
Chile (3)	10 years	1953-72	1,065,248.60	786,111.75	279,136.85
Costa Rica (1/2)	12 years	1960-72	243,035.60	111,794.25	131,241.35
Dominican Republic (3)	10 years	1953-72	1,692,597.70	1,274,878.45	417,719.25
El Salvador (3)	12 years	1961-72	1,870,281.75	1,336,123.90	534,157.85
Haiti (1)	16 years	1957-72	736,148.30	508,806.85	227,339.45
Peru (2)	7 years	1966-72	283,217.20	197,832.20	85,385.-
Uruguay (1)	11 years	1962-72	406,617.51	264,484.51	142,133.-
Yemen (1)	10 years	1963-72	494,149.80	369,950.10	124,193.70
			9,292,801.41	6,302,918.23	2,989,883.18

TABLE 2

BASIS : The figures in this table refer only to publications and do not include contributions.

Country	Period	Total amount of arrears for publications	Amount of unpaid publications	Amount of interest on arrears
	1	2	3	4
Bolivia	1950-72	27,207.40	10,922.15	16,285.25
Chile	1963-72	145,072.10	116,092.65	28,979.45
Costa Rica	1961-72	10,178.55	7,678.40	2,500.15
Dominican Republic	1960-72	24,913.55	19,737.80	5,175.75
El Salvador	1962-71	18,875.50	14,483.60	4,392.--
Haiti	1956-72	27,535.90	19,615.50	8,080.40
Peru	1971-72	1,700.50	1,700.50	-
Uruguay	1962-72	73,274.05	56,735.30	16,538.75
Yemen	1961-72	15,401.50	12,837.80	2,563.70
		344,219.15	259,703.70	84,515.45

DRAFT RESOLUTION

APPROVAL OF THE UNION ACCOUNTS FOR THE YEARS 1965 TO 1972

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

- a) the provisions of 38 of the International Telecommunication Convention (Montreux, 1965);
- b) the Report of the Administrative Council to the Plenipotentiary Conference, Document No. 31 concerning the financial management of the Union during the years 1965 to 1972 and the report of the Finance Committee of this Conference (Document No.);

resolves

to give final approval to the accounts of the Union for the years 1965 to 1972.

DRAFT RESOLUTION

ASSISTANCE GIVEN BY THE GOVERNMENT OF THE
SWISS CONFEDERATION IN CONNECTION WITH THE FINANCES
OF THE UNION

The Plenipotentiary Conference of the International
Telecommunication Union (Málaga-Torremolinos, 1973),

considering

that during the years 1966, 1971, 1972 and 1973, the
Government of the Swiss Confederation placed funds at the disposal
of the Union,

expresses

1. its appreciation to the Government of the Swiss Confederation
for its generous assistance in connection with finances;
2. the hope that the agreements in this field can be
continued;

instructs the Secretary-General

to bring this resolution to the notice of the Government
of the Swiss Confederation.

DRAFT RESOLUTION

AUDITING OF UNION ACCOUNTS

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

considering

that the Federal Auditing Department of the Swiss
Confederation carefully, competently and accurately audited the Union
accounts for the years 1965 to 1972;

expresses

its warmest thanks to the Government of the Swiss
Confederation and its hope that it will agree to the continuance of
the present arrangements for the auditing of the Union accounts;

instructs the Secretary-General

to bring this resolution to the notice of the Swiss
Confederation.

DRAFT RESOLUTION

CONTRIBUTIONS FOR 1973 AND 1974 FROM NICARAGUA

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

having examined

the request submitted by the Government of Nicaragua in
connection with its contributions for the years 1973 and 1974;

bearing in mind

a) that Nicaragua was very seriously hit by the earthquake
which destroyed a large part of the city of Managua on
23 December 1972;

b) that Nicaragua has hitherto regularly paid its contributions
to the Union;

c) that this is a special case in which the Members of the
Union must show their solidarity;

resolves, exceptionally,

a) to exempt Nicaragua from the payment of its one unit
contribution for the year 1973;

b) to authorize Nicaragua to reduce its contribution for 1974
from one unit to one half unit;

notes

that as from 1975 Nicaragua will contribute towards defraying
the expenses of the Union in the one unit class.

DRAFT RESOLUTION

Settlement of accounts in arrear

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

in view of

1. the report of the Administrative Council of the Union to the Plenipotentiary Conference together with the documents and information provided by the Secretary-General of the Union;
2. the requests submitted by Members of the Union with substantial accounts in arrear;

considering

that it is in the interests of all Member countries to place the finances of the Union on a sound footing;

resolves

1. that as from 1 January 1973 no interest shall be charged on the accounts in arrear of Bolivia, Chile, Costa Rica, the Dominican Republic, El Salvador, Haiti, Peru, Uruguay and Yemen;
2. that the interest on the arrears due from these countries on 31 December 1972 i.e. 3,074,398.63 Swiss francs, shall be transferred to a special interest on arrears account and paid by all the Members of the Union in the manner specified in 5 below;
3. that the balance of the accounts in arrear due from these countries and representing 6,302,918.23 Swiss francs for contributions in arrear and 259,703.70 Swiss francs for publications supplied, i.e. 6,562,621.93 Swiss francs in all shall be transferred to a special account bearing no interest; however, this measure shall not release these nine countries from the obligation to settle their arrears in respect of contributions and publications;

4. that, in order to lighten as far as possible the burden of the debts of these countries, by an exceptional departure from 218 of the Montreux Convention (1965), their contributions for the years 1973 and 1974 shall be calculated on the basis of the new classes of contribution they have chosen, i.e. :

Bolivia	1/2 unit
Chile	1 unit
Costa Rica	1/2 unit
Dominican Republic	1/2 unit
El Salvador	1/2 unit
Haiti	1/2 unit
Peru	1 unit
Uruguay	1/2 unit
Yemen	1/2 unit

which will entail, for 1973 and 1974, a loss of income of 12 contributory units, or 811,200.- Swiss francs for 1973 and 906,000.- Swiss francs for 1974 on the basis of the provisional budget adopted by the Administrative Council at its 28th session, 1973.

4.1 For 1973 this loss of income might be partly offset by savings on the budgetary credits allocated, or by a withdrawal from the I.T.U. Reserve Account.

4.2 For 1974 this loss of income shall be offset by an increase in the definitive contributory unit which shall be fixed by the Administrative Council after thorough consideration of all the possibilities for reducing Union expenditure;

5. that the special interest on arrears account shall be amortized by the inclusion of credits in the ordinary budgets for the years 1974 to 1978, as follows :

1974	674,398.63 Swiss francs, and for each of the years
1975 to 1978	600,000.-- Swiss francs;

6. that these exceptional arrangements made with regard to the nine countries in question shall under no circumstances constitute a precedent;

instructs the Secretary-General

1. to negotiate immediately with the competent authorities of the countries concerned the terms for the staggered payment of their debts taking into account their economic possibilities and special circumstances as well as the interests of the Union;
2. to report annually to the Administrative Council on the progress made by these countries towards repaying their debts;

invites the Administrative Council

1. to adopt appropriate measures for the application of this resolution;
2. to report to the next Plenipotentiary Conference on the results obtained by the above-mentioned arrangements.

DRAFT RESOLUTION

Finances of the Union

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

having regard to

the report on the finances of the Union submitted by
the Administrative Council of the Union to the Plenipotentiary
Conference;

considering

1. the need to guarantee a sound financial basis for
the Union;
2. that it is essential for the Members and the organs
of the Union to observe strict financial discipline;

resolves

that, in order to maintain cash resources at a reasonable
level and to avoid resorting to loans, the level of the Reserve
Account of the Union shall be adjusted each year;

instructs the Administrative Council

to take the necessary administrative steps to put
this resolution into effect.

COMMITTEE 8

REPORT OF WORKING GROUP ON THE REVISION OF ARTICLE 33

text : The Working Group proposes to Committee 8 the following

Rational Use of the Radio Frequency Spectrum
and of the Geostationary Satellite Orbit

MOD 133 Members agree to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services. To that end they shall endeavour to apply the latest technical advance as soon as possible.

ADD 133A In using frequency bands for space radio services Members shall bear in mind that radio frequencies and the geostationary satellite orbit are limited natural resources, that they must be used efficiently and economically so that countries or groups of countries may have equitable access to both according to their needs and the technical facilities at their disposal in accordance with the provisions of the Radio Regulations.

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 223-E
16 October 1973
Original : French

PLENARY MEETING

2nd REPORT OF COMMITTEE 4
TO THE PLENARY MEETING

1. Administrative provisions for accounts in arrears

1.1 At its 6th and 7th meetings the Finance Committee studied the proposals submitted by various Members of the Union to introduce into the Convention new provisions likely to encourage the payment of contributions within the specified terms.

1.2 In this connection the Committee took note of the third part of the Report on the Finances of the Union which the Administrative Council prepared pursuant to Resolution No. 11 of the Plenipotentiary Conference (Montreux, 1965).

1.3 It also heard an account by the Secretary-General of his experiences in connection with the frequent efforts he has made to obtain a settlement of accounts in arrears; he reported that in many countries the payment of contributions was the responsibility not of the telecommunication authority but of other financial or political authorities which gave priority to the contributions of organizations with statutory powers to suspend the right to vote if payments were in arrears.

1.4 Some delegations were of the opinion that it was not advisable to introduce new measures of this kind at a time when countries with substantial arrears had made a considerable effort to normalize their financial situation with the Union. They considered that, in view of the developments in the situation at this Conference, the matter should be referred to the Administrative Council for a further study to be submitted to the next Plenipotentiary Conference.

1.5 Other delegations expressed the view that the present was a particularly good time for strengthening action aimed at preserving a balanced state of Union finances and avoiding a return to the difficulties which had just been overcome. Now



that the situation had been placed on a sound footing, a fresh start was being made and no Member of the Union was at present liable to be the subject of administrative action in respect of contributions in arrears. In any case, the new provisions would be applicable only after the new Convention had come into force.

1.6 At the end of the discussion a majority of the Finance Committee proposed to the Plenary Meeting that the following new provision be introduced into Article 15 of the Convention :

"A Member which is in arrear in its payments to the Union shall lose its right to vote as defined in Article 2, numbers 14 and 15, if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two years."

it being understood that this new provision would not apply to the arrears covered by Resolution No. ... of this Conference.

2. Financing of Union expenditure

2.1 The 8th meeting of the Finance Committee was devoted to consideration of the questions relating to the financing of Union expenditure referred to in the first part of the report on I.T.U. finances prepared by the Administrative Council and in proposals from Members of the Union.

2.2 The Committee took note of the conclusions of the Administrative Council, which can be summarized as follows :

1. Members should announce their choice of class of contribution during the Plenipotentiary Conference;
2. There should continue to be a free choice of the class of contributions;
3. The ratio of 1 to 60 between the lowest class of contribution and the highest class of contribution should be maintained;
4. A new class of contribution of 1 1/2 units should be introduced.

2.3 Some delegations proposed replacing the free choice of class of contribution systems by the introduction of a scale based on objective factors on the lines of the one used by the United Nations and other international organizations except the I.T.U. and the Universal Postal Union.

2.4 Other delegations proposed that the free choice system should be retained either as a matter of principle or because the characteristics and repercussions of a scale based on objective factors had not been sufficiently explored.

2.5 By a very large majority the Finance Committee proposed to the Plenary Meeting that the system of free choice of class of contribution be retained.

2.6 With regard to the scale of classes of contribution, a majority of the Committee was opposed to the introduction of a new 1/4 unit class as requested by some delegations and it proposed to the Plenary Meeting that it adopt the Administrative Council's proposals to maintain the existing scale, with the addition of a new 1 1/2 unit class of contribution.

2.7 As regards the date on which the choice of the new class of contribution should be announced, the Committee proposed to the Plenary Meeting that No. 214 of the Montreux Convention (1965), which deals with the subject, be retained; this stipulates that each Member or Associate Member shall inform the Secretary-General of the class of contribution it has chosen at least six months before the Convention comes into force.

3. In connection with the contributions of recognized private operating agencies, scientific or industrial organizations and international organizations, the Finance Committee unanimously proposed to the Plenary Meeting the adoption of the conclusions reached by the Administrative Council at the end of the study forming the second part of its Report on Union finances, viz.:

1. the free choice of class of contribution should be retained;
2. the ratio of 1 to 60 between the lowest and the highest class of contribution should be retained;
3. the existing provisions should be retained with regard to determining the amount of the contributory unit of recognized private operating agencies, scientific or industrial organizations and international organizations for participation in the work of the International Consultative Committees, i.e. with the Administrative Council fixing the amount of this contributory unit in the light of the total amount of the Union's annual budget;

4. the present provisions governing the determination of the amount of the contributory unit of recognized private operating agencies and international organizations for participation in administrative conferences should be retained.

4. Finances of the Union

Draft of a new Article 15 to replace Article 16 of the Montreux Convention (1965).

- 4.1 The above proposals have been introduced into the draft Article 15 "Finances of the Union" and into the draft Chapter 27 "Finances" which are transmitted for consideration by the Plenary Meeting.

R. RÜTSCHI
Chairman

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 224-E
17 October 1973
Original : French
English
Spanish

PLENARY MEETING

CONTRIBUTORY SHARES

Replace Annex 2 by the attached Annex.

Annex : 1



A N N E X 2

IV. GENERAL ASSEMBLY

311 (IV). BUDGETS OF THE SPECIALIZED AGENCIES FOR 1950

B

The General Assembly,

Believing that there is room for closer relationship between the assessments of Member States in the contributions both of the United Nations and of the specialized agencies;

1. Recognizes that, to the extent that contributions of Members of the specialized agencies are assessed in accordance with principles similar to those on which the contributions of Members of the United Nations are based, it is desirable that the same data should be utilized for the assessment of those contributions;
2. Authorizes the Committee on Contributions to recommend or advise on the scale of contributions for a specialized agency if requested by that agency to do so;
3. Requests the Secretary-General to inform each agency that the Committee is available to perform this service.

255th Plenary Meeting
24 November 1949

XXI. GENERAL ASSEMBLY

2190 (XXI). ADMINISTRATIVE AND BUDGETARY COORDINATION
OF THE UNITED NATIONS WITH THE SPECIALIZED AGENCIES
AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

A

The General Assembly,

Having in mind that in its Resolution 311 B (IV) of 24 November 1949 it expressed the belief that there is room for a closer relationship between the assessments of Member States in the contributions both of the United Nations and of the specialized agencies;

Noting with appreciation that since the adoption of Resolution 311 B (IV) several specialized agencies have brought the assessments of their Member States into a substantial degree of harmony with the United Nations scale of contributions;

Noting also that, even allowing for differences in membership, there still remain variations and fluctuations in the scales of contributions of some of those agencies which apply Metro EEE methods of assessment similar to those of the United Nations;

Taking note of comments and observations of the Advisory Committee on Administrative and Budgetary Questions, contained in its fourteenth report to the General Assembly at its twenty-first session with regard to the desirability of reducing the aforementioned variations to a minimum;

1. Recommends that, in the spirit of General Assembly Resolution 311 B (IV) and in the interest of coordination and uniformity, the specialized agencies should keep this matter under review;

2. Recommends further that the specialized agencies which apply methods of assessment similar to those of the United Nations and whose scales of contributions still differ appreciably from the United Nations scale take steps to bring their scales into harmony with the United Nations scale as soon as possible, taking into account differences in membership and other pertinent factors;

3. Requests the Secretary-General to transmit to the specialized agencies concerned the present Resolution, together with the relevant comments and observations of the Advisory Committee on Administrative and Budgetary Questions set forth in its fourteenth report to the General Assembly at its twenty-first session.

1494th Plenary Meeting
15 December 1966

XXIII. GENERAL ASSEMBLY

2474 (XXIII). ADMINISTRATIVE AND BUDGETARY
COORDINATION OF THE UNITED NATIONS WITH
THE SPECIALIZED AGENCIES AND THE
INTERNATIONAL ATOMIC ENERGY AGENCY

A

The General Assembly,

Bearing in mind Resolutions 311 B (IV) of 24 November 1949 and 2190 A (XXI) of 15 December 1966 on the question of the relationship between the assessments of Member States in the contributions both of the United Nations and of the specialized agencies;

Noting that, in its report on the Administrative Budgets for 1969 of the specialized agencies and the International Atomic Energy Agency, the Advisory Committee on Administrative and Budgetary Questions states that, while further progress has been made in the direction recommended in General Assembly Resolution 2190 (XXI), some agencies in particular the International Labour Organisation, although they have taken the first steps towards implementing that Resolution, still reflect variations in their scales of assessments as compared with the United Nations scale;

1. Recommends that the specialized agencies which apply methods of assessment similar to those of the United Nations and whose scales of contributions still reflect significant variations from the United Nations scale should intensify their efforts with a view to bringing their scales into harmony with the United Nations scale at the earliest possible time, taking into account differences in membership and other pertinent factors;
2. Requests the Secretary-General to transmit the present Resolution to the specialized agencies concerned, together with the relevant comments and observations of the Advisory Committee on Administrative and Budgetary Questions set forth in its report on the administrative budgets for 1969 of the specialized agencies and the International Atomic Energy Agency;
3. Requests the Advisory Committee to keep this matter under review and to report to the General Assembly periodically on the implementation of the present Resolution.

1752nd Plenary Meeting
21 December 1968

PLENARY MEETING

Afghanistan, Algeria, Argentina, Burma, Bolivia, Cameroon, Congo (Brazzaville), Costa Rica, Dahomey, Dominican Republic, Ecuador, Guatemala, Upper Volta, Iraq, Kuwait, Madagascar, Morocco, Mauritius, Mexico, Nicaragua, Panama, Paraguay, Peru, Venezuela, Yemen A.R., Yemen (Aden), United Arab Emirates

CONTRIBUTORY SHARES

As a result of their study of the problem of contributory shares, the above countries wish to make the following points :

1. System of free choice at present applied by the I.T.U.

The system of free choice, although superficially attractive and creating a favourable impression, and constituting a slogan in keeping with the principles of democracy, unfortunately leads to unfair consequences.

This is due to the fact that there is a ratio of 1/2 to 30 between the countries making the smallest and those making the largest contribution; the narrow range of this scale means that the contributory shares of the various countries do not match the respective economic capabilities of the countries concerned.

2. System applied by the United Nations

The system followed by the United Nations is based on a periodically readjustable scale by means of which the contributions are fixed in accordance with the true economic capacity of each Member State. This gives a ratio of 1 to 790 as shown in column 4 of Annex 1.

3. Comparison between the two systems

The comparison of column 3 with column 4 (Annex 1), the result of which is shown in column 5, clearly indicates that their contributions to defraying the expenses of the Union entail a disproportionate economic effort on the part of the countries of lesser economic capacity.

For example, a country which freely chose the smallest contributory unit (1/2 unit) pays two-and-a-half times more than it would under the United Nations scale.



4. Considerations

In accordance with United Nations General Assembly Resolutions :

311 B (IV) of 24 November 1949

2190 A (XXI) of 15 December 1966 and

2470 A (XXIII) of 21 December 1968

attached as Annex 2, in which the application of the United Nations scale is recommended in order to eliminate the disparity whereby I.T.U. Members of lower economic capacity make contributions in excess of their resources;

In view of the fact that countries with relatively weak economies are paying a contribution towards defraying I.T.U. expenditure greater than they should, while countries with strong economies are paying less than they should;

Since application of the United Nations scale, which is kept up to date on the basis of reliable statistical data, would obviously be the fairest system for all and, ruling out the characteristic parameters of telecommunications as too difficult to establish, the fairest procedure would be to apply the United Nations scale. Bearing in mind that the U.P.U. and the I.T.U. are the only two specialized organizations of the United Nations system which do not apply the scale recommended by the United Nations, it is proposed that :

- a) Contributions intended to defray the administrative expenses of the I.T.U. should be adjusted to the United Nations scale.
- b) Payments which may be made voluntarily as contributions by certain Members in excess of this scale and also the income from the recognized private operating agencies should be placed in a special fund to be used solely for technical cooperation.

Annexes : 2

ANNEXE 1 / ANNEX 1 / ANEXO 1

Pays/Country/País	Classe	Paiement à		U.I.T./O.N.U.
	contribu-	U.I.T.	O.N.U.	
	tion	Payment to		
	Class of	I.T.U.	U.N.O.	
	contribu-	Pago a		
	tion	U.I.T.	O.N.U.	
	Clase			
	contribu-			
	tiva			
1	2	3	4	5
Afghanistan	1/2	0.10	0.04	2.5
Afrique du Sud	8	1.66	0.54	3.074
Afrique occidentale portu-	-	-	-	-
gaise	-	-	-	-
Afrique orientale portu-	-	-	-	-
gaise	-	-	-	-
Albanie	1/2	0.10	0.04	2.5
Algérie	3	0.62	0.09	6.889
Antilles néerlandaises et	-	-	-	-
Surinam	-	-	-	-
Arabie Saoudite	1	0.21	0.07	3
Argentine	15	3.12	0.85	3.671
Australie	18	3.75	1.47	2.551
Autriche	1	0.21	0.55	0.382
Bahrein	-	-	0.04	-
Bangladesh	-	-	-	-
Barbade	1/2	0.10	0.04	2.5
Belgique	8	1.66	1.05	1.581
Bhoutan	-	-	0.04	-
Birmanie	1	0.21	0.05	4.2
Bolivie	3	0.62	0.04	15.5
Botswana	1/2	0.10	0.04	2.5
Brésil	5	1.04	0.80	1.3
Bulgarie	1	0.21	0.18	1.167
Burundi	1/2	0.10	0.04	2.5
Cameroun	1/2	0.10	0.04	2.5
Canada	18	3.75	3.08	1.218
Chili	3	0.62	0.20	3.1
Chine	15	3.12	4.00	0.78
Chypre	1/2	0.10	0.04	2.5
Colombie	3	0.62	0.19	3.263
Congo (République populaire	-	-	-	-
du)	1/2	0.10	0.04	2.5
Costa Rica	1/2	0.21	0.04	5.25
Côte d'Ivoire	1	0.21	0.04	5.25
Cuba	1	0.21	0.16	1.313
Dahomey	1/2	0.10	0.04	2.5
Danemark	5	1.04	0.62	1.677
Egypte	5	1.04	0.18	5.778
El Salvador	3	0.62	0.04	15.5

1	2	3	4	5
Emirats arabes unis	1/2	-	0.04	
Equateur	1	0.21	0.04	5.25
Espagne	3	0.62	1.04	0.596
Etats-Unis d'Amérique	30	6.24	31.52	0.198
Ethiopie	1	0.21	0.04	5.25
Fidji	1/2	0.10	0.04	2.5
Finlande	3	0.62	0.45	1.378
France	30	6.24	6.00	1.04
Gabon	1/2	0.10	0.04	2.5
Gambie		-	0.04	
Ghana	1	0.21	0.07	3
Grèce	1	0.21	0.29	0.724
Guatemala	1	0.21	0.05	4.2
Guinée	1/2	0.10	0.04	2.5
Guinée équatoriale	1/2	0.10	0.04	2.5
Guyane	1/2	0.10	0.04	2.5
Haïti	1	0.21	0.04	5.25
Haute-Volta	1/2	0.10	0.04	2.5
Honduras	1/2	0.10	0.04	2.5
Hongrie	1	0.11	0.48	0.438
Inde	13	2.71	1.55	1.748
Indonésie	1	0.21	0.28	0.75
Irak	1	0.21	0.07	3
Iran	1	0.21	0.22	0.955
Irlande	3	0.62	0.15	4.134
Islande	1/2	0.10	0.04	2.5
Israël	1	0.21	0.20	1.05
Italie	10	2.08	3.54	0.588
Jamaïque	1	0.21	0.04	5.25
Japon	20	4.16	5.40	0.770
Jordanie	1/2	0.10	0.04	2.5
Kenya	1/2	0.10	0.04	2.5
Koweït	1	0.21	0.08	2.625
Laos	1/2	0.10	0.04	2.5
Lesotho	1/2	0.10	0.04	2.5
Liban	1	0.21	0.05	4.2
Libéria	1	0.21	0.04	5.25
Liechtenstein	1/2	0.10	-	
Luxembourg	1/2	0.10	0.05	2
Madagascar	1	0.21	0.04	5.25
Malaisie	3	0.62	0.10	6.2
Malawi	1/2	0.10	0.04	2.5
Maldives	1/2	0.10	0.04	2.5
Mali	1/2	0.10	0.04	2.5
Malte	1/2	0.10	0.04	2.5
Maroc	1	0.21	0.09	2.334
Maurice	1/2	0.10	0.04	2.5
Mauritanie	1/2	0.10	0.04	2.5
Mexique	5	1.04	0.88	1.181
Monaco	1/2	0.10	-	
Mongolie	1/2	0.10	0.04	2.5
Nauru	1/2	0.10	-	
Népal	1/2	0.10	0.04	2.5

1	2	3	4	5
Nicaragua	1	0.21	0.04	5.25
Niger	1/2	0.10	0.04	2.5
Nigeria	2	0.42	0.12	3.5
Norvège	5	1.04	0.43	2.419
Nouvelle-Zélande	5	1.04	0.32	3.25
Oman	1/2	0.10	0.04	2.5
Ouganda	1/2	0.10	0.04	2.5
Pakistan	3	0.62	0.34	1.824
Panama	1/2	0.10	0.04	2.5
Papua-Nouvelle-Guinée	-	-	-	-
Paraguay	1	0.21	0.04	5.25
Pays-Bas	8	1.66	1.18	1.407
Pérou	2	0.42	0.10	4.2
Philippines	1	0.21	0.31	0.677
Pologne	3	0.62	1.41	0.44
Portugal	3	0.62	0.16	3.875
Provinces espagnoles d'Afrique	1	0.21	-	-
Qatar	1/2	-	0.04	-
République arabe libyenne	1/2	0.10	0.07	1.429
République arabe syrienne	1	0.21	0.04	5.25
République centrafricaine	1/2	0.10	0.04	2.5
République de Corée	1	0.21	-	-
République Dominicaine	3	0.62	0.04	15.5
République du Viet-Nam	1	0.21	-	-
République Fédérale d'Alle- magne	20	4.16	-	-
République khmère	1	0.21	0.04	5.25
République socialiste sovié- tique de Biélorussie	1	0.21	0.50	0.42
République socialiste sovié- tique d'Ukraine	3	0.62	1.87	0.332
République-Unie de Tanzanie	1/2	0.10	0.04	2.5
Roumanie	1	0.21	0.36	0.583
Rhodésie du Sud	1	0.21	-	-
Royaume-Uni de Grande Bretagne et d'Irlande du Nord	30	6.24	5.09	1.226
Rwanda	1/2	0.10	0.04	2.5
Saint-Marin	-	-	-	-
Saint-Siège	1/2	0.10	-	-
Samoa-Occidental	-	-	-	-
Sénégal	1	0.21	0.04	5.25
Sierra Leone	1/2	0.10	0.04	2.5
Singapour	1	0.21	0.05	4.2
Somalie	1	0.21	0.04	5.25
Souaziland	1/2	0.10	0.04	2.5
Soudan	1	0.21	0.04	5.25
Sri Lanka	1	0.21	0.05	4.2
Suède	10	2.08	1.25	1.664
Suisse	10	2.08	-	-
Tchad	1/2	0.10	0.04	2.5
Tchécoslovaquie	3	0.62	0.90	0.689
Territoires américains d'outre-mer	25	5.20	-	-
Territoires britanniques d'outre-mer	1	0.21	-	-
Territoires français d'outre- mer	1	0.21	-	-

1	2	3	4	5
Thaïlande	2	0.42	0.13	3.231
Togo	1/2	0.10	0.04	2.5
Tonga	1/2	0.10	-	
Trinité-et-Tobago	1	0.21	0.04	5.25
Tunisie	2	0.42	0.04	10.5
Turquie	2	0.42	0.35	1.2
Union des Républiques socialistes soviétiques	30	6.24	14.18	0.440
Uruguay	1	0.21	0.07	3
Venezuela	3	0.62	0.41	1.512
Yémen	1	0.21	0.04	5.25
Yémen démocratique	1/2	0.10	0.04	2.5
Yougoslavie	1	0.21	0.38	0.553
Zaire	1	0.21	0.04	5.25
Zambie	1	0.21	0.04	5.25

Sources :

Columns 1, 3, 4 : Document DT/28
Note by the Secretary-General
Scale of contributions

Column 2 : Report of the Administrative Council to the
Plenipotentiary Conference
Malaga-Torremolinos 1973
Annex 6, AN-6
Member countries of the Union,
Situation on 12 June 1973

Results

Column 5 : Ratio between the I.T.U. and the U.N. scale
Figures greater than 1 indicate that the
countries in question pay more to the I.T.U.
than to the U.N.

Example : The figure 3 in column 5 indicates
that the country in question is paying three
times more than it would have to pay if the
United Nations scale were adopted.

A N N E X E - A N N E X - A N E X O 2

IV. ASAMBLEA GENERAL

311 (IV). BUDGETS OF THE SPECIALIZED
AGENCIES FOR 1950

B

The General Assembly,

Believing that there is room for closer relationship between the assessments of Member States in the contributions both of the United Nations and of the specialized agencies,

1. Recognizes that, to the extent that contributions of Members of the specialized agencies are assessed in accordance with principles similar to those on which the contributions of Members of the United Nations are based, it is desirable that the same data should be utilized for the assessment of those contributions,
2. Authorizes the Committee on Contributions to recommend or advise on the scale of contributions for a specialized agency if requested by that agency to do so,
3. Requests the Secretary-General to inform each agency that the Committee is available to perform this service.

255th Plenary Meeting,
24 November 1949

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- *) La traduction de cette annexe sera publiée ultérieurement, dès que la version officielle sera disponible.
 - *) The translation of this Annex will be published later when the official version is available.
 - *) La traducción de este anexo se publicará ulteriormente, tan pronto como se disponga de la versión oficial.

XXI. ASAMBLEA GENERAL

2190 (XXI). COORDINACIÓN ADMINISTRATIVA Y PRESUPUESTARIA
DE LAS NACIONES UNIDAS CON LOS ORGANISMOS ESPECIALIZADOS
Y EL ORGANISMO INTERNACIONAL DE ENERGÍA ATÓMICA

A

La Asamblea General,

Teniendo en cuenta que en su Resolución 311 B (IV) de 24 de noviembre de 1949 expresó la convicción de que cabe correlacionar más estrechamente las escalas de prorrateo de las cuotas de los Estados Miembros, tanto en las Naciones Unidas como en los organismos especializados,

Observando con satisfacción que desde que fue aprobada la Resolución 311 B (IV) varios organismos especializados han armonizado en gran medida las cuotas de sus Estados Miembros con la escala de cuotas de las Naciones Unidas,

Observando además que, aun teniendo en cuenta las diferencias en el número de Miembros, subsisten todavía variaciones y fluctuaciones en las escalas de cuotas de algunos de los organismos que aplican métodos de prorrateo de cuotas similares a los de las Naciones Unidas,

Tomando nota de los comentarios y observaciones de la Comisión Consultiva en Asuntos Administrativos y de Presupuesto que figuran en su 14 informe a la Asamblea General en su vigésimo primer periodo de sesiones 13, con respecto a la conveniencia de reducir a un mínimo las variaciones ya mencionadas,

1. Recomienda que, ateniéndose al espíritu de la Resolución 311 B (IV) de la Asamblea General y en beneficio de la coordinación y la uniformidad, los organismos especializados sigan examinando esta cuestión,

2. Recomienda además a los organismos especializados que aplican métodos de prorrateo análogos a los de las Naciones Unidas y cuyas escalas de cuotas difieren todavía apreciablemente de la que utilizan las Naciones Unidas, que adopten medidas para armonizar lo antes posible sus escalas con la de las Naciones Unidas, teniendo en cuenta las diferencias en el número de miembros y otros factores pertinentes,

3. Pide al Secretario General que transmita la presente Resolución a los organismos especializados de que se trata, junto con los comentarios y observaciones pertinentes formulados por la Comisión Consultiva en Asuntos Administrativos y de Presupuesto en su 14 informe a la Asamblea General en su vigésimo primer periodo de sesiones.

1494.ª Sesión Plenaria
15 de diciembre de 1966

XXIII. ASAMBLEA GENERAL

2474 (XXIII). COORDINACIÓN ADMINISTRATIVA Y PRESUPUESTARIA DE LAS NACIONES UNIDAS CON LOS ORGANISMOS ESPECIALIZADOS Y EL ORGANISMO INTERNACIONAL DE ENERGÍA ATÓMICA

A

La Asamblea General,

Teniendo presentes sus Resoluciones 311 B (IV) de 24 de noviembre de 1949 y 2190 A (XXI) de 15 de diciembre de 1966 sobre la cuestión de la relación entre las escalas de prorrateo de las cuotas de los Estados Miembros en las Naciones Unidas y en los organismos especializados,

Observando que, en su informe relativo a los presupuestos administrativos de los organismos especializados y del Organismo Internacional de Energía Atómica para 1969, la Comisión Consultiva en Asuntos Administrativos y de Presupuesto señala que, si bien se han hecho nuevos progresos en la dirección recomendada en la Resolución 2190 (XXI) de la Asamblea General, algunos organismos, en especial la Organización Internacional del Trabajo, aunque han adoptado las primeras medidas para aplicar esa Resolución, todavía presentan variaciones en sus escalas de cuotas con respecto a la escala de las Naciones Unidas 17,

1. Recomienda a los organismos especializados que aplican métodos de prorrateo análogos a los de las Naciones Unidas y cuyas escalas de cuotas difieren todavía considerablemente de la que utilizan las Naciones Unidas que intensifiquen sus esfuerzos con miras a armonizar sus escalas con la de las Naciones Unidas lo antes posible, teniendo en cuenta las diferencias en el número de miembros y otros factores pertinentes,

2. Pide al Secretario General que transmita la presente Resolución a los organismos especializados de que se trata, junto con los comentarios y observaciones pertinentes formulados por la Comisión Consultiva en Asuntos Administrativos y de Presupuesto en su informe relativo a los presupuestos administrativos de los organismos especializados y del Organismo Internacional de Energía Atómica para 1969,

3. Pide a la Comisión Consultiva que siga examinando esta cuestión e informe periódicamente a la Asamblea General sobre la aplicación de la presente Resolución.

1752.^a Sesión Plenaria
21 de diciembre de 1968

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 225-E

15 October 1973

Original : French

COMMITTEE 4

SUMMARY RECORD
OF THE
6th MEETING OF COMMITTEE 4
(FINANCES)

Friday, 5 October 1973, at 9.30 hrs

Chairman : R. RÜTSCHI (Switzerland)

Vice-Chairman : M. AHMED (Pakistan)

Subjects discussed :

Documents Nos.

1. Accounts in arrears

AC Report, para 2.5.5.3
33(Rev.) and Corr.1
54-73-76-77-86-93
136-137-140-141
DT/21 and DT/25
146

2. Measures to avoid the recurrence
of the present situation with
regard to accounts in arrears

32

1. Accounts in arrears (Report of the Administrative Council, paragraph 2.5.5.3, Documents Nos. 33 (Rev.) and Corr. 1, 54, 73, 76, 77, 86, 93, 136, 137, 140, 141, DT/21 and DT/25, 146)

1.1 The delegate of the Yemen Arab Republic made the following statement :

1.1.1 "Acting in a spirit of realism, collaboration and compromise, my delegation has established contact with some of our honourable colleagues. As a result of these contacts, in order to ease the difficult task of our Committee and having regretfully found that no further progress can be made, my delegation has decided to give its full approval to your realistic decision which, as we understand it, consists in :

- I. a complete waiver of the interest of the arrears listed in column 5 of Annex 1 to Document No. DT/25;
- II. placing the amount of unpaid contributions listed in column 4 of the same Annex (and those relating to publications listed in Annex 4) in a special interest-free fund;
- III. instructing the Secretary-General to work out a solution with each of the debtor Members. The solution should provide a feasible, realistic and fair way of settling the arrears by, for example, spreading the payment over a period of a length depending on the economic possibilities and the particular circumstances of each of the debtor Members;
- IV. the payment of new contributions, including those of the current financial year 1973, on the basis of the new class of contribution announced by the Members unless, of course, a new scale of contribution is adopted by the Conference.

1.1.2 Mr. Chairman, we have approved this decision while paying tribute to your enlightened and patient endeavours with the laudable aim of achieving a consensus of this difficult and delicate problem. We note that this consensus is not quite complete but that the decision made constitutes the only possible solution.

1.1.3 My delegation therefore withdraws its proposal published in Document No. 146 (having maintained it for three days); it thanks you and the honourable delegations who have all adopted an understanding and well-disposed attitude towards our proposal."

1.2 In response to a question on the classes of contribution of the debtor countries put by the delegate of the United States, the Head of the Finance Department replied that Annex 5 (column 2) to Document No. DT/25 showed the various classes of contribution actually chosen in the course of the year respectively by the Member countries listed in the document. The delegate of the Yemen Arab Republic then said that the calculations shown in Annex 1 (column 4) should be taken as the basis for the amount of unpaid contributions; the amount shown represented all contributions unpaid up to the end of 1972, less the interest. For the contributions to be paid after the financial year 1973, Annex 5 would be taken into consideration.

1.3 The delegate of Tanzania, speaking on behalf of Kenya and Uganda as well, paid tribute to the representative of Yemen, whose clear, realistic and constructive proposal would, he said, make an effective contribution to the solution of a delicate problem which had for some time weighed heavily on the Union's accounts and budget situation. However, it was necessary to know what would happen in the event of new difficulties and how it would be possible to guarantee not only the settlement of arrears but also regular payment of contributions to ensure that the situation did not recur. It seemed difficult for the Secretary-General to take effective action in that matter and make allowance for various factors, economic or other, completely unknown to him.

1.4 The Chairman said that the General Secretariat would submit a draft resolution on the matter to the Committee. He pointed out that each year the Secretary-General made a full and detailed report to the Administrative Council on the situation of the debtor Members, which then instructed either its own Chairman or the Secretary-General to make certain approaches to the debtor countries.

1.5 The delegate of Cuba welcomed the fact that the Yemen representative was seeking an avenue of escape for the Union from an awkward situation; however, it appeared to him that the Committee had not yet examined point IV, whereas it had already adopted points I, II and III of the proposal submitted to it. He expressed some misgivings concerning the unfortunate consequences which might arise from the application of point IV, whereas even point III was liable to give rise to difficulties.

1.6 The delegate of the U.S.S.R. recognized that the Yemen proposal would solve a number of problems which had beset the Union for some time past. However, how could account be taken of the fact that some countries had already paid their contributions for 1973 in 1972, whereas others had not yet done so? Moreover, how would they manage to cover the budget deficit which would ensue for two years as a result of the decisions of the Conference? How much would the deficit be? Finally, the decisions which the Committee was in the process of taking were at variance with the provisions of the Montreux Convention; it would therefore be justifiable to bring out this point by explaining the appropriate and detailed reasons in a preamble to the resolutions which would be submitted to the Plenary Meeting.

1.7 The Chairman said that he would take note of those comments.

1.8 The delegate of Mexico said that the practical consequences of the solutions proposed would be extremely unfavourable for the debtor countries, if they had to pay over a long period a part of their arrears in addition to their normal contribution.

1.9 Following a brief discussion between the delegates of the Yemen Arab Republic, Mexico and the People's Republic of the Congo, as well as the Chairman and the Secretary-General, the delegate of Bolivia said that his country was not in a position to pay its arrears, amounting to 1,450,000 Swiss francs, and asked for the debt to be purely and simply wiped out. He suggested that the Committee revert to the matter at a later stage, when he would be able to submit to it a corrigendum to Document No. 54.

1.10 Since, on the one hand Bolivia, for economic reasons, was incapable of paying its debts and, on the other the Committee was moving towards the adoption of a measure which did not take account of his country's difficulties, he was afraid that it might be excluded from the Union.

1.11 The delegate of Cuba said that, to assist a number of countries in difficulties, the Committee was prepared to adopt exceptional measures which in fact constituted a departure from the provisions of the Convention. In so doing, the Committee was striking a reasonable and satisfactory compromise; however, if it now started to hesitate or if it decided against adopting the solution proposed by the delegate of Yemen, the Cuban delegation reserved the right to intervene in the Plenary Meeting

to point out that, in the first place, the compromise solution was a breach of the Montreux Convention and, secondly, that Cuba would agree to pay what was due under that Convention and no more.

1.12 The delegate of the Dominican Republic said that, although his country was in the same position as Bolivia, it undertook to pay its annual contribution on the basis of a half-unit from 1 July 1974 supplemented each year by a fraction of its arrears.

1.13 The delegate of Peru drew attention to the difference in the situations of the countries in arrears and requested that each case be considered separately so that an appropriate solution could be found. Taking the example of Bolivia, which had not paid its contribution for 23 years, he said that the I.T.U. had perhaps not done enough to assist that country which, although it had been leading an independent existence for more than a hundred years, still had no microwave systems or earth station, and had only inadequate telecommunication facilities. Almost half Bolivia's debt was accounted for by interest, which was almost tantamount to usury. The problem of arrears could only be overcome by observing one basic condition, which was that the countries not in arrears should in no circumstances be called upon to bear a part of the arrears of other countries, since this would be unfair and would certainly not be approved by the Plenary Meeting. Such a measure would merely enable those opposed to that solution to make the debtor Members appear to some extent in the undignified role of beggars.

1.14 Any solution adopted should include the following points :

- i) waiver of interest,
- ii) recovery of debts due for the past ten years only,
- iii) acceptance by the countries concerned of a commitment to settle the amounts due in accordance with their material possibilities.

1.15 So far as Peru was concerned, when the Government of the Armed Forces came into office in 1968 Peru suffered a decline in foreign trade, because changes upset countries as well as persons, after which it had had to repair the terrible damage caused by an earthquake which had led to the death of several thousand people and destroyed about a third of the country. However, it was quite clear that the I.T.U. had to recover the amounts due and he was glad to say that Peru would be up to date in 1974, that it had settled half its contribution for this year in July 1973 and that the second half would be paid

in the course of the current month. Needless to say, Peru would be grateful for any measure adopted in the Plenary Meeting to assist the debtor countries.

1.16 The delegate of Uruguay said that in 1973 his country had made an initial payment covering part of the arrears due and that it would endeavour to settle with the Union by the end of 1973. He also requested that Uruguay's class of contribution be reduced to a half-unit.

1.17 On behalf of the members of the Committee, the Chairman thanked the delegate of Uruguay for the spirit of cooperation displayed by his country in its attempt to settle its debt with the I.T.U.

1.18 After describing in general terms the Committee's position on the payment of arrears, the Chairman proposed that :

- a) the Secretariat of the Union be requested to prepare, for submission to the Plenary Meeting, a draft resolution based on the Yemen proposal;
- b) the Committee should not reopen discussion of the substance of the text, since the delegates who had already expressed reservations were perfectly free to explain their case when the draft was considered by the Plenary Meeting.

1.19 The Committee unanimously approved the Chairman's suggestions, and the delegates of the United Kingdom and the United States stated that they would revert to the substance of the question in the Plenary Meeting.

1.20 In reply to a question raised by the delegate of Bolivia concerning Annex 4 of Document No. DT/25, the Chairman proposed that they proceed in the same way as with the preceding annexes to the document, i.e. to waive the interest on arrears, to add the sums outstanding for publications to the amount of the arrears and to treat the latter sums in the same manner, which meant that they would bear no further interest from 1 January 1973.

1.21 Since that suggestion was supported by the delegates of the Yemen Arab Republic, Bolivia, Lebanon and the Dominican Republic, it was decided to include it in the draft resolution referred to above.

1.22 The Chairman thanked the Committee for the spirit of cooperation which it had displayed. He found the solution to be proposed in the draft resolution both satisfactory and acceptable. It provided for the payment by other Members of the

Union of 3 million Swiss francs over the next five years. He expressed his particular gratitude to the delegate of Mexico, who had very vigorously pleaded the cause of the debtor Members, and hoped that he would accept the compromise solution proposed.

1.23 The Chairman asked the Committee to confirm the decision adopted previously to the effect that, to reorganize the Union's finances, only the sums actually received and not all contributions, whether paid or not, would be counted as income.

1.24 The Committee having approved the foregoing proposal, it was decided that a second draft resolution on the question would be prepared for consideration by the Committee at the following meeting before submission to the Plenary Assembly.

2. Measures to avoid the recurrence of the present situation with regard to accounts in arrears (Document No. 32)

2.1 Referring to the various statements made on the subject within the Committee, the Chairman said that he was firmly convinced that no Member of the Union wantonly fell into arrears and that they would all pay their contribution at the right time if their economic and financial situation permitted. The Administrative Council had taken the view that imposing sanctions would hardly help to solve the problem and had made no proposal to that effect. He called the Committee's attention to pages 17 et seq Document No. 32 indicating the sanctions imposed by other international organizations, particularly the suspension of the right to vote of countries in arrears with the payment of their contributions for more than two years.

2.2 Reverting to the ideas which he had put forward in a previous meeting of the Committee, the Secretary-General emphasized that he had always found an extremely understanding attitude on the part of the post and telecommunication administrations of the various countries coupled with a lively anxiety to regularize their situation with regard to arrears. The difficulty arose within other bodies responsible for payments in foreign currencies, and it should be stressed that, when the ministries concerned learned that their countries were not subject to any sanction in the event of failing to pay their contributions to the Union, they immediately concluded that the matter was not urgent; that explained why the arrears of several countries had been allowed to accumulate. The authorities responsible for posts and telecommunications had given him to understand that the application of certain measures might help

them to bring pressure to bear on the authorities concerned to prevent their delaying unduly the payment of sums due to the Union. He considered that it would be advisable to adopt such measures and added that the loss of the right to vote for a year or two should not be considered as a penalty.

2.3 The delegate of Italy, supported by the delegate of Rwanda, said that, if the suspension of voting rights would prompt the Members of the Union to honour their commitments, then such a measure should be adopted.

2.4 The delegate of Cuba, supported by the delegate of Ecuador, said that the main reason for the problem of arrears was that certain countries were unable to pay their contributions because of their critical economic situation, and he failed to see how the imposition of sanctions would help matters. The very fact of appearing on a list circulated to all Members already constituted a moral sanction for the debtor countries, and he was not in favour of more severe measures which would radically alter the spirit of the Convention.

2.5 The delegate of Venezuela, citing No. 222 of the Convention, said that charging interest on amounts due already represented a form of sanctions. If the provision was maintained in the Convention, no other penalties should be contemplated.

2.6 The delegate of Brazil endorsed the views expressed by the delegate of Cuba and said that he did not think that the loss of voting rights would help the Members in difficulties to overcome their problems. His country had never favoured the imposition of sanctions and maintained its attitude on that point.

2.7 The Chairman emphasized that the penalties envisaged would in no circumstances be applied to the present debtors of the Union.

2.8 The delegates of the Federal Republic of Germany, Canada and the United States requested that the documents submitted by their respective administrations on that matter should be considered at the next meeting.

2.9 It was so decided. (Documents Nos. 21, 24 and 22.)

2.10 In reply to a question raised by the delegate of Cuba, the Secretary-General said that pages 17 and 18 of Document No. 32 contained explanations on the sanctions applied by various organizations, but that this material would be supplemented for the next meeting of the Committee.

The meeting rose at 6.40 p.m.

Secretary :
R. PRELAZ

Chairman :
"R. RÜTSCHI

COMMITTEE 7

Joint Paper submitted by the
Federal Republic of Germany and Japan

FINANCE COMMITTEE OF THE
ADMINISTRATIVE COUNCIL

A. 262-12

1. The Administrative Council shall set up a finance Committee composed of five of its members who are chosen from among its own members; the principal task of this committee shall be to review the draft budget in detail with particular reference to the need for the credits to be allocated to the organs and to submit proposals to the Administrative Council to facilitate its decisions.

The Administrative Council may, moreover, if it so finds appropriate, entrust the committee, on an ad hoc basis, with the study of other related questions, relieving at the same time, to the extent that may be necessary, the committee from its tasks in the financial field.

2. The costs of attendance at meetings of the Finance Committee shall be borne by the countries to which its members belong.

B. Accordingly, the Japanese proposals J/19/7 and 19 and the German proposal D/21/22 are withdrawn.



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 227-E
15 October 1973
Original : French

COMMITTEE 7

Hungarian People's Republic

PROPOSAL FOR THE WORK OF THE CONFERENCE

The Secretary-General shall :

HNG/227/22 MOD 272

j) publish the recommendations,
the instructions derived therefrom for use
in international telecommunication
services and the principal reports of the
permanent organs of the Union;

Reasons : Experience has shown the need
for the Union to publish
instructions for operation based
mainly on the Recommendations
of the Consultative Committees;
it is desirable for the General
Regulations to contain provisions
relating to such publication.
The question has already been
considered at the Administrative
Telegraph and Telephone
Conference, which decided in
favour of certain publications
of this kind.

Corrigendum to
Document No. 228-E
16 October 1973

PLENARY MEETING

6th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

Replace the cover page by the attached new page.

Document No. 228-E
15 October 1973

PLENARY MEETING

B.6

6th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C7	207	Article 5
C7	216	Articles 9, 10, 11, 12 and 13
C8	Draft Charter	Articles 34, 35, 36, 42, 43, 44 and 45
C8	idem	Articles 4, 14, 16, 17, 18, 22, 25 27, 28, 31 and 32
PL	Convention	Final Protocol

Albert CHASSIGNOL
Chairman of
Committee 9

Annex : Pages
B.6/1 to B.6/22

Document No. 228-E
15 October 1973

PLENARY MEETING

B.2

6th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C7	207	Article 5
C7	216	Articles 9, 10, 11, 12 and 13
C8	Draft Charter	Articles 34, 35, 36, 42, 43, 44 and 45
C8	idem	Articles 4, 14, 16, 17, 18, 22, 25 27, 28, 31 and 32
PL	Convention	Final Protocol

Albert CHASSIGNOL
Chairman of
Committee 9

Annex : Pages
B.6/1 to B.6/22



ARTICLE 5

Structure of the Union

- NOC 27 The organization of the Union shall be as follows :
1. the Plenipotentiary Conference, which is the supreme organ of the Union;
- NOC 28 2. Administrative Conferences;
- NOC 29 3. the Administrative Council;
- NOC 30 4. the permanent organs of the Union, which are :
- a) the General Secretariat;
- NOC 31 b) the International Frequency Registration Board (I.F.R.B.);
- NOC 32 c) the International Radio Consultative Committee (C.C.I.R.);
- NOC 33 d) the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.).

ARTICLE 6

Plenipotentiary Conference

- MOD 34 1. The Plenipotentiary Conference shall be composed of delegations representing Members. It shall be convened at regular intervals and normally every five years.
- NOC 35 2. The Plenipotentiary Conference shall :
- a) determine the general policies for fulfilling the purposes of the Union prescribed in Article 4 of this Convention;
- MOD 36 b) consider the report by the Administrative Council on the activities of all the organs of the Union since the previous Plenipotentiary Conference;
- MOD 37 c) establish the basis for the budget of the Union and determine a fiscal limit for the expenditure of the Union until the next Plenipotentiary Conference after considering a programme of the administrative conferences and meetings of the Union foreseen in that period;
- MOD 38 d) fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union; and, if necessary, provide any general directives dealing with the staffing of the Union;
- MOD 39 e) examine the accounts of the Union and finally approve them, if appropriate;
- NOC 40 f) elect the Members of the Union which are to serve on the Administrative Council;
- NOC 41 g) elect the Secretary-General and the Deputy Secretary-General and fix the dates of their taking office;
- ADD -- h) elect the members of the I.F.R.B. and fix the dates of their taking office;

- ADD -- i) revises the Convention if it considers this necessary;
- SUP 42
- SUP 43
- NOC 44 j) conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded, on behalf of the Union, by the Administrative Council, and take such measures in connection therewith as it deems appropriate;
- NOC 45 k) deal with such other telecommunication questions as may be necessary.

ARTICLE 7

Administrative Conferences

- NOC 46 1. Administrative conferences of the Union shall comprise :
- a) world administrative conferences;
- NOC 47 b) regional administrative conferences.
- MOD 48 2. Administrative conferences shall normally be convened to consider specific telecommunication matters. Only items included in their agenda may be discussed by such conferences. The decisions of such conferences must in all circumstances be in conformity with the provisions of the Convention [and General Regulations].*
- NOC 49 3. (1) The agenda of a world administrative conference may include :
- a) the partial revision of the Administrative Regulations mentioned in 149;

* [] subject to decision to be taken in Plenary.

- NOC 50 b) exceptionally, the complete revision of one or more of those Regulations;
- NOC 51 c) any other question of a worldwide character within the competence of the conference.
- NOC 52 (2) The agenda of a regional administrative conference may provide only for specific telecommunication questions of a regional nature, including instructions to the International Frequency Registration Board regarding its activities in respect of the region concerned, provided such instructions do not conflict with the interest of other regions. Furthermore, the decisions of such a conference must in all circumstances be in conformity with the provisions of the Administrative Regulations.

ARTICLE 8

Administrative Council

- MOD 53 1. (1) The Administrative Council shall be composed of thirty-six 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 regions of the world. Except in the case of vacancies arising as provided for in the General Regulations, the Members of the Union elected to the Administrative Council shall hold office until the date on which a new Administrative Council is elected by the Plenipotentiary Conference. They shall be eligible for re-election.
- MOD 54 (2) Each Member of the Council shall appoint its representative on the Council who may be assisted by one or more advisers.

- SUP 55
- NOC 56 3. The Administrative Council shall adopt its own Rules of Procedure.
- NOC 57 4. In the interval between Plenipotentiary Conferences, the Administrative Council shall act on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.
- MOD 58 5. (1) The Administrative Council shall take all steps to facilitate the implementation by the Members of the provisions of the Convention, of the Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary Conference.
- MOD 59 (2) It shall ensure the efficient coordination of the work of the Union and exercise effective financial control over its permanent organs.
- NOC 60 (3) It shall promote international cooperation for the provision of technical cooperation to the new or developing countries by every means at its disposal, especially through the participation of the Union in the appropriate programmes of the United Nations, in accordance with the purposes of the Union, one of which is to promote by all possible means, the development of telecommunications.

ARTICLE 9

General Secretariat

NOC 61 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

NOC 62 (2) The Secretary-General and the Deputy Secretary-General shall take up their duties on the dates determined at the time of their election. They shall normally remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election.

MOD 63 (3) The Secretary-General shall take all the action required to ensure economic use of the Union's resources and he shall be responsible to the Administrative Council for all the administrative and financial aspects of the Union's activities. The Deputy Secretary-General shall be responsible to the Secretary-General.

64 NOT YET AVAILABLE

NOC 65 2. The Secretary-General shall act as the legal representative of the Union.

NOC 66 3. The Deputy Secretary-General shall assist the Secretary-General in the performance of his duties and undertake such specific tasks as may be entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the absence of the latter.

ARTICLE 10

International Frequency Registration Board

MOD 67 1. The International Frequency Registration Board shall consist of five independent members, elected by the Plenipotentiary Conference. These

members shall be elected from the candidates sponsored by countries, Members of the Union, in such a way as to ensure equitable distribution amongst the regions of the world. Each Member of the Union may propose only one candidate who shall be a national of its country.

NOC 68 2. The members of the International Frequency Registration Board shall serve, not as representatives of their respective countries, or of a region, but as custodians of an international public trust.

NOC 69 3. The essential duties of the International Frequency Registration Board shall be :

(a) to effect an orderly recording of frequency assignments made by the different countries so as to establish, in accordance with the procedure provided for in the Radio Regulations and in accordance with any decision which may be taken by competent conferences of the Union, the date, purpose and technical characteristics of each of these assignments, with a view to ensuring formal international recognition thereof;

ADD 69 (aa) to effect, in the same conditions and for the same purpose, an orderly recording of the positions assigned by countries to geostationary satellites;

MOD 70 (b) 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 most effective and economical use of the geostationary satellite orbit.

MOD 71 (c) to perform any additional duties, concerned with the assignment and utilization of frequencies and with the utilization of the geostationary satellite orbit, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference of the Union, or by the Administrative Council with the consent of a majority of the Members of the Union, in preparation for or in pursuance of the decisions of such a conference.

- NOC 72 (d) to maintain such essential records as may be related to the performance of its duties.

ARTICLE 11

International Consultative Committees

- NOC 73 1. (1) The duties of the International Radio Consultative Committee (C.C.I.R.) shall be to study technical and operating questions relating specifically to radiocommunication and to issue recommendations on them.
- NOC 74 (2) The duties of the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.) shall be to study technical, operating and tariff questions relating to telegraphy and telephony and to issue recommendations on them.
- NOC 75 (3) In the performance of its studies, each Consultative Committee shall pay due attention to the study of questions and to the formulations of recommendations directly connected with the establishment, development and improvement of telecommunication in new or developing countries in both the regional and international fields.
- MOD 76 2. The International Consultative Committees shall have as members :
- (a) of right, the Administrations of all Members of the Union;
- MOD 77 (b) any recognized private operating agency which, with the approval of the Member which has recognized it, expresses a desire to participate in the work of these Committees.
- NOC 78 3. Each International Consultative Committee shall work through the medium of :
- (a) its Plenary Assembly;

- NOC 79 (b) study groups set up by it;
- NOC 80 (c) a Director, elected by a Plenary Assembly and appointed in accordance with /the General Regulations/
- MOD 81 4. There shall be a World Plan Committee, and such Regional Plan Committees as may be jointly approved by the plenary assemblies of the International Consultative Committees. These Plan Committees shall develop a General Plan for the international telecommunication network to facilitate coordinated development of international telecommunication services. They shall refer to the International Consultative Committees questions the study of which is of particular interest to new or developing countries and which are within the terms of reference of those Consultative Committees.
- NOC 82 5. The working arrangements of the International Consultative Committees are defined in the /General Regulations/

ARTICLE 12

Coordination Committee

- MOD 83 1. (1) The Coordination Committee shall assist and advise the Secretary-General on all administrative, financial and technical cooperation matters affecting more than one permanent organ, and on external relations and public information, keeping fully in view the decisions of the Administrative Council and the interest of the Union as a whole.
- NOC 84 (2) The Committee shall also consider any important matters referred to it by the Administrative Council. After examining them, the Committee shall report, through the Secretary-General, to the Council.

/ / pending decision in Plenary.

- MOD 85 2. The Coordination Committee shall be composed of the Deputy Secretary-General, the Directors of the International Consultative Committees and the Chairman of the International Frequency Registration Board and shall be presided over by the Secretary-General.

ARTICLE 13

Elected Officials and Staff of the Union

- NOC 86 1. (1) In the performance of their duties, neither the elected officials nor the staff of the Union shall seek or accept instructions from any government or from any other authority outside the Union. They shall refrain from acting in any way which is incompatible with their status as international officials.
- MOD 87 (2) Each Member shall respect the exclusively international character of the duties of the elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.
- NOC 88 (3) No elected official or any member of the staff of the Union shall participate in any manner or have any financial interest whatsoever in any enterprise concerned with telecommunications, except as part of their duties. However, the term "financial interest" is not to be construed as applying to the continuation of retirement benefits accruing in respect of previous employment or service.
- MOD 89 2. The Secretary-General, the Deputy Secretary-General and the Directors of the International Consultative Committees and desirably also the members of the I.F.R.B. shall all be nationals of different countries, Members of the Union. At their election, due consideration should be given to the principles embodied in 90 and to the appropriate geographical distribution amongst the regions of the world.

- NOC 90 3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

ARTICLE 34

Intercommunication

- NOC 134 1. Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radio-communications reciprocally without distinction as to the radio system adopted by them.
- NOC 135 2. Nevertheless, in order not to impede scientific progress, the provisions of 134 shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing inter-communication.
- NOC 136 3. Notwithstanding the provisions of 134, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used.

ARTICLE 35

Harmful interference

- (MOD) 137 1. All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Members or of recognized private operating agencies, or of other duly authorized operating agencies which carry on radio service, and which operate in accordance with the provisions of the Radio Regulations.

- (MOD) 138 2. Each Member undertakes to require the private operating agencies which it recognizes and the other operating agencies duly authorized for this purpose, to observe the provisions of 137.
- (MOD) 139 3. Further, the Members recognize the desirability of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in 137.

ARTICLE 36

Distress calls and messages

- NOC 140 Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

ARTICLE 42

Validity of Administrative Regulations in force

- (MOD) 151 The Administrative Regulations referred to in 149 are those in force at the time of signature of this Convention. They shall be regarded as annexed to this Convention and shall remain valid, subject to such partial revisions as may be adopted in consequence of the provisions of 49 until the time of entry into force of new Regulations drawn up by the competent world administrative conferences to replace them as annexes to this Convention.

ARTICLE 43

Execution of the Convention and Regulations

- (MOD) 152 1. The Members are bound to abide by the provisions of this Convention and the Regulations annexed thereto in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 38 of this Convention.
- (MOD) 153 2. They are also bound to take the necessary steps to impose the observance of the provisions of this Convention and of the Regulations annexed thereto upon private operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

ARTICLE 44

Ratification of the Convention

- (MOD) 154 1. This Convention shall be ratified by the signatory governments in accordance with the constitutional rules in force in their respective countries. The instruments of ratification shall be deposited, in as short a time as possible, with the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. The Secretary-General shall notify the Members of each deposit of ratification.

SUP 155

- (MOD) 156 2. (1) During a period of two years from the date of entry into force of this Convention a signatory government, even though it may not have deposited an instrument of ratification in accordance with 154, shall enjoy the rights conferred on Members of the Union in 13 to 15.
- (MOD) 157 (2) From the end of a period of two years from the date of entry into force of this Convention, a signatory government which has not deposited an instrument of ratification in accordance with 154 shall not be entitled to vote at any conference of the Union, or at any session of the Administrative Council, or at any meeting of any of the permanent organs of the Union, or during consultation by correspondence conducted in accordance with the provisions of the Convention until it has so deposited such an instrument. Its rights, other than voting rights, shall not be affected.
- (MOD) 158 3. After the entry into force of this Convention in accordance with Article 56, each instrument of ratification shall become effective on the date of its deposit with the Secretary-General.
- (MOD) 159 4. If one or more of the signatory governments do not ratify the Convention it shall not thereby be less valid for the governments which have ratified it.

ARTICLE 45

Accession to the Convention

- (MOD) 160 1. The government of a country, not a signatory of this Convention, may accede thereto at any time subject to the provisions of Article 1.
- SUP 161
- MOD 162 2. The instrument of accession shall be deposited with the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. Unless otherwise specified therein, it shall become effective upon the date of its deposit. The Secretary-General shall notify the Members of each accession when it is received and shall forward to each of them a certified copy of the act of accession.

ARTICLE 4

Purposes of the Union

- | | | | |
|-------|-----|---------------|--|
| NOC | 18 | 1. | The purposes of the Union are : |
| | | <u>a)</u> | to maintain and extend international cooperation for the improvement and rational use of telecommunications of all kinds; |
| NOC | 19 | <u>b)</u> | to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunications services, increasing their usefulness and making them, so far as possible, generally available to the public; |
| MOD | 20 | <u>c)</u> | to harmonize the actions of nations in the attainment of those ends. |
| NOC | 21 | 2. | To this end, the Union shall in particular : |
| | | <u>a)</u> | effect allocation of the radio-frequency spectrum and registration of radio-frequency assignments in order to avoid harmful interference between radio stations of different countries; |
| NOC | 22 | <u>b)</u> | coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum; |
| ADD | 22A | <u>b bis)</u> | coordinate efforts with a view to harmonizing the development of telecommunications facilities, in particular those using space techniques, with a view to full advantage being taken of their responsibilities; |
| (MOD) | 23 | <u>c)</u> | foster collaboration among its Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis; |

- NOC 24 d) foster the creation, development and improvement of telecommunication equipment and networks in new or developing countries by every means at its disposal, especially its participation in the appropriate programmes of the United Nations;
- NOC 25 e) promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;
- MOD 26 f) undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters.

ARTICLE 14

Organization of the work and conduct
of discussions at conferences
and other meetings

- NOC 91 1. For the organization of their work and the conduct of their discussions, conferences and the plenary assemblies and meetings of the International Consultative Committees shall apply the Rules of Procedure in the General Regulations.
- (MOD) 92 2. Each conference and plenary assembly or meeting of an International Consultative Committee may adopt such rules of procedure in amplification of those in the Rules of Procedure as it considers to be indispensable. Such additional rules of procedure must, however, be compatible with the Convention and General Regulations; in the case of those adopted by plenary assemblies and study groups, they shall be published in the form of a resolution in the documents of the plenary assemblies.

ARTICLE 16

Languages

- NOC 101 1. (1) The official languages of the Union shall be Chinese, English, French, Russian and Spanish.
- NOC 102 (2) The working languages of the Union shall be English, French and Spanish.
- MOD 103 (3) In case of dispute, the French text shall prevail.
- NOC 104 2. (1) The final documents of the plenipotentiary and administrative conferences, their final acts, protocols, resolutions, recommendations and opinions, shall be drawn up in the official languages of the Union, in versions equivalent in form and content.
- NOC 105 (2) All other documents of these conferences shall be issued in the working languages of the Union.
- NOC 106 3. (1) The official service documents of the Union as prescribed by the Administrative Regulations shall be published in the five official languages.
- NOC 107 (2) All other documents for general distribution prepared by the Secretary-General in the course of his duties shall be drawn up in the three working languages.
- MOD 108 4. At conferences of the Union and at meetings of its permanent organs and of the Administrative Council, the debates shall be conducted with the aid of an efficient system of reciprocal interpretation between the five official languages. When, however, all participants in a conference or in a meeting so agree, the debates may be conducted in fewer than the five languages mentioned above.

ARTICLE 17

Legal capacity of the Union

ADD 109 The Union shall enjoy in the territory of
each of its Members such legal capacity as may be
necessary for the exercise of its functions and the
fulfilment of its purposes.

SUP 110

CHAPTER II

General provisions relating to telecommunications

ARTICLE 18

The right of the public to use
the International Telecommunication Service

- (MOD) 111 Members recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.

ARTICLE 22

Secrecy of telecommunications

- (MOD) 116 1. Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.
- NOC 117 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their internal laws or the execution of international conventions to which they are parties.

ARTICLE 25

Priority of telecommunications concerning safety of life

- NOC 123 The international telecommunication services must give absolute priority to all telecommunications concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological telecommunications of exceptional urgency of the World Health Organization.

ARTICLE 27

Secret language

- NOC 125 1. Government telegrams and service telegrams may be expressed in secret language in all relations.
- NOC 126 2. Private telegrams in secret language may be admitted between all countries with the exception of those which have previously notified, through the medium of the Secretary-General, that they do not admit this language for that category of correspondence.
- (MOD) 127 3. Members which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 20 of this Convention.

ARTICLE 28

Charges and free services

- (MOD) 128 The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Regulations annexed to this Convention.

ARTICLE 31

Special arrangements

- MOD 131 Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Members in general. Such arrangements, however, shall not be in conflict with the terms of this Convention or of the Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries.

ARTICLE 32

Regional conferences, arrangements
and organizations

MOD 132 Members reserve the right to convene regional conferences, to make regional arrangements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. Such arrangements shall not be in conflict with this Convention.

Document No. 228-E
Page 23

FINAL PROTOCOL
TO THE
INTERNATIONAL TELECOMMUNICATION CONVENTION

(Malaga-Torremolinos, 1973)

At the time of signing the International Telecommunication Convention (Malaga-Torremolinos, 1973), the undersigned plenipotentiaries take note of the following statements forming part of the Final Acts of the Plenipotentiary Conference (Malaga-Torremolinos, 1973).

Document No. 229-E
16 October 1973

PLENARY MEETING

B.7

7th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C6	DT/60	Resolution No. U
C6	DT/54	Resolution No. V
C8	Draft Charter	Articles 39, 40, 41, 48, 50, 51, 52, 53, 55, 56 and final paragraph
C8	- id -	Annex A

Albert CHASSIGNOL
Chairman of
Committee 9

Annex : Pages

B.7/1 to B.7/19



RESOLUTION U

APPLICATION OF SCIENCE AND TELECOMMUNICATION TECHNOLOGY
IN THE INTEREST OF NEW OR DEVELOPING COUNTRIES

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

in view of

the provisions of various resolutions adopted by the
Economic and Social Council and by the General Assembly of the
United Nations for the purpose of expediting the application
of science and technology in the interest of new or developing
countries;

considering

that the International Telecommunication Union
should, in its own field, associate itself in every way
possible with efforts being thus undertaken by the organizations
of the United Nations family;

instructs the C.C.I.R.

to pursue as a matter of urgency its studies of
technical and operational questions leading up to the
establishment of low-capacity earth stations and associated
satellite systems in order to satisfy the urgent needs of the
least developed countries and to enable such countries to be
connected by high-quality circuits to the international
telecommunication network;

instructs the Administrative Council

to take the necessary measures, within the limit of
the available resources, to ensure that the Union :

1. cooperates to the greatest extent possible with the
appropriate organs of the United Nations;

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2. contributes to the greatest extent possible to expediting the transfer to, and assimilation in, the new or developing countries of the scientific knowledge and technological experience in telecommunication, which are available in technically more advanced countries, by the publication of appropriate handbooks and other documents;

3. bears this Resolution in mind in its technical cooperation activities in general.

RESOLUTION V

REGIONAL OFFICES FOR TECHNICAL COOPERATION

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

recognizing

the probable advantage for the Union of establishing regional offices for technical cooperation;

considering

the financial, administrative and technical problems connected with the establishment of these offices;

instructs the Secretary-General

to carry out a thorough study of all aspects of the establishment of regional offices, including their functions and their relations with the I.T.U. Technical Cooperation Department;

instructs the Administrative Council

1. to consider the Secretary-General's report on that study;
2. to set up, with the minimum expenditure, pilot offices in order to obtain sufficient experience; and
3. to report to the next Plenipotentiary Conference on the efficiency of these offices and the advisability of putting the scheme into effect on a full scale.

CHAPTER IV

Relations with the United Nations and with
International Organizations

ARTICLE 39

Relations with the United Nations

MOD 145 1. The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement concluded between these two Organizations, the text of which appears in Annex ... to this Convention.

(MOD) 146 2. In accordance with the provision of Article XVI of the above-mentioned Agreement, the telecommunication operating services of the United Nations shall be entitled to the rights and bound by the obligations of this Convention and of the Regulations annexed thereto. Accordingly, they shall be entitled to attend all conferences of the Union, including meetings of the International Consultative Committees, in a consultative capacity.

ARTICLE 40

Relations with International Organizations

NOC 147 In furtherance of complete international coordination on matters affecting telecommunication, the Union shall cooperate with international organizations having related interests and activities.

ARTICLE 41

Regulations

- (MOD) 148 1. The General Regulations embody those provisions which ensure the application of the Convention. Subject to the provision of Article 14, they shall have the same force as the Convention and shall be binding on all Members.
- (MOD) 149 2. The provisions of the Convention are completed by the Administrative Regulations specified in the General Regulations. The Administrative Regulations regulate the use of telecommunication and shall be binding on all Members.
- ADD 149A 2A. Ratification of this Convention in accordance with Article 44 or accession in accordance with Article 45 involves acceptance of the General and Administrative Regulations in force at the time of ratification or accession.
- ADD 149B 2B. Members shall inform the Secretary-General of their approval of any revision of these Regulations by competent administrative conferences. The Secretary-General shall inform Members promptly regarding receipt of such notifications of approval.
- (MOD) 150 3. In case of inconsistency between a provision of the Convention and a provision of the Regulations, the Convention shall prevail. In the case of inconsistency between a provision of the General Regulations and a provision of an Administrative Regulation, the General Regulations shall prevail.

ARTICLE 48

Denunciation of the Convention

- (MOD) 167 1. Each Member which has ratified, or acceded to, this Convention shall have the right to denounce it by a notification addressed to the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. The Secretary-General shall advise the other Members thereof.
- NOC 168 2. This denunciation shall take effect at the expiration of a period of one year from the day of the receipt of notification of it by the Secretary-General

SUP

ARTICLE 50

SUP 171
 to
 174

SUP

ARTICLE 51

SUP 175
 to
 178

ARTICLE 52

Abrogation of the International
Telecommunication Convention
(Montreux, 1965)

MOD 179 This Convention shall abrogate and
replace, in relations between the Contracting
Governments, the International Telecommunication
Convention (Montreux, 1965).

ARTICLE 53

Relations with Non-contracting States

MOD 180 Each Member reserves to itself and to the
recognized private operating agencies the right to
fix the conditions on which it admits
telecommunications exchanged with a State which is
not a party to this Convention. If a
telecommunication originating in the territory of such
a non-contracting State is accepted by a Member,
it must be transmitted and, in so far as it follows
the telecommunication channels of a Member, the
obligatory provisions of the Convention and
Regulations and the usual charges shall apply to it.

CHAPTER VI

Definitions

ARTICLE 55

Definitions

MOD 183 In this Convention unless the context otherwise requires :

(a) the terms which are defined in Annex ... to this Convention shall have the meanings therein assigned to them;

MOD 184 (b) other terms which are defined in the Regulations referred to in Article 41 shall have the meanings therein assigned to them;

CHAPTER VII

Final Provisions

MOD

ARTICLE 56

Effective Date and Registration of
the Convention

MOD 185 The present Convention shall enter into force on / 1 January 1975 / between Members in respect of which instruments of ratification or accession have been deposited before that date.

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ADD 185A

In accordance with the provisions of Article 102 of the Charter of the United Nations, the Secretary-General of the Union shall register the present Convention with the Secretariat of the United Nations.

MOD

IN WITNESS WHEREOF the respective plenipotentiaries have signed the Convention in each of the Chinese, English, French, Russian and Spanish languages, in a single copy in which, in case of dispute, the French text shall prevail, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Malaga-Torremolinos, on

ANNEX A

(see Article 39)

Agreement between the United Nations
and the International Telecommunication Union

Preamble

In consideration of the provisions of Article 57 of the Charter of the United Nations and of Article 26 of the Convention of the International Telecommunication Union of Atlantic City 1947, the United Nations and the International Telecommunication Union agree as follows :

ARTICLE I

The United Nations recognizes the International Telecommunication Union (hereinafter called "the Union") as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

ARTICLE II

Reciprocal Representation

1. The United Nations shall be invited to send representatives to participate, without vote, in the deliberations of all the Plenipotentiary and Administrative Conferences of the Union. It shall also, after appropriate consultation, be invited to send representatives to attend international consultative committees or any other meetings convened by the Union with the right to participate without vote in the discussion of items of interest to the United Nations.

2. The Union shall be invited to send representatives to attend meetings of the General Assembly of the United Nations for the purposes of consultation on telecommunication matters.

3. The Union shall be invited to send representatives to be present at the meetings of the Economic and Social Council of the United Nations and of the Trusteeship Council and of their commissions or committees, and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the Union may be concerned.

4. The Union shall be invited to send representatives to attend meetings of the main committees of the General Assembly when matters within the competence of the Union are under discussion and to participate, without vote, in such discussions.

5. Written statements presented by the Union shall be distributed by the Secretariat of the United Nations to the Members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council as appropriate. Similarly, written statements presented by the United Nations shall be distributed by the Union to its Members.

ARTICLE III

Proposal of Agenda Items

After such preliminary consultation as may be necessary, the Union shall include on the agenda of Plenipotentiary or Administrative Conferences or meetings of other organs of the Union, items proposed to it by the United Nations. Similarly, the Economic and Social Council and its commissions and the Trusteeship Council shall include on their agenda items proposed by the Conferences or other organs of the Union.

ARTICLE IV

Recommendations of the United Nations

1. The Union, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Economic and Social Council under Article 62 of the Charter to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter; to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to its appropriate organ for such action as may seem proper of all formal recommendations which the United Nations may make to it.

2. The Union agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course, to report to the United Nations on the action taken by the Union or by its Members to give effect to such recommendations or on the other results of their consideration.

3. The Union will co-operate in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to co-operate with any body or bodies which the Economic and Social Council may establish for the purpose of facilitating such co-ordination and to furnish such information as may be required for the carrying out of this purpose.

ARTICLE V

Exchange of Information and Documents

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of appropriate information and documents shall be made between the United Nations and the Union to meet the requirements of each.
2. Without prejudice to the generality of the provisions of the preceding paragraph :
 - (a) the Union shall submit to the United Nations an annual report on its activities;
 - (b) the Union shall comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information;
 - (c) the Secretary-General of the United Nations shall, upon request, consult with the appropriate authority of the Union with a view to providing to the Union such information as may be of special interest to it.

ARTICLE VI

Assistance to the United Nations

The Union agrees to co-operate with and to render all possible assistance to the United Nations, its principal and subsidiary organs, in accordance with the United Nations Charter and the International Telecommunication Convention, taking fully into account the particular position of the individual members of the Union who are not members of the United Nations.

ARTICLE VII

Relations with the International Court of Justice

1. The Union agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.
2. The General Assembly authorizes the Union to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its competence other than questions concerning the mutual relationships of the Union and the United Nations or other specialized agencies.
3. Such request may be addressed to the Court by the Plenipotentiary Conference or the Administrative Council acting in pursuance of an authorization by the Plenipotentiary Conference.
4. When requesting the International Court of Justice to give an advisory opinion the Union shall inform the Economic and Social Council of the request.

ARTICLE VIII

Personnel Arrangements

1. The United Nations and the Union agree to develop as far as practicable common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate any mutually desirable interchange of personnel in order to obtain the maximum benefit from their services.
2. The United Nations and the Union agree to co-operate to the fullest extent possible in achieving these ends.

ARTICLE IX

Statistical Services

1. The United Nations and the Union agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication, standardization, improvement and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national governments and other organizations from which such information may be collected.

2. The Union recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Union as the central agency responsible for the collection, analysis, publication, standardization, improvement and dissemination of statistics within its special sphere, without prejudice to the rights of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world. All decisions as to the form in which service documents are compiled rest with the Union.

4. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the Union for incorporation in its basic statistical series or special reports should so far as practicable be made available to the United Nations upon request.

5. It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should so far as practicable and appropriate be made available to the Union upon request.

ARTICLE X

Administrative and Technical Services

1. The United Nations and the Union recognize the desirability in the interests of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment of competitive or overlapping services, and when necessary to consult thereon to achieve these ends.
2. Arrangements shall be made between the United Nations and the Union in regard to the registration and deposit of official documents.

ARTICLE XI

Budgetary and Financial Arrangements

1. The budget or the proposed budget of the Union shall be transmitted to the United Nations at the same time as such budget is transmitted to the Members of the Union and the General Assembly may make recommendations thereon to the Union.
2. The Union shall be entitled to send representatives to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Union is under consideration.

ARTICLE XII

Financing of Special Services

1. In the event of the Union being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with Article VI or with any other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the Union shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance requested by the Union and provided by the United Nations.

ARTICLE XIII

United Nations Laissez-Passer

Officials of the Union shall have the right to use the laissez-passer of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Union.

ARTICLE XIV

Inter-Agency Agreements

1. The Union agrees to inform the Economic and Social Council of the nature and scope of any formal agreement contemplated between the Union and any other specialized agency or other inter-governmental organization or international non-governmental organization, and further will inform the Economic and Social Council of the details of any such agreement, when concluded.

2. The United Nations agrees to inform the Union of the nature and scope of any formal agreement contemplated by any other specialized agencies on matters which might be of concern to the Union and further will inform the Union of the details of any such agreement, when concluded.

ARTICLE XV

Liaison

1. The United Nations and the Union agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever measures may be necessary to this end.
2. The liaison arrangements provided for in this agreement shall apply, as far as appropriate, to the relations between the Union and the United Nations, including its branch and regional offices.

ARTICLE XVI

United Nations Telecommunication Services

1. The Union recognizes that it is important that the United Nations shall benefit by the same rights as the Members of the Union for operating telecommunication services.
2. The United Nations undertakes to operate the telecommunication services under its control in accordance with the terms of the International Telecommunication Convention and the regulations annexed thereto.
3. The precise arrangements for implementing this article shall be dealt with separately.

ARTICLE XVII

Implementation of Agreement

The Secretary-General of the United Nations and the appropriate authority of the Union may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable.

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ARTICLE XVIII

Revision

On six months' notice given on either part, this agreement shall be subject to revision by agreement between the United Nations and the Union.

ARTICLE XIX

Entry into Force

1. This agreement will come into force provisionally after approval by the General Assembly of the United Nations and the Plenipotentiary Telecommunication Conference at Atlantic City in 1947.

2. Subject to the aforementioned approvals, the agreement will formally enter into force at the same time as the International Telecommunication Convention concluded at Atlantic City in 1947 or at some earlier date as may be arranged for by a decision of the Union.

PLENARY MEETING

B.8

8th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C4	221	Res. No. O
C4	221	Res. No. P
C4	221	Res. No. Q
C4	221	Res. No. R
C4	221	Res. No. T
C6	DT/46	Res. No. W

Albert CHASSIGNOL

Chairman of
Committee 9

Annex : Pages

B.8/1 to B.8/8

RESOLUTION 0

APPROVAL OF THE UNION ACCOUNTS FOR THE YEARS 1965 TO 1972

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

- a) the provisions of 38 of the International Telecommunication Convention (Montreux, 1965);
- b) the Report of the Administrative Council to the Plenipotentiary Conference, Document No. 31 concerning the financial management of the Union during the years 1965 to 1972 and the report of the Finance Committee of this Conference (Document No.);

resolves

to give final approval to the accounts of the Union for the years 1965 to 1972.

RESOLUTION P

ASSISTANCE GIVEN BY THE GOVERNMENT OF THE
SWISS CONFEDERATION TO THE FINANCES OF THE UNION

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973);

considering

that during the years 1966, 1971, 1972 and 1973, the
Government of the Swiss Confederation placed funds at the
disposal of the Union;

expresses

1. its appreciation to the Government of the Swiss
Confederation for its generous assistance in financial matters;
2. the hope that the agreements in this field can be
continued;

instructs the Secretary-General

to bring this Resolution to the notice of the
Government of the Swiss Confederation.

RESOLUTION Q

AUDITING OF UNION ACCOUNTS

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973);

considering

that the Federal Auditing Department of the Swiss Confederation carefully, competently and accurately audited the Union accounts for the years 1965 to 1972;

expresses

1. its warmest thanks to the Government of the Swiss Confederation;
2. the hope that the present arrangements for the auditing of the Union accounts can be continued;

instructs the Secretary-General

to bring this Resolution to the notice of the Government of the Swiss Confederation.

RESOLUTION R

CONTRIBUTIONS FROM NICARAGUA FOR 1973 AND 1974

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973);

having examined

the request submitted by the Government of Nicaragua in connection with its contributions for the years 1973 and 1974;

bearing in mind

a) that Nicaragua was very seriously affected by the earthquake which destroyed a large part of the city of Managua on 23 December 1972;

b) that Nicaragua has hitherto regularly paid its contributions to the Union;

c) that this is a special case in which the Members of the Union must show their solidarity;

resolves, exceptionally,

1. to exempt Nicaragua from the payment of its one-unit contribution for the year 1973;

2. to authorize Nicaragua to reduce its contribution for 1974 to one-half unit;

notes

that as from 1975 Nicaragua will contribute towards defraying the expenses of the Union in the one-unit class.

RESOLUTION T

ADJUSTMENT OF THE RESERVE ACCOUNT OF THE UNION

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

having regard to

the report on the finances of the Union submitted by the Administrative Council to the Plenipotentiary Conference;

considering

a) that it is necessary to ensure a sound financial basis for the Union;

b) that it is essential for the Members and the organs of the Union to observe strict financial discipline;

resolves

that, in order to maintain adequate cash resources and to avoid resorting to loans, the level of the Reserve Account of the Union shall be adjusted each year;

instructs the Administrative Council

to take the necessary administrative steps to implement this Resolution.

RESOLUTION W

TRAINING STANDARDS

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

noting

- a) the rapid increase in the number of international telecommunication circuits and of their interconnections resulting from the technological progress and the increased demand in recent years;
- b) the need for these circuits to be operated and maintained methodically to ensure the best use of equipment and a more efficient service to users;
- c) the increasing number of telecommunication training centres in the new or developing countries at both national and regional level;
- d) the wide differences between Member countries in the training of telecommunication staff and the lack of uniformity in study programmes and training standards in the various special fields;
- e) that, although some progress has been made, the objectives set in Resolution No. 31 of the Plenipotentiary Conference (Montreux, 1965) have not yet been achieved;

considering

that the rapid and effective establishment of a connection and the maintenance of the circuit require :

- i) compatible equipment at both ends and at transit offices;
- ii) equivalent technical training of technical and operational personnel and appropriate linguistic fluency;

recognizing

that it is necessary for technical training to match the development and the technical evolution;

instructs the Secretary-General

for the purpose of attaining the objectives indicated in the considerata i) and ii) :

1. to collect, in a precise and methodical way, information on the needs of the new or developing countries as regards the training of technical and operational personnel;
2. to make recommendations to the new or developing countries for the solution of their training problems, drawing upon the experience acquired in this field by the Member countries, particularly with regard to installations, equipment, study programmes and teaching methods and facilities. To this end, it requests him :
 - 2.1 to draw up, in consultation with the Members of the Union, standard texts for technical and operational training in telecommunications;
 - 2.2 to promote the interchange of information by arranging for meetings of groups of experts in professional training to be held at reasonable intervals with a view to standardizing such training;
 - 2.3 to organize seminars on technical standards governing operation and maintenance, study programmes, teaching methods, etc.;
 - 2.4 to facilitate the dispatch of experts on short-term missions to the new or developing countries in order to advise on the best methods of planning and developing teaching activities in this field;

2.5 to provide precise information when consulted by Member countries on the activities of the developed countries in connection with study programmes, teaching methods, teaching aids, installations and equipment, etc.;

2.6 to disseminate the information he has acquired on this subject by means of publications at appropriate intervals;

3. to propose to the Administrative Council the organizational and staffing arrangements needed for the accomplishment of the tasks set forth in the Resolution;

instructs the Administrative Council

1. to consider the recommendations submitted to it by the Secretary-General with a view to providing him with the minimum means and credits required to collect, provide and disseminate the information referred to above and to accomplish the tasks specified in this Resolution;

2. to review at its annual sessions the arrangements, their development and the progress achieved, and take the necessary steps to ensure the achievement of the objectives of this Resolution.

PLENARY MEETING

THIRD AND FINAL REPORT
OF COMMITTEE 7

The Committee held 21 meetings in the period between 19 September and 19 October 1973 (8 of these meetings lasted the whole day). Some 20 working groups were set up from time to time to assist the Committee in its work.

In continuance of the work reported upon in the first and second reports (Documents 98 and 100), the Committee considered those parts of the Convention (Articles 5 to 13) and of the General Regulations (Chapters 1 to 7, 16 to 18 and 20 to 22) which were assigned to it.

The proposed texts resulting from its deliberations appear in Documents 207, 216, 245, 253 and 263.

The Committee has submitted two draft resolutions :
1) Election of members of the International Frequency Registration Board, 2) Definitions of the terms "Telegraphy" and "Telephony" to the approval of the Conference.

Evan SAWKINS
Chairman



INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 232-E
17 October 1973
Original : French

PLENARY MEETING

THIRD REPORT OF COMMITTEE 6

World Telecommunication Day

After starting to discuss this subject, Committee 6 realized that it involved a number of aspects outside its terms of reference.

The entire question is therefore referred to the Plenary Meeting.

M. BENAËDELLAH
Chairman of Committee 6



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 233-E
19 October 1973
Original : English

PLENARY MEETING

SECOND AND LAST REPORT OF COMMITTEE 8

(RIGHTS AND OBLIGATIONS)

1. The Committee completed its work in 17 meetings (six of which lasted a full day) held between 19 September and 19 October.
2. A resumé of the work accomplished by the 7th to 17th Meetings is attached at Annex 1.
3. The Plenary Meeting is requested to take the following action :
 - (1) To request the Secretary-General to study the text of Article 34, seeking the opinions of other international organizations concerned, and to provide the next Plenipotentiary Conference with enough information for a decision to be reached whether to retain the existing text of the Article or to amend it or to suppress it.
 - (2) To request the Administrative Council to take account of Articles 50 and 51 (suppressed) in connection with its study of "the procedure necessary for any revision of the two parts of the basic instrument of the Union" (operative paragraph No. 2 of Resolution J).
 - (3) To request the Administrative Council to look into the criteria for credentials contained in Chapter 15 (Nos. 363-365) and the related aspects of Article 44, and to report to the next Plenipotentiary Conference, since these had given rise to certain difficulties and to invite the Members of Australia and Brazil at the Council to inform the Council of the considerations on this matter which they had raised in the Committee.

GABRIEL TEDROS

Chairman



A N N E X

Texts approved by Committee 8
During its 7th to 17th Meetings

CONVENTION

Article 2

Redrafted so as to specify that Members, in addition to enjoying rights, shall be subject to the obligations provided for in the Convention.

Article 3

No change.

Article 4

The Article was approved with minor drafting changes and a new paragraph referring to coordination of efforts with a view to harmonizing the development of telecommunication facilities, in particular those using space techniques.

It was agreed that Resolution No. 24 of the Montreux Conference should be revised and an updated version was adopted by the Committee.

Article 14

No change.

Article 16

It was agreed that No. 108 should be amended so as to provide that interpretation from and into the five official languages shall be provided at conferences of the Union, at meetings of its permanent organs and of the Administrative Council. The words "whenever it is necessary" in the first line were suppressed.

A proposal by Kuwait that interpretation from and into Arabic be provided by the Secretary-General at Plenipotentiary Conferences and World Administrative Conferences and paid for out of the budget of the Union, was referred after debate to the Plenary Meeting. The Secretary-General was requested to prepare a document showing the financial implications of adopting the Kuwait proposal.

A proposal by the Federal German Republic that German become an official language of the Union was also referred to the Plenary Meeting.

Article 17

A new Article was adopted providing that the Union shall enjoy such legal capacity as is necessary in the territory of each of its Members.

Articles 18-30

Adopted without change.

It was agreed to refer a drafting change to Article 24 proposed by Argentina (ARG/72/31) to Committee 9.

It was agreed to refer a drafting change proposed by India (IND/64/24) to Article 28 to Committee 9.

Article 31

Adopted, changing "agreements" to "arrangements".

Article 32

Adopted, changing "agreements" to "arrangements".

Article 33

This Article was adopted with a minor drafting change to No. 133 and the addition of a new paragraph (No. 133bis) about the necessity to use frequency bands for space radio services in an efficient and economic manner.

Articles 34-38

These Articles were adopted without change.

It was thought that the wording of Article 34 was unclear and some delegations felt that it served no useful purpose and should be omitted. It was agreed that the Secretary-General should be requested to study the matter, seek the opinions of other international organizations concerned and provide the next Plenipotentiary Conference with enough information for a decision to be reached.

Article 39

It was agreed to recommend to the Plenary Meeting that the text of the ITU-UN Agreement should be restored as an Annex to the Convention. This was the case with the 1947, 1952 and 1959 Conventions but at Montreux it was decided not to include it.

It was agreed to amend this Article by adding at the end "attached at Annex ...".

Article 40

This Article was approved without change but it was decided, at the request of the delegation of Argentina, to refer to Committee 9 the question whether it was possible to find a more appropriate word or expression than "co-operate" : Argentine proposal ARG/72/32.

Article 41

This Article was approved with the addition of Nos. 204 and 205 from the Montreux Convention.

Articles 42 and 43.

Adopted without change.

Articles 44 and 45

In view of the decision of Plenary not to adopt a Constitution at this Conference, it was decided to replace these Articles by Articles 18 and 19 of the Montreux Convention, with the necessary drafting changes. No. 155 was transferred to Article 41.

Article 46

After a secret ballot it was decided (for 50, against 42, abstentions 9) to suppress this Article and Article 49.

Article 47

As a result of the decision to abolish Associate Membership it was agreed to suppress this Article, which provided that the U.N. might accede to the Convention on behalf of a Trust Territory, which would thereby become an Associate Member.

Article 48

Article 48 was adopted without change.

Article 49

See note under Article 46 above.

Articles 50 and 51

In view of the decision not to adopt a Constitution at this Conference, it was decided to suppress Articles 50 and 51. Part of No. 177 (No. 205 of the Montreux Convention) was transferred to Article 41.

It was agreed that the substance of these two Articles would be of interest to the next Plenipotentiary Conference in connexion with its study of the adoption of a Constitution and that for this reason the texts should not be lost sight of. It was therefore decided to request the Plenary Meeting to draw the attention of the Administrative Council to them in connexion with the study.

Article 52

Approved with a minor drafting change.

Article 53

Approved without change.

Article 54

Approved with a minor drafting change to No. 181. The Committee requested the Secretary-General to prepare an updated version of the Optional Additional Protocol referred to in this Article to be opened for signature with the Convention.

Article 55

It was decided that the definitions should be annexed to the Convention rather than be a chapter of the General Regulations. The Article was approved subject to a change to give effect to this decision.

Article 56

This Article was approved, "Members" being substituted for "countries, territories or groups of territories".

It was agreed to insert "1 January 1975" as the date when the new Convention would enter into force.

Article 56bis

A new Article was adopted providing that the Secretary-General shall register the Convention with the U.N. Secretariat in accordance with the provisions of Article 102.1 of the Charter of the United Nations.

Final Formula

Approved with a drafting change.

GENERAL REGULATIONS

Preamble

In view of the decision not to adopt a Constitution at this Conference it was agreed to suppress the Preamble (No. 201).

Chapter 8

This Chapter was agreed subject to modifications whereby the regional telecommunication organizations mentioned in Article 32 shall, upon request, be invited to attend Plenipotentiary Conferences and are listed amongst those entitled to be admitted. A new paragraph was adopted as a complement to No. 318, providing that replies to invitations to Plenipotentiary Conferences may be sent direct to the inviting government or through the Secretary-General or through another government.

Chapter 9

This Chapter was agreed with a change providing that the regional telecommunication organizations mentioned in Article 32 shall be admitted to Administrative Conferences.

Chapters 10-13

Adopted without change.

Chapter 14

Adopted with a drafting change to No. 356.

Chapter 15

No. 361 relating to Trust Territories was suppressed following the suppression of Article 47. Subject to this the Chapter was approved without change. It was decided, however, to propose to the Plenary Meeting that the Administrative Council be requested to look into the criteria for credentials in Nos. 363-365 and the related aspects of Article 44, since these had given rise to certain difficulties. Further, that the Members of Australia and Brazil in the Administrative Council should in particular present to the Council the considerations which they had put forward to the Committee.

Chapter 19

This Chapter was approved subject to the addition of a paragraph making it clear that the provisions of Nos. 369-371 and 372 concerning proxy voting applied to Plenary Assemblies.

Chapters 23 and 24

Approved without change.

Chapter 25

Rules 1 to 14 (Nos. 421-479) approved without change.

Rule 15

This Rule was approved subject to the suppression of No. 485 (Special Majority) because of the decision to eliminate the special majority for admission of Members (No. 7).

Rules 16-26 (Nos. 504-529)

Approved without change. The Charter Study Group's proposal to speak of "Final Acts" only in Nos. 522 and 526 was accepted.

Chapters 26 and 29

Approved without change.

Chapter 30 (Definitions)

In view of the decision not to adopt a Constitution at this Conference, it was decided that the definitions should be included as an annex to the Convention.

The text was sent to Committee 9 subject to drafting changes resulting from decisions to be taken by the Plenary Meeting on Article 1.

Part IV, Chapter 31

In view of the decision not to adopt a Constitution at this Conference, it was decided that the List of Countries, Members, should be included as an annex to the Convention.

It was decided not to include Papua-New Guinea in the List as a Member but rather to include a Protocol to the Final Acts providing that it shall enjoy the same rights under Torremolinos Convention as it enjoyed as an Associate Member under the Montreux Convention until such time as it shall become a full Member.

After a lengthy discussion on the contents of the List it was decided by 38 for, 29 against with 15 abstentions to close the debate. No formal proposals leading to a vote being thereafter presented, the Chairman announced that as the Committee had taken no action the matter would be removed from the agenda.

Chapter 32

Adopted with the deletion of the words "which regulate the use of telecommunications and shall be binding on all Members and Associate Members".

Chapter 33

Deleted as not required with a Convention.,

Report of the Administrative Council to the Conferences

The Committee noted Sections 2.5.8.2, 2.5.9, 2.5.10, 2.5.11 and 2.5.13 and decided to recommend that Montreux Resolutions Nos. 23 25, 26 and 43 should be repeated in updated form in the Final Acts of Torremolinos.

PLENARY MEETING

REPORT
OF THE WORKING PARTY
ON QUESTIONS RELATING TO RADIOCOMMUNICATIONS

The Working Party held four meetings with representatives from the following delegations participating: Australia, Belgium, Brazil, Canada, Spain, U.S.A., France, Greece, India, Iraq, Italy, Japan, Norway, Netherlands, German Democratic Republic, Federal Republic of Germany, U.K., Switzerland, Czechoslovakia and the U.S.S.R. The Observer of I.C.A.O., the Deputy Secretary-General, the Director of the C.C.I.R. and members of the I.F.R.B. also took part.

1. Future administrative radio conferences

The proposals in Documents Nos. 29, 50, 57, 63, 91, 142 and 174 were presented and considered on the basis of paragraph 3.3.8 of the Report of the Administrative Council to the Plenipotentiary Conference (Document No. 42). The Working Party agreed that it would be necessary to hold a planning conference for the broadcasting-satellite service in the frequency band 11.7-12.2 GHz (12.5 GHz in Reg. 1), a conference to deal with the aeronautical mobile (R) service and a conference on general radiocommunication questions during the period covered by the Malaga-Torremolinos Convention.

The information on these conferences given below might be useful for Committee 4 when drawing up the additional protocol on budgetary ceilings for the next plenipotentiary period.

1.1 Planning conference for the 12 GHz band

Fifteen European administrations have asked that such a conference be held in 1975 or 1976 at the latest. The Administrative Council suggests that the necessary planning could be undertaken at a W.A.R.C. on general radiocommunication questions to be held in the period 1978-80 (paragraph 3.3.8.4 in the Council's Report).



In the course of a wide-ranging discussion of this problem in the Working Party, the following points emerged:

- (a) It was a matter of great urgency in the Western European area for frequencies in this band to be brought into use for terrestrial services on a planned basis.
- (b) Outside the Western European area there was not such a pressing need for using these frequencies and a preference for holding the conference after 1977 was indicated.
- (c) All participants agreed that it was highly desirable that this conference should be of a world-wide nature, although representatives from Western European countries stated that, from a technical point of view, a regional conference would also be feasible. They also drew attention to their right to request the convening of a regional conference under 67 of the Convention.
- (d) The C.C.I.R. expects that sufficient data on which planning could be based will be available after the XIIIth Plenary Assembly in 1974. It is also anticipated that these data will be further improved and amplified during the period following the Plenary Assembly.

Within the Working Party views were very divided on the question of when the conference should be held. Although some delegations preferred the 1975-1976 period and other delegations the period 1978-1980, it was finally almost unanimously agreed that the conference should be convened at the end of 1976 or early in 1977, but not later than April 1977. The Administrative Council will have to fix the definitive dates for the conference, taking into account coordination with C.C.I.R. meetings.

The duration of this planning conference was estimated at about 6 weeks.

A unanimously agreed draft Resolution on the convening of the Conference is attached in Annex 1.

1.2 World Administrative Radio Conference on the
Aeronautical Mobile (R) Service

The I.C.A.O. is at present consulting its Member States on a proposal to hold a world-wide conference under the auspices of the I.T.U. to reconsider the present Frequency Allotment Plan for the Aeronautical Mobile (R) Service (Appendix 27 to the Radio Regulations). The immediate reason for the proposal is the problem of long-distance operational control of large capacity aircraft which cannot be satisfactorily solved within the framework of the present Plan. It may also prove desirable to consider the planned introduction of the SSB technique.

It is likely that in the course of 1974 telecommunication administrations will be asked by their respective aviation administrations to propose to the Secretary-General of the I.T.U. that a new World Administrative Radio Conference on the Aeronautical Mobile (R) Service be convened.

The observer of I.C.A.O. and several members of the Working Party considered that a preparatory conference would not be necessary this time.

The preferred time for this conference is indicated by I.C.A.O. as 1976 but a certain amount of delay could be tolerated. With regard to the duration of the conference, opinions were divided in the Working Party, periods ranging from 4 to 6 weeks being suggested.

The Working Party recommends that the Administrative Council make the necessary preparations to convene the conference when sufficient requests have been received by the Secretary-General. The Working Party also recommends that the Administrative Council consider whether it would be useful for the I.T.U. to arrange this conference in parallel with or immediately after the 12 GHz conference mentioned above.

1.3 World Administrative Radio Conference to deal with
the general revision of the Radio Regulations

There was general agreement within the Working Party that such a conference would be needed towards the end of the present decade but opinions were divided on the question of which year would be most appropriate. Thanks to the spirit of cooperation which prevailed, the Working Party finally agreed on 1979 as a reasonable compromise. A draft Resolution to this effect is attached as Annex 2.

The Working Party estimates that the conference would last about 10 weeks.

2. Proposal by Belgium for an addition to the Agenda of the W.A.R.C. on Maritime Mobile Telecommunications, 1974

The delegate of Belgium referred to the letter which his delegation had sent to the Chairman of the Conference proposing that the forthcoming Maritime Conference consider the assignment of three small sub-bands taken from the frequency bands now allocated to the amateur service to certain humanitarian organizations for use during natural disasters.

The Working Party concluded that it would not be appropriate to consider this problem at the Maritime Conference and recommended that the proposal be submitted to the General Radio Conference.

3. Proposals from Switzerland

In Document No. 52 the Conference is invited to adopt a recommendation on the use of radiocommunications during armed conflict to ensure the safety of the ships and aircraft of States not parties to the conflict.

The majority of the Working Party was of the view that it might not be appropriate for the Plenipotentiary Conference to adopt recommendations which are of a detailed technical nature. The Working Party therefore recommends that the present Plenipotentiary Conference takes note of Document No. 52, expresses sympathy with the proposals contained therein and asks the Secretary-General to submit the content of this document to the respective administrative radio conferences competent to deal with the matters.

In Document No. 53 the Conference is invited to adopt a recommendation on the use of radiocommunications for announcing and identifying hospital ships and medical aircraft protected under the Geneva Convention of 1949.

Also with regard to this proposal some delegations expressed concern because of the technical details involved. However, taking into account the relation of this document to the Geneva Convention of 1949 for the protection of war victims,

the Working Party agreed that a recommendation with a text as contained in Annex 3 might be adopted.

When adopted by the Plenipotentiary Conference, the Secretary-General should forward this recommendation to the competent World Administrative Radio Conferences for their consideration.

P. MORTENSEN
Chairman

Annexes: 3

A N N E X 1

DRAFT RESOLUTION

WORLD ADMINISTRATIVE RADIO CONFERENCE FOR
THE PLANNING OF THE BROADCASTING-SATELLITE SERVICE
IN THE FREQUENCY BAND 11.7-12.2 GHz (12.5 GHz in REGION 1)

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

considering

- a) that there is an urgent need in certain parts of the world to bring into use frequencies within this band for terrestrial services to which the band is also allocated;
- b) that it is highly desirable that this should be done on the basis of a world-wide plan for the broadcasting-satellite service;
- c) that the C.C.I.R. expects to produce sufficient technical data for planning purposes at its XIIIth Plenary Assembly;

resolves

that a World Administrative Radio Conference for the Planning of the Broadcasting-Satellite Service in the frequency band 11.7-12.2 GHz (12.5 GHz in Region 1) shall be convened not later than April 1977;

instructs the Administrative Council

to make preparations for the convening of this Conference.

A N N E X 2

DRAFT RESOLUTION

WORLD ADMINISTRATIVE RADIO CONFERENCE

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

- a) that, since 1959, various World Administrative Radio Conferences have amended the Radio Regulations and Additional Radio Regulations on specific points without having been able to harmonize the decisions taken because of the limited nature of their agenda;
- b) that, as a result of technical advances, some of the provisions in these Regulations should be reconsidered, particularly with regard to certain services which are developing rapidly;
- c) that, in these circumstances, a general revision of the Radio Regulations and of the Additional Radio Regulations should be undertaken;

resolves

that a World Administrative Radio Conference to revise, as necessary, the Radio Regulations and the Additional Radio Regulations shall be convened in 1979;

instructs the Administrative Council

to make preparations for the convening of this Conference.

A N N E X 3

DRAFT RECOMMENDATION

USE OF RADIOCOMMUNICATIONS FOR ANNOUNCING AND IDENTIFYING
HOSPITAL SHIPS AND MEDICAL AIRCRAFT PROTECTED
UNDER THE GENEVA CONVENTIONS OF 1949

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

considering

- a) that it is essential to be able to identify and determine the position of hospital ships and medical aircraft during armed conflict so that they may be spared by the armed forces of the parties to the conflict;
- b) that the use of radiocommunications along with other established and recognized methods for signalling the identification and position of hospital ships at sea and medical aircraft in flight during armed conflict;

recommends

that the World Administrative Conferences on Maritime and on Aeronautical Radiocommunications consider the technical aspects of the use of certain international frequencies for the radiocommunications, announcement and identification of hospital ships and medical aircraft protected under the Geneva Conventions of 1949.

COMMITTEE 9

DRAFT RESOLUTION

Definition of the terms "Telegraphy" and "Telephony"

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

having decided

to maintain the existing terms of reference of the
C.C.I.T.T. contained in Article 14, number 187 of the Montreux
Convention, 1965;

considering however

that it would be useful if the terms of reference of
the C.C.I.T.T. were to make unequivocal provision for the
introduction of new telecommunications services resulting from
the advent of new techniques, such as data transmission and
videophony;

considering further

that any new wording of the terms of reference of the
C.C.I.T.T. should be carefully weighed, particularly to avoid
any overlapping of the terms of reference of the C.C.I.R. and
the C.C.I.T.T.;

noting finally

that No. 410 of Annex 2 to the International
Telecommunication Convention (Montreux, 1965) gives two different
definitions of the term "telegraphy", one of which is for the
purposes of the Radio Regulations;

and being of the opinion

that it is desirable for a single definition of the term "telegraphy" to be used by all the organs of the Union,

instructs

1. the International Radio Consultative Committee and the International Telegraph and Telephone Consultative Committee :

- a) to have prepared by the Joint Committee on Vocabulary, with the participation of the Study Groups concerned, a definition of the term "telegraphy" which can be used by all the organs of the Union;
- b) to consider also the amendments or additions which should be made to the definitions of the terms "telegraphy" and "telephony" contained in Annex 2, 410 and 411, of the Montreux Convention to make unequivocal provision for new telecommunication services, such as data transmission and videophony or any other future system;

2. the International Telegraph and Telephone Consultative Committee to determine, in the light of the results of this study whether it would also be useful to replace the phrase "relating to telegraphy and telephony" in the terms of reference of the C.C.I.T.T. by a new expression appropriate to the purpose and, if so, to propose a new wording designed to take account of the foregoing considerandum;

consequently requests

the VIth Plenary Assembly of the C.C.I.T.T. (1976) and the XIVth Plenary Assembly of the C.C.I.R. (1977) to submit their conclusions and proposals on the three foregoing points to the next Plenipotentiary Conference.

COMMITTEE 4

SUMMARY RECORD
OF THE
7th MEETING OF COMMITTEE 4

1. Replace the last sentence of paragraph 3.17 on page 5 by :

"It was essential to retain such an important disposition in the Convention".

2. Replace paragraph 3.29 on page 7 by :

"The delegate of Mexico considered that chronological order was that in which the proposals had been submitted to the meeting and not the date on which they had been received by the General Secretariat as the latter procedure might put unwanted stress on proposals which their authors did not present."

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 236-E

16 October 1973

Original : French

COMMITTEE 4

SUMMARY RECORD
OF THE
SEVENTH MEETING OF COMMITTEE 4
(FINANCES OF THE UNION)

Monday, 8 October 1973 at 1530 hrs.

Chairman : Mr. RÜTSCHI (Switzerland)

Vice-Chairman : Mr. AHMAD (Pakistan)

Subjects discussed :

Documents Nos.

- | | |
|---|--------------------|
| 1. Approval of the Summary Record
of the 2nd Meeting | 144 |
| 2. Approval of the Summary Record
of the 3rd Meeting | 149 |
| 3. Finances of the Union
Application of sanctions
to debtor Members | 21, 22, 24, 32, 41 |

1. Approval of the Summary Record of the Second Meeting
(Document No. 144)

1.1 Approved

2. Approval of Summary Record of the third meeting (Document No. 149)

2.1 The delegates of the United Kingdom and Mexico submitted amendments to paragraphs 1.7 and 2.11 respectively.

Subject to those amendments, the Summary Record of the First Meeting was approved.

3. Finances of the Union (Documents Nos. 21, 22, 24, 32 and 41)

Application of sanctions to debtor Members

3.1 The Chairman briefly summarized the proposals contained in the above-mentioned documents.

3.2 The Chairman said that the loss of voting rights would in no case be applicable to countries at present in arrears whose situation had been the subject of a separate decision. The proposed measure would take effect only in the future, the I.T.U. having now made a fresh start on a sound financial basis.

3.3 During a discussion on the possible loss of voting rights, two trends emerged. The first against the loss of voting rights, was supported by the delegates of Venezuela, Morocco and Cuba, on the grounds that the application of sanctions would be inadvisable at present and was not justified by the financial position of the Union.

3.4 The second trend, in favour of the loss of voting rights, was supported by the delegates of Yugoslavia, Rwanda, the U.S.S.R., Canada, Nigeria, Italy and Japan.

3.5 The delegate of Cuba said that account had to be taken of the situation of the various countries and that the cases of any Members falling in arrears should be considered individually. After its annual consideration of the financial position of the Union, the Administrative Council should contact debtor countries with a view to the latter regularizing their situation.

3.6 The Secretary-General said that, now that it had found an acceptable solution to the problem of arrears, the Committee was attempting to lay a foundation for the future. The Union's financial situation would be completely sound from 1 January 1974 and the provisions now under discussion were designed to ensure the maintenance of that situation and the avoidance of a fresh accumulation of arrears. In view of the fresh start which the I.T.U. was about to make, he considered that the time was particularly propitious to decide upon the adoption of the measures considered which, more than actual sanctions, would provide the post and telecommunication administrations with a means of inducing the responsible authorities in their countries to pay the contributions due in foreign currency to the Union in good time.

3.7 The delegate of Mexico, supported by the delegate of Argentina, said that he still thought that it would be desirable to grant certain facilities to countries whose economic situation made it difficult for them to pay their contributions in time. One possibility which might be contemplated might be to allow them to pay their contributions late.

3.8 The Chairman said that sanctions would not come into effect until 1975 and that all the debtor countries had declared their readiness to pay their contributions regularly in the class which they had now selected. He agreed with the Secretary-General that it was an appropriate time to agree on the sanctions to be imposed on countries too long in default, since no Member would yet be affected by such a measure.

3.9 The delegate of the U.S.S.R. stated the smooth functioning of the I.T.U. depended largely on a sound financial situation. At its successive sessions, the Administrative Council had considered the deterioration of the financial position and had made approaches frequently unsuccessful, to the countries concerned to persuade them to settle their debts with the Union. It had to be admitted that the list of debtor Members had in the past been much longer than it was now, which testified to the considerable efforts made by the Secretary-General to establish personal contacts with the authorities concerned in order to bring about a settlement of the arrears. He was convinced that if the Secretary-General and the senior officials of the Union had not been so active, the number of debtor Members would still be very high. In many cases the arrears were due to a lack of financial discipline and failure on the part of the Members concerned to meet the commitments entered into towards the I.T.U.

3.10 The Chairman and the delegate of Argentina said they wished to endorse the sincere tribute which had just been paid to the Secretary-General.

3.11 In reply to a comment by the delegate of Venezuela, the delegate of the U.S.S.R. stated that the interest referred to in 222 of the Convention was in no way equivalent to a sanction but was intended to meet the extra expenditure resulting for the Union from the need to obtain bank loans to carry on its activities.

3.12 The delegate of Denmark said that it would be advisable not to adopt a decision at the present Plenipotentiary Conference but to prepare a document expressing the concern of the Conference with regard to future financial prospects. It might be wise to invite the Administrative Council to follow the matter of the payment of contributions very closely and to make arrangements such that the following Plenipotentiary Conference would be able to decide to apply sanctions for a period of five years only, for example.

3.13 The delegate of Argentina was opposed to the idea of sanctions and supported the views expressed by the delegate of Denmark to the effect that the Administrative Council should review the situation periodically and then submit a proposal to the next Plenipotentiary Conference.

3.14 The delegate of Somalia was not opposed to the adoption of sanctions provided that it resulted from a soundly-based decision. Referring to 219 of the Convention, he said that some administrations found it difficult to comply with the provision, since the financial regulations in force in their countries did not authorize them to pay their contributory share in advance. He was therefore in favour of amending the provision in question.

3.15 The delegate of Morocco endorsed the views of the delegate of Denmark and considered that the inclusion in the Convention of a sanctions clause involved the risk that some Members might reduce their class of contribution.

3.16 The delegate of the United States endorsed the Secretary-General's analysis and said that it was not so much a matter of applying sanctions as of providing an incentive to the Members to meet their financial commitments on time.

3.17 The delegate of the United Kingdom also considered that it would be preferable to find a means of encouraging the Members to pay their contributions on time, but that it was nevertheless fair to suspend the voting rights of countries which remained in default for more than two years. Referring to 219 of the Convention, he said that the advance payment of contributory shares was a basic rule, since it was the funds received in this way that enabled the Union to maintain its financial balance. There could be no question of amending such an important provision of the Convention.

3.18 The delegate of the Republic of Rwanda said that there were various schools of thought on the measures which should be taken against countries which refused to pay their contributions. He wondered how it was possible to have expenditure without income and how a situation could be allowed in which some countries met their commitments and others attempted to avoid them, whereas all Members enjoyed the same advantages. Furthermore, it was not always financial difficulties which prevented the debtor countries from meeting their commitments. Hence the immediate imposition of sanctions would constitute a suitable means of ensuring the receipt of the contributory shares, thus enabling the Union to extricate itself from its difficulties.

3.19 The delegate of Paraguay said that the total contributions of the debtor countries accounted for only a very small proportion of the Union's budget. Moreover, those countries had come to the Torremolinos Conference on the assumption that their situation would be regularized. In view of the position, of which they were all aware, his delegation was opposed to the imposition of sanctions on countries which failed to pay their contributions regularly.

3.20 The delegate of France said that he appreciated the reasons why various delegations hesitated, in the present circumstances, to propose measures which some countries were bound to regard as constituting sanctions. He had initially shared the Danish view that it would perhaps be preferable to see how the situation developed and to defer the adoption of a final decision until the next Plenipotentiary Conference. However, in view of the arguments advanced by a large number of delegations and also by the Secretary-General, who wished, at the present Conference, to establish a new basis to facilitate the re-organization of the Union's finances, the French delegation was not opposed to inclusion in the new Convention of a provision for the suspension of voting rights of debtor countries failing to pay their contributions for a given period, which might be set

at two years. It would however be desirable to allow the Administrative Council some latitude in the application of such a measure, with all the necessary reservations and distinctions, depending on the individual situation of each debtor country.

3.21 The delegate of the Federal Republic of Germany considered that the time had come to include in the Convention provisions governing the sanctions to be imposed on countries which failed to pay their contributions regularly and that it was not advisable to wait for the next Plenipotentiary Conference before doing so.

3.22 The delegate of Australia said that he shared that view, but wondered whether the term "sanction" was really adequate, or whether it might be preferable to speak simply of "loss" or "suspension" of certain rights or privileges.

3.23 The delegate of Mexico thought that the present juncture was most inappropriate for accepting the actual principle of sanctions, since the debtor countries had never manifested their intention of meeting their commitments with such readiness. He therefore firmly supported the proposal of the delegate of Denmark in the hope that a long-term solution to the problem could be found, although that should not imply that the severe solution proposed by a number of countries had been ruled out once and for all.

3.24 The Chairman stated that the proposals advanced might be summed up in the following way : some countries had proposed that administrative measures should immediately be adopted with regard to countries failing to meet their commitments and defaulting on their contributions, and that the application of such measures would not in any circumstances affect the clearing of the arrears accumulated up to 1972, which would be placed in a special account. The administrative measures proposed might be the following : (a) temporary suspension of voting rights; (b) temporary suspension of eligibility to the permanent organs of the Union. The trend of the debate suggested that the Committee regarded (b) as inadvisable and that it would not discuss it; on the other hand, there appeared to be considerable support for the proposal concerning the temporary suspension of voting rights.

3.25 In the course of a discussion on the best way of deciding the question of the possible adoption of sanctions which might, for example, consist in particular cases in a temporary suspension of voting rights, the delegate of Mexico said that the Committee should first reach a decision on the proposal of the delegate of Denmark.

3.26 In the ensuing procedural debate, the Chairman stated that, under the General Regulations, the Committee should start by voting on the proposal which was furthest from the present provisions. The delegate of Morocco said that the Committee should take a decision first of all on the amended Danish proposal. The Chairman then listed a series of proposals before the Committee, on all of which a vote might be taken.

3.27 The delegate of Mexico, referring to 732 of the Convention, pointed out that the first proposal put before the meeting was the Danish one, which had, moreover, been amended, and it was that proposal which should take precedence in the order of voting.

3.28 The Chairman said that the proposals were numbered : the German proposal, No. 21, was the first in chronological order; however, since proposals 21, 22 and 24 were similar, he suggested that a single vote should be taken on them.

3.29 The delegate of Mexico considered that the chronological order was that in which the proposals were submitted to the meeting at which the Committee discussed them.

3.30 The Chairman said that the order to be adopted was that in which the proposals had been received by the General Secretariat, i.e. the Federal Republic of Germany (21), the United States (22) and Canada (24), followed by the proposals of the Nordic countries (41).

3.31 The delegate of Paraguay pointed out that proposal 41 (Denmark and Nordic countries) did not express any view either for or against the suspension of voting rights; it merely referred the matter to the next Plenipotentiary Conference, so that that proposal should take precedence over the others. He therefore formally proposed that the Committee should vote first on proposal 41 (Denmark and Nordic countries).

3.32 In response to a question by the delegate of the Republic of Chad, the Secretary-General explained that in the case of withdrawal or suspension of voting rights, the procedure would be the same as that applied for countries failing to ratify the Convention, namely, that they were fully authorized to take part in all the Union's activities but that an announcement was made before any vote at a Conference or other meeting that the countries in question could not participate.

3.33 After an intervention by the delegate of Cuba, the delegate of Paraguay withdrew his proposal, and the Chairman requested the Committee to take a decision on the proposals for the adoption, at the Torremolinos Conference and not at subsequent Conferences, of provisions depriving of their right to vote, countries failing to pay their contributions for more than two years.

3.34 The delegate of Mexico stated that he was opposed to the Chairman's request.

The delegate of Brazil said that vote should first be taken on the very principle of the adoption of sanctions by the Torremolinos Conference, and that the form which such sanctions should take should then, if necessary, be discussed, after which a separate vote would be taken.

3.35 The delegate of the Federal Republic of Germany, supported by the delegate of the United States, said that he would agree with such a procedure on condition that, in the event of an affirmative vote on the actual principle of sanctions, the Committee should vote immediately on the loss or withdrawal of voting rights.

3.36 It was so decided; by 27 votes against 20 with 1 abstention, the Committee approved the principle of the immediate imposition of sanctions on countries defaulting on their contributions for more than two years.

3.37 As for the form of sanctions, the Committee decided in favour of the loss of voting rights by 29 votes to 21, with no abstentions; it thus accepted proposal D/21/14, the text of which would be submitted to the Plenary Meeting for its approval.

3.38 The delegate of Argentina reserved the right to revert to the subject in the Plenary Meeting.

3.39 The delegate of Cuba, supported by the delegate of Brazil, said that the text which had just been adopted went much further than the provisions applied by the United Nations, FAO and UNESCO; he therefore reserved the right to revert to the subject in the Plenary Meeting.

The meeting rose at 6.45 p.m.

Secretary :

R. PRELAZ

Chairman :

R. RÜTSCHI

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 237-E
13 December 1973
Original : Spanish,
French

COMMITTEE 4

SUMMARY RECORD
OF THE
EIGHTH MEETING OF COMMITTEE 4

1. Replace paragraph 1.1 on page 2 by the following :

"1.1 The delegate of Mexico introduced the proposal in Document No. 71. The rational method of calculation proposed was designed so that each country paid the contribution which corresponded exactly to its possibilities and was not based on free choice within a scale so limited that even the lowest class involved payments exceeding its real capacity. The comparison between the contributions made by over a hundred countries to the Union and what they would pay under the United Nations system demonstrated that they were paying too much (in three cases 15 times too much) whereas there was not a single country with a strong economy which was paying at least the same proportion as it did to the United Nations (in some cases they were paying less than a sixth). He said that in the light of the official figures, which were confirmed in Document DT/28 published by the General Secretariat at his request, the countries with a strong economy paradoxically were developing at the expense of the exaggerated load on the less strong or economically weak. The system proposed would eliminate those contrasts and permit a fair and up-to-date division of Union expenses even without incorporating other telecommunication parameters reflected in the economic capacity of each country such as the number of telephones (see Annex 1 to the document)."

2. In paragraph 1.10 on page 3, replace lines 5 and 6 by :

"Ministry of Economics and Finance, to which the Posts and Telecommunications Administration was responsible as far as budgetary questions were concerned. Moreover,"



3. Replace paragraph 1.13 on page 3 by the following :

"1.13 The delegate of Mexico said that the result of the vote and particularly the observations made in the course of the debate indicated that, possibly through lack of time, many delegations had not examined carefully the figures in Annex 1 since when they had referred to them they had not done so correctly, as he had already pointed out. He was convinced that a subsequent study would enable them to make a better evaluation of the merits of the proposal since it was unreasonable to reject it by invoking the necessity for not increasing the amount of the contributory unit."

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 237-E

16 October 1973

Original : French

COMMITTEE 4

SUMMARY RECORD
OF THE
8th MEETING OF COMMITTEE 4
(FINANCES)

Tuesday, 9 October 1973, at 1530 hrs

Chairman : Mr. Rudolf RÜTSCHI (Switzerland)

Vice-Chairman : Mr. Zaheer AHMAD (Pakistan)

Subjects discussed :

Documents Nos.

- | | |
|--|--|
| 1. Finances of the Union | AC Report, par. 2.5.5.5
32-71-84
DT/28 |
| 2. Announcement of free choice of
classes of contribution | 32 |
| 3. Programme of work for future
meetings of Committee 4 | |

1. Finances of the Union (Report of the Administrative Council, paragraph 2.5.5.5 - Documents Nos. 32, 71, 84 and DT/28)

1.1 The delegate of Mexico introduced the proposal appearing in Document No. 71.

1.2 The delegate of Venezuela introduced the proposal contained in Document No. 84.

1.3 The delegate of Japan said that the maintenance or suppression of the free choice of contributory units was a fundamental problem and that many delegations, including his own, could not take up a position before having had a thoroughgoing exchange of views on the subject with their national financial authorities. The problem of assimilating the system of calculating the contributory shares of the Union to that of the United Nations had been raised at rather a late stage and it had not been possible for the Japanese delegation to make a preliminary examination of the subject. That being so, his delegation was categorically opposed to discussing the question and supported the conclusions appearing on page 9 of the Memorandum from the Secretary-General contained in Document No. 32.

1.4 The delegate of the United States supported the proposal contained in Document No. 32, giving reasons for his position.

1.5 The delegate of Italy said he fully supported the views of the preceding two speakers. It was absolutely necessary to confirm the status quo and to give every country the possibility of choosing itself the class of contribution which was best suited to its financial possibilities.

1.6 The delegate of Cuba said that the proposals submitted by Mexico and Venezuela were extremely interesting but, in view of the fact that they had been introduced at such a late stage, it seemed more reasonable to retain the status quo.

1.7 During the ensuing discussion, the delegates of the Federal Republic of Germany, the U.S.S.R., Yugoslavia, Canada, the United Kingdom, Rwanda, the People's Republic of Poland and the Byelorussian Soviet Socialist Republic explained why they were in favour of retaining the status quo, i.e. maintaining the free choice of the class of contribution with the lower limit of the scale set at 1/2 unit.

1.8 The delegate of Denmark said that the Nordic countries proposed that the free choice of class of contribution should be maintained but that the scale should be enlarged from 1 to 120.

1.9 The delegate of Lebanon said that he was in favour of the status quo. Nevertheless, despite the fact that the documents submitted by Mexico and Venezuela had arrived too late for the Conference to be able to study them properly, the proposals they contained were valuable and deserved the closest attention. Consequently, he suggested that the Committee should instruct the Administrative Council to examine the proposals contained in Documents Nos. 71 and 84 and to report on the matter to the next Plenipotentiary Conference.

1.10 The delegate of France said he could not enter into any commitments in connection with a proposal which would involve changing the present system of apportioning contributory shares in the I.T.U. without referring the matter to the Ministry of Economics and Finances to which the Posts and Telecommunications Administration was responsible. Moreover, the proposal submitted by Mexico would give rise to practical problems because of the number of data that would have to be taken into consideration and kept up to date in order to make it possible to calculate the contributory shares. Consequently, the French delegation considered that the system of the free choice of class of contribution by each of the Members was the best system available.

1.11 The delegates of Chile, Bolivia, Peru and Costa Rica supported the proposals and the views of Mexico and Venezuela, which they considered to be founded on rational and equitable principles.

1.12 After a brief discussion, the Committee, by 42 votes against 7 with 5 abstentions, voted in favour of maintaining the free choice of the class of contribution.

1.13 The delegate of Mexico said that, in view of the way in which the vote had taken place, it was clear that those delegates which had opposed the adoption of a rational method of calculating the contributory shares had not studied the figures contained in Document No. 71 submitted by Mexico or the figures given in Document No. DT/28.

1.14 At the proposal of the Chairman it was agreed, with the consent of the delegates of Mexico, Venezuela and Denmark, that the proposals of the latter countries could be grouped together and that the Committee would take a decision on whether to expand the scale of contributions from 1/4 to 30.

1.15 The delegate of Mexico said that, in its report, the Administrative Council had itself proposed changing the status quo by introducing a new 1 1/2 unit class of contribution to enable the corresponding category of Members to gear their contributions to their capacity to pay. Mexico and other countries had proposed the introduction of a new 1/4 unit class of contribution for similar reasons, to provide equitable treatment for countries whose financial resources were weak.

1.16 Following the above remarks, the Chairman asked the Committee to vote on the proposal to introduce a new 1/4 unit class of contribution, it being understood that, in the event of a negative vote, the proposal of the Administrative Council would be considered as having been accepted.

1.17 It was so agreed and, by 34 to 20 votes with 2 abstentions, the Committee rejected the proposal to introduce a new 1/4 class of contribution and thus approved the proposals of the Administrative Council appearing on pages 8 and 9 of Document No. 32.

1.18 The delegate of Rwanda said he reserved the right to revert to the decision just taken by the Committee, in the Plenary Meeting.

1.19 The Chairman asked the Committee to consider the second part of the Annex to Document No. 32 dealing with the contributions of recognized private operating agencies, scientific or industrial organizations and international organizations. He noted that, after thorough consideration of the question, the Administrative Council had decided to recommend maintenance of the status quo and had made the recommendations contained in points 1 to 4 on page 15 of the Annex in question.

1.20 There being no comments, the second part of the Annex was approved.

2. Announcement of the free choice of the class of contribution
(Document No. 32)

2.1 Drawing attention to the recommendation made by the Administrative Council in point 1 on page 9 of Document No. 32, the delegate of New Zealand said it was important to know whether Members were to announce the choice of their class of contribution already at the present Plenipotentiary Conference. He would find it difficult to obtain instructions on the subject in time from his country's Finance Ministry and would prefer to retain the present provisions of the Convention which specified that a Member should announce the class of contribution it had chosen within a given period of time.

2.2 The Chairman said that the remarks made by the previous speaker were very pertinent and said that, if the recommendation made in point 1 by the Administrative Council were accepted, it could only be applied when the Torremolinos Convention came into force since the present Conference was governed by the provisions of the Montreux Convention.

2.3 The delegates of India and Tanzania agreed.

2.4 The delegate of Yugoslavia agreed with the remarks made by the Chairman. He added that a system whereby the choice of the class of contribution was announced during the Plenipotentiary Conference would facilitate the task of the Members who would thus be in a position to notify their financial authorities at a fairly early stage of the amount of the sums to be paid to the Union.

2.5 At the suggestion of the Chairman, it was agreed that the question would be examined together with the question of the amendments to be made to Article 15 of the Convention.

3. Programme of work for future meetings of Committee 4

3.1 The Chairman said that the Committee would have to consider the draft of its first report to the Plenary Meeting which would contain six draft resolutions. He recalled that it had been agreed not to re-open a discussion on the substance of the questions dealt with in those texts and merely to examine questions of form. At its next meetings the Committee would also have to consider the question of the building, its draft

second report to the Plenary Meeting, various amendments proposed to Article 15 of the Convention as well as problems connected with the budget and the limit on expenditure applicable until the next Plenipotentiary Conference.

The meeting rose at 6.10 p.m.

Secretary :

R. PRELAZ

Chairman :

R. RUTSCHI

PLENARY MEETING

MINUTES

OF THE

16th PLENARY MEETING

Thursday, 11 October 1973, at 0930 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

<u>Subjects discussed</u>	<u>Document No.</u>
1. Minutes of the 8th Plenary Meeting	154
2. Minutes of the 9th Plenary Meeting	158
3. Draft Resolution on the basic instrument of the Union	DT/33(Rev.)
4. First Report of Committee 5	143
5. First Report of Committee 6	167
6. Second Report of Committee 6	168
7. Establishment of the Working Party on "Questions relating to radiocommunications"	-
8. Texts submitted by Committee 9 for first reading	164 170
9. Recommendation on unrestricted transmission of news and Opinion No. 1	-
10. Date of the Inaugural Meeting of the new Administrative Council	-

1. Minutes of the 8th Plenary Meeting (Document No. 154)

The delegates of Cuba and Cameroon indicated amendments that they wished to make to sections 2.2 and 2.21 of Document No. 154.

Subject to those amendments, Document No. 154 was approved.

2. Minutes of the 9th Plenary Meeting (Document No. 158)

The delegates of Niger, Rwanda, Nigeria and the People's Democratic Republic of Yemen indicated amendments that they wished to make to sections 1.2, 1.17, 1.22 and 1.21 respectively.

Subject to those amendments, Document No. 158 was approved.

3. Draft Resolution on the basic instrument of the Union
(Document No. DT/33(Rev.))

3.1 The Chairman of the Working Party that had prepared the draft Resolution introduced Document No. DT/33(Rev.) and indicated the changes that had been made to the previous text in response to amendments communicated to the Working Party by various delegations. Those changes did not alter the principles embodied in the original text, the substance of which had received the approval of the Plenary.

3.2 The delegate of Venezuela said that because of the identity of meaning in Spanish between the words "constitution" and "convention" the Spanish text was not very clear. With the support of the delegate of Italy, he proposed that the word "Constitution" in the second line under "realizing" be replaced by "basic instrument".

3.3 A general discussion then arose, in which the delegates of Venezuela, Australia, Italy, Ethiopia, Brazil, Mexico, India, Saudi Arabia, Singapore and Peru took part, from which it transpired that there was a certain amount of confusion as to the exact implication of the words "Basic provisions" and "General provisions" in operative paragraphs 2(a) and (b) and that opinions differed as to whether "General provisions" included the General Regulations or not.

3.4 The Chairman of the Working Party explained that the intention had been to refer to the distribution of provisions made in the report of the Charter Study Group, so that paragraph 2(a) referred to the section of that report headed "Draft Constitution" and paragraph 2(b) referred to that headed "Draft General Regulations".

3.5 To remove any misunderstanding created by the use of the two terms in question, the delegate of Ethiopia, supported by the delegate of Saudi Arabia, proposed that the words "being 'Basic provisions'", be deleted from 2(a) and the words "being 'General provisions'", from 2(b), since paragraph 3 made it clear that the parts referred to were, in principle, those proposed by the Charter Study Group.

3.6 The delegates of Australia, India and Ethiopia expressed dissatisfaction with the wording of paragraphs (a), (b) and (c) under "instructs the Administrative Council".

3.7 The delegate of India proposed that in view of the large number of amendments put forward, the draft Resolution be returned to the Working Party for further consideration.

3.8 The delegate of Saudi Arabia, together with the delegates of Canada and Poland, who supported the draft Resolution as it stood, opposed that suggestion and felt that a decision on the text should be reached at the present meeting.

3.9 The Chairman suggested that, as most of the difficulties raised were of an editorial nature or were due to a confusion in terminology, a suitable compromise would be to accept the amendments proposed by the delegates of Venezuela and Ethiopia and to leave further drafting changes to Committee 9.

3.10 The Chairman's proposal, supported by the delegates of Italy and Australia, was adopted by acclamation, and Document No. DT/33(Rev.), as so amended, was approved.

3.11 The delegate of Venezuela wished to record his delegation's opposition to the text of the Resolution as adopted by the Plenary.

4. First Report of Committee 5 (Document No. 143)

4.1 The Chairman of Committee 5 introduced the first report of Committee 5 (Document No. 143).

4.2 The Chairman suggested that the meeting approve the first report of Committee 5, and that the draft Resolutions contained in Annexes 1-7 of the report be considered under item 8 of the agenda.

4.3 The first report of Committee 5 was approved.

5. First Report of Committee 6 (Document No. 167)

5.1 The Chairman of Committee 6 introduced the first report of Committee 6 (Document No. 167).

5.2 The first report of Committee 6 was approved.

6. Second Report of Committee 6 (Document No. 168)

6.1 The Chairman of Committee 6 introduced the second report of Committee 6 (Document No. 168).

6.2 The second report of Committee 6 was approved.

7. Establishment of the Working Party on "Questions relating to radiocommunications"

7.1 The Chairman said that, subject to the approval of the Plenary Meeting, he had set up an open-ended Working Party under the chairmanship of Norway. The Working Party had held its first meeting the previous day, and would report to the Plenary Meeting as soon as it had concluded its work.

7.2 The establishment of the Working Party was approved.

8. Texts submitted by Committee 9 for first reading (Documents No. 164 and 170)

8.1 The Chairman invited the meeting to consider Document No. 164 (Series B.1) page by page.

Page 2

8.2 The delegate of Venezuela, referring to the Spanish text only, proposed that the word "apartheid" in paragraph d) should be replaced by "segregación racial".

8.3 That proposal was adopted.

8.4 Page 2, as amended, was approved.

Pages 3 to 7

8.5 Pages 3 to 7 were approved.

8.6 The Chairman invited the meeting to consider Document No. 170 (Series B.2) page by page.

Pages 2 and 3

8.7 Pages 2 and 3 were approved.

Page 4

8.8 On the proposal of the Chairman of Committee 9, it was decided to delete "and approved" from the third line.

8.9 Page 4, as amended, was approved.

Page 5

8.10 On the proposal of the Chairman of Committee 9, it was decided that the wording of operative paragraph I.1 should be modified in order to reproduce exactly the language used in Montreux Resolution No. 7.

8.11 Page 5, as amended, was approved.

Pages 6 to 10

8.12 Pages 6 to 10 were approved.

9. Recommendation on unrestricted transmission of news and Opinion No. 1 (Montreux Convention, pages 231 and 233)

9.1 The Secretary-General drew attention to the Recommendation on unrestricted transmission of news (Montreux Convention, page 231) and to Opinion No. 1 (Montreux Convention, page 233), adopted initially at the Buenos Aires Conference in 1952 and the Atlantic City Conference in 1947 respectively, and retained by each subsequent Plenipotentiary Conference. The present Conference might wish to decide also to retain those texts.

9.2 The delegate of Morocco observed that the Spanish delegation had submitted a draft Resolution (E/43/72) concerning the establishment of a Telecommunication Documentation Centre. Since that draft Resolution might, upon examination, prove to have some relationship with the Recommendation on unrestricted transmission of news, it might be advisable to defer the final decision on the Recommendation until the Spanish draft Resolution had been considered.

9.3 The Deputy Secretary-General said that the Secretariat did not consider that there was any link between the Recommendation and the Spanish draft Resolution. The latter had not been allocated to any of the Committees, since it had been felt that the complex question of establishment of a Documentation Centre was one that ought to be examined by a special working party set up by the Plenary Meeting.

9.4 The Chairman suggested that the Recommendation and Opinion No. 1 should be referred to Committee 9. He also suggested that a working party should be set up, composed of Roumania as Chairman, Morocco, Spain, Ivory Coast and any other delegations interested, in order to examine the Spanish draft Resolution (E/43/72).

9.5 It was so decided.

10. Date of the Inaugural Meeting of the new Administrative Council

10.1 In reply to a question by the delegate of Ethiopia, the Chairman said that the Steering Committee would, at its next meeting, discuss the question of a suitable date for the inaugural meeting of the new Administrative Council.

The meeting rose at 12.40 p.m.

Secretary-General :
M. MILI

Chairman :
L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 239-E

17 October 1973

Original : French

PLENARY MEETING

FINAL PROTOCOL

For Greece

The Greek Delegation declares on behalf of its Government that it accepts no consequences of any reservations made by other Governments, which might lead to an increase in its share in defraying the expenses of the Union.

It also reserves for its Government the right to take such action as it may consider necessary to protect its interests, should certain Members of the Union not take their share in defraying Union expenses, or in any other way fail to comply with the provisions of the International Telecommunication Convention (Malaga-Torremolinos, 1973), its Annexes or Protocols attached thereto, or if the reservations made by other countries should jeopardize the proper operation of its own telecommunication services.



INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 240-E
17 October 1973
Original : English

COMMITTEE 6

Proposal by Lesotho, Nepal and Somalia

SPECIAL MEASURES FOR THE LEAST DEVELOPED
AMONG THE DEVELOPING COUNTRIES

The United Nations has identified 25 countries all over the world as least developed among the developing countries to be accorded special attention from the world community with the objective of expediting their development.

I.T.U. being a Specialized Agency of the United Nations, and dealing with a means of communication which is directly related to economic development, should also be involved in the worldwide attempt and effort to focus on these countries' development in the field of telecommunications.

There are several areas of activity in which the I.T.U. could be fruitfully engaged in order to assist these countries within the framework of its permanent organs and particularly the Technical Cooperation Department.

It is therefore suggested that the Union look into the specific needs of these countries and increase its technical cooperation activities for them.

The extent of such assistance should be thoroughly studied by the Secretary-General and submitted to the Administrative Council for appropriate action.

The attached draft resolution is submitted for approval.

K. ALEMAYEHN
Chief - Lesotho Delegation

Annex : 1



A N N E X

DRAFT RESOLUTION

SPECIAL MEASURES FOR LEAST DEVELOPED COUNTRIES

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

The United Nations General Assembly Resolution 2768 (XXVI) of 18 November 1971, which designated 25 countries as the hard-core least developed countries requiring special attention, and the resolution adopted by the third session of the United Nations Conference on Trade and Development on 19 May 1972 concerning financial and technical assistance to the least developed countries;

recognizing

the importance of telecommunications in the development of the countries concerned;

instructs the Secretary-General

to review the state of telecommunication services in the least developed countries identified by the United Nations and needing special measures for telecommunication development,

to report to the Administrative Council on his findings as well as propose realistic measures to be undertaken to bring about effective improvements,

to effectively assist these least developed countries to the highest extent possible with the use of available funds from the U.N.D.P., the Union's budget and other sources, and to report on the matter annually to the Administrative Council;

instructs the Administrative Council

to consider the Secretary-General's report and take appropriate action with the objective of the Union demonstrating in a comprehensive manner an active interest and collaboration in the development of telecommunication services in these countries;

to appropriate credits from the Union's own budget for the purpose,

to review the situation continuously and to report on the matter to the next Plenipotentiary Conference.

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 241-E

17 October 1973

Original : English

COMMITTEE 7

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Monday, 8 October 1973, at 0940 hrs

Chairman : Mr. Evan SAWKINS (Australia)

Vice-Chairman : Mr. L. KATONA KIS (Hungarian People's Republic)

Subjects discussed

Document No.

- | | | |
|----|---|--|
| 1. | Approval of Summary Records - | |
| | 7th meeting | 156 |
| | 8th meeting | 157 |
| 2. | Article 6 - Plenipotentiary Conference, Nos. 34 to 45 | HNG/7, TCH/10,
BUL/11, URS/15,
CAN/24, BEL/26,
E/43, ARG/67 |
| 3. | Article 7 - Administrative Conferences, Nos. 46 to 52 | E/12, PRG/17,
CAN/24, MEX/85,
URS/28, ARG/67 |
| 4. | Article 8 - Administrative Council | THA/6, E/12,
THA/13, PRG/17,
CAN/24, BEL/26,
CME/27, KWT/37,
IND/64, ARG/67,
NIG/68 |

1. Approval of the Summary Records of the 7th and 8th Meetings
(Documents Nos. 156 and 157)

1.1 The Summary Records of the 7th and 8th Meetings
(Documents Nos. 156 and 157) were approved.

2. Article 6 - Plenipotentiary Conference, Nos. 34 to 45
(Documents Nos. HNG/7, TCH/10, BUL/11, URS/15, CAN/24, BEL/26,
E/43, ARG/67)

2.1 The Chairman, inviting the Committee to continue its consideration of Article 6, asked whether the Hungarian proposal (Document No. 7), the Bulgarian proposal (Document No. 11) and the U.S.S.R. proposal (Document No. 15) whereby the Plenipotentiary Conference should approve a plan of conferences and meetings and fix expenditure limits for the period between Plenipotentiary Conferences, did not in some measure conflict with the present arrangements as envisaged in Nos. 211 and 216 of the General Regulations in the Study Group's draft. The proposals did not appear to leave room for convening additional conferences not foreseen at the time of the Plenipotentiary. On the other hand, the Czechoslovak proposal (Document No. 10) seemed more compatible with the arrangements contemplated.

2.2 The delegate of the U.S.S.R. explained that the purpose of the Soviet Union proposal was to ensure that conferences were better prepared through advanced planning and that Administrations were given adequate time to make their dispositions particularly in regard to the attendance by technical experts. It would not entail any restriction upon the Administrative Council's existing responsibilities or interfere with the initiative Members could take to propose conferences. If adopted, the proposal would simplify the Administrative Council's annual task of dealing with the budget. It would also give some indication of the approximate annual contributions to be paid by Members. A single consolidated text could be prepared by the delegations of Hungary, Bulgaria and his own.

2.3 The delegate of the Hungarian People's Republic agreed with the Soviet Union delegate.

2.4 The delegate of Brazil said that the reasons for the three proposals were understandable but as the Study Group had noted, future requirements could not always be foreseen exactly at the time of a Plenipotentiary Conference. The possibility of calling a conference to meet special circumstances which had not originally been planned was an

important means of keeping abreast with modern developments and as the Administrative Council was kept fully informed about them it was best placed to take the requisite decisions. The existing flexibility for determining what conferences might be needed must be maintained and the Union would place itself in a straitjacket if excessively rigid budgetary limits were established at Plenipotentiary Conferences.

2.5. The delegate of Bulgaria said that he was ready to work out a single consolidated text. The principle of advance planning was now being applied by most countries and would render I.T.U.'s work more effective. It would also be conducive to sounder budgeting.

2.6 The delegate of the United States of America said that the Soviet Union proposal was primarily concerned with fiscal responsibility and the other two were designed to serve the Union's federal structure. Fixing the timing and agenda of conferences for five years ahead would be inappropriate in view of rapid technological advance.

2.7 The delegate of India said that although the three proposals and the proposal by Czechoslovakia provided a useful element of precision, the detailed decisions about the long-term conference programme should continue to be taken by the Administrative Council.

2.8 The delegate of Saudi Arabia said that as the existing system had proved to be reliable and flexible no change was needed.

2.9 The Deputy Secretary-General drew the Committee's attention to the provisions contained in No. 9 of the Additional Protocol 1 to the Montreux Convention.

2.10 The delegate of the German Democratic Republic supported the three proposals because of the great increase in international conferences on telecommunications. Long-term planning was the only guarantee of adequate preparation.

2.11 The delegate of the U.S.S.R. introducing his delegation's proposal 15/3(Rev.) (Document No. DT/1, page 31), said that I.T.U.'s financial position was so serious that any unjustified expenditure could not be allowed. In order to maintain the budget at a stable level his delegation had proposed that the limits on annual expenditure be decided by a qualified majority.

2.12 The delegate of Canada, speaking as Chairman of Committee 5, and referring to the Soviet Union proposal that the Plenipotentiary Conference should fix the size and hierarchy of staff for the period between Plenipotentiary Conferences said that Committee 5 had only discussed the three groups of staff which were dealt with in the Administrative Council's report to the Plenipotentiary Conference. Officials in the first group were on fixed-term contracts and Committee 5 had recommended to Committee 4 that sums should be appropriated within the budget limits to enable the Administrative Council to decide whether they should be given permanent contracts.

2.13 Posts in the second group were mostly in the professional category and the Committee had recommended that the Administrative Council decide whether or not provision should be made for those posts. Committee 4 would discuss whether the amounts required should be included in a protocol on a percentage basis.

2.14 Committee 4 would also have to decide whether to add a percentage appropriation for new posts in a third group which would be staff required mostly as a result of conferences.

2.15 The delegate of the United States of America said that the proposal whereby the Plenipotentiary Conference would fix the size and grading of staff went too far and encroached upon the responsibilities of the Administrative Council and the Secretary-General.

2.16 The Deputy Secretary-General said that he was unaware of any occasion when the budgetary limits authorized at the Montreux Conference had been exceeded or when more staff than was reasonable had been engaged. The size and grades of the staff were examined annually by the Administrative Council in accordance with the system set up including the ordinary services of the U.N. C.C.A.Q. Secretariat.

2.17 No. 4.2 of Additional Protocol 1 to the Montreux Convention (page 148) provided an example of the kind of financial adjustments that were made if an administrative conference were not held. On the other hand an important conference, the need for which could not be foreseen at a Plenipotentiary Conference, might become necessary and might entail certain staff requirements as had been the case with the World Administrative Radio Conference for Space Telecommunications.

2.18 In 1972, the Administrative Council had made provision for some extra staff but not commensurate in number with the volume of work that had to be done. He doubted whether the detailed discussion of staff requirements could be carried out in as large a body as a Plenipotentiary Conference.

2.19 The decisions of the Plenary Assemblies of the C.C.I.s concerning their work programmes all had their effect on the types of meetings and support services required, not all of which could be foreseen at the outset, but the budget estimates could be determined. In the past they had not been exceeded.

2.20 Referring to the group of staff engaged on fixed-term contracts, he said that credits had not been made available for certain linguistic services at the Montreux Conference which had later been found necessary. The expenditure had been charged to meetings and the appropriations had been kept within the budget limit.

2.21 The delegate of the U.S.S.R., observing that some 80 to 90 per cent of total expenditure was on staff and conferences and meetings, said that the Plenipotentiary Conference should approve the size of the staff for regular Union activities in the light of the volume of work. Its general directives would guide the Administrative Council in examining any requests by the Secretary-General for additional staff in any given year.

2.22 The delegate of Australia questioned whether greater control by the Plenipotentiary Conference was practicable without eroding flexibility. The Union was operating in a dynamic environment and staff requirements could not be foreseen five years ahead nor could expenditure, which could be affected inter alia by inflation. One solution might be to include a general indication of the conferences envisaged for the following five years in the Final Protocol which would indicate the Union's interest in particular topics without removing the Administrative Council's existing powers to provide for conferences for which a special need might arise.

2.23 The Chairman of I.F.R.B. said that in I.F.R.B. additional staff were not requested unless that were justified by an extension of the work. In 1972 two additional staff members had been authorized as a result of the World Administrative Radio Conference for Space Telecommunications. No request for

new staff had been submitted to Committee 5 but an increase of 2 or 3 per cent in credits would be necessary because of future radiocommunications conferences. At present it was impossible to foresee what staff requirements they would entail. As much use as possible was being made of the computer. The Administrative Council was in a better position to study developments in greater detail and take the requisite decisions within the budget limits laid down at the present Plenipotentiary Conference.

2.24 The delegate of Saudi Arabia said that it would be difficult to accept the Soviet Union proposal because the Administrative Council ought not to be bound by estimates which in the circumstances could not be accurate. No. 37 in the Study Group's draft was flexible and based on long experience so it should be retained. An additional protocol could refer to the major conferences planned so as to meet the U.S.S.R. delegate's point.

2.25 The delegate of Brazil said that he, too, was greatly concerned about budget increases but still considered that as the Administrative Council, being composed of one-quarter of the Union's membership, was a representative body with intimate knowledge of I.T.U.'s work, detailed decisions on conference requirements should be left to it so as to maintain the proper degree of flexibility.

2.26 The delegate of Yugoslavia said that if the Plenipotentiary Conference was the policy-making body then it must establish the main programme of conferences and budget limits. In the past there had been a lack of budgetary discipline within the Union.

2.27 The delegate of Canada said that it was not clear from the Study Group's text of Article 6 whether or not the Plenipotentiary Conference had general powers to fix the size and grades of staff. Perhaps a provision should be included in that Article on the lines of Article 9, No. 99, of the Montreux Convention which set out the Administrative Council's duties in that regard but requiring it also to bear in mind the Plenipotentiary Conference's general directives. Such a provision might satisfy the Soviet Union and Czechoslovak delegations.

2.28 The delegate of Poland, supporting the Soviet Union proposal, said that it was for the Plenipotentiary Conference to fix the budget limits for the subsequent five years. Such problems as inflation could still be dealt with by the Administrative Council, thus ensuring a measure of flexibility.

2.29 The Chairman said that there seemed to be general agreement that the Plenipotentiary Conference should give as much policy guidance to the Administrative Council as possible without imposing undue rigidity. It was good practice to place duties with the body best qualified to carry them out and which was accountable for its actions.

2.30 The Director of C.C.I.T.T. said that C.C.I.T.T.'s four-year cycle did not coincide with the five-year period of the Plenipotentiary Conference. At the end of the cycle the Plenary Assembly decided what studies would be carried out but there was considerable uncertainty as to the number of staff and with what qualifications that would be required. Thus only general guidance could be given by the Plenary Assembly and flexibility was needed for the proper operation of C.C.I.T.T.

2.31 The Chairman suggested that the U.S.S.R. delegate might preside over a small working group that would be asked to produce a consolidated text concerning the planning of conferences and meetings and to examine No. 37 as well as any possible additions to Article 6.

2.32 The delegate of the U.S.S.R. agreed to such a procedure. The discussion had shown that there was support for more precise provisions about the Plenipotentiary Conference's responsibilities for deciding upon the budget level, the programme of conferences, staff increases and other major issues.

2.33 The delegate of the United States of America said that the delegates of the U.S.S.R. and Australia might draft a recommendation for submission to Committee 4 concerning the size of the staff.

2.34 The Chairman's suggestion was adopted.

2.35 The Chairman proposed that the working group should consist of the delegates of Australia, Brazil, Canada, Czechoslovakia, the Hungarian People's Republic, the German Democratic Republic, Saudi Arabia, United Kingdom, and the United States of America with the delegate of the U.S.S.R. as

chairman. Its terms of reference should also include the preparation of a recommendation concerning the general directive to be given about the size of the staff for submission to Committee 4.

2.36 It was so agreed.

2.37 The Chairman drew attention to the amendments proposed to No. 36 by Belgium (BEL/26/3) and Spain (E/43/64).

2.38 The delegate of Belgium withdrew proposal BEL/26/3.

2.39 His delegation would decide whether to maintain or withdraw proposal BEL/26/4, which also concerned No. 36, in the light of the decision taken by Committee 8 on proposal BEL/26/1, since the two proposals were linked.

2.40 In order to facilitate the Committee's work, he stated that his delegation had withdrawn the following of its proposals : 26/5 (40A), 26/6 (41), 26/8 (45B), 26/9 (53), 26/10 (61), 26/11 (61A), 26/12 (62, 63, 64, 65, 66, 66A), 26/14 (68B), 26/16 (85), 26/17 (89), 26/18 (171), 26/19 (175), 26/20 (237), 26/21 (254A), 26/22 (260A, 261), 26/23 (288), 26/25 (388, 388A), 26/26 (420) and 26/27 (485A).

2.41 The delegate of Spain said that his delegation would not press proposal E/43/64, and would accept any suggestion by the Chairman as to a clear form of wording for No. 36.

2.42 The Chairman said that he saw two possible alternatives, either of which would make the meaning of No. 36 quite clear. The first would be to replace the phrase "its activities and those of the Union" by "the activities of the Union", and the second would be to replace that phrase by "its own activities and other activities of the Union".

2.43 The delegates of the United Kingdom and Saudi Arabia said that they favoured the first of the two alternatives suggested by the Chairman.

2.44 The delegate of Brazil considered that mention should be made somewhere, possibly in No. 36, of the fact that the Administrative Council had full power to fill vacant posts and that the decisions it took in that respect could not be called in question by the Plenipotentiary Conference.

2.45 The delegate of Venezuela favoured the second of the Chairman's two alternatives, subject to the addition of the words "in general" at the end of the phrase. If the question referred to by the Brazilian delegate was incorporated in Article 6, it should take the form of a separate paragraph.

2.46 The Chairman said that the Brazilian delegation would no doubt submit a specific text if it wished the Committee to examine the point it had raised.

2.47 The delegates of the United Kingdom and Venezuela proposed that No. 36 should be amended to read : "b) consider the report by the Administrative Council on the activities of all the organs of the Union since the previous Plenipotentiary Conference".

2.48 That proposal was adopted.

2.49 The Chairman drew attention to the amendments proposed by Spain to No. 35 (E/43/60, 61, 62, and 63). Since there did not appear to be any support for these proposals, he asked whether the Spanish delegation wished to maintain them.

2.50 The delegate of Spain said that he was prepared to withdraw the proposals.

2.51 The Chairman drew attention to No. 34 which, as a result of action taken previously with regard to other articles, should be amended to read : "The Plenipotentiary Conference shall be composed of delegations representing Members".

2.52 That wording was approved.

2.53 The Chairman drew attention to No. 45 and the amendments proposed by the U.S.S.R. (URS/15/5), Canada (CAN/24) and Argentina (ARG/67/12). The Canadian proposal seemed to embrace both the other proposals and might therefore be acceptable to the Committee.

2.54 The delegate of the United Kingdom said that he understood No. 45 to be a general saving clause and therefore considered that the wording used in the Draft Constitution should be retained.

2.55 The delegates of Argentina, Australia, India, the Federal Republic of Germany and the U.S.S.R. shared that view.

2.56 The delegate of Israel, supported by the delegate of the United States of America, considered that the wording used in the Draft Constitution might be retained subject to the addition of the phrase "relevant to the purposes of the Union" after "questions".

2.57 The delegate of Nigeria supported the Canadian amendment.

2.58 The delegate of Brazil suggested that the provision contained in No. 45 should be incorporated in No. 35. Article 6 would thus commence with a general enunciation, which would be followed by a series of specific provisions.

2.59 The delegates of the United Kingdom and the United States of America said that the change suggested by the Brazilian delegate was far more than a mere drafting change, and would have important implications for the substance of the article. That suggestion should therefore be considered in isolation from the question of how No. 45 should be worded.

2.60 The delegate of Brazil said that it had not been his intention to propose any change in the substance of Article 6. He withdrew his suggestion, since it seemed liable to give rise to problems of interpretation.

2.61 The delegate of Venezuela, supported by the delegate of Mexico, said that the word "problemas" in the Spanish text should be replaced by a word such as "asuntos" or "cuestiones".

2.62 The Chairman said that the Spanish text would be aligned with the English text.

2.63 No. 45 was approved.

The meeting was suspended at 12.30 p.m. and resumed at 3.30 p.m.

2.64 In view of the Conference's decision on future elections of the I.F.R.B., the delegate of Mexico withdrew the proposals MEX/85/29 and 30.

2.65 With regard to proposal URS/28/23, the Chairman said that as the question of amendment of the Convention was before the Plenary for discussion, the Committee would only consider the question of a qualified majority vote as it applied to financial and budgetary questions, i.e. to No. 37 of the Draft Constitutional Charter.

2.66 The delegate of the U.S.S.R. said that questions of such importance as the budget ought to be decided by a qualified majority as such decisions would thus have more authority for national administrations and give somewhat more precise guidelines for the executive organ of the Union. The principle of a qualified majority vote should also apply to the Administrative Council when it used the authority delegated to it to revise, in consultation with the Members of the Union, the budget figures set by Plenipotentiary Conferences. In reply to the delegate of the United States of America, who asked whether, in the case of consultation, the qualified majority would apply to the full Membership of the Union or only to the number of Members participating in the vote, he said that the U.S.S.R. had preferred to leave that question open to discussion by the Conference.

2.67 The delegates of Poland and the United States of America supported the U.S.S.R. proposal.

2.68 The delegates of India, Brazil, Nigeria, Australia and Saudi Arabia preferred to keep the principle of a simple majority vote, which had been quite satisfactory in the past. The delegate of India supported by the delegate of Nigeria, said that deciding budgetary matters by a qualified majority would affect other provisions of the Convention and force the Plenary to agree to a qualified vote on other questions where it was not really necessary. The delegate of Brazil felt that much careful thought was needed before introducing qualified voting, as the total to which the two-thirds majority related would have to be worked out for each individual case. The delegates of Australia and Saudi Arabia felt it would be difficult to obtain a two-thirds majority on consultation of Members and considered that such a qualification would place an unworkable restraint on the Administrative Council.

2.69 In view of the general opposition, the delegate of the U.S.S.R. said he would not press the proposal. However, he wished to reaffirm the validity of the principle of qualified majorities for important decisions and would bring the matter up again at the next Plenipotentiary Conference when the matter of a Constitution was again under discussion.

2.70 In view of the fact that the Conference had decided in favour of a Convention rather than a Constitution, the delegate of Japan withdrew proposal J/19/3.

3. Article 7 - Administrative Conferences, Nos. 46 to 52
(Documents Nos. E/12, PRG/17, CAN/24, MEX/85, URS/28, ARG/67)

3.1 In view of the fact that the grouping of provisions set out in the Draft Constitutional Charter was to be adhered to, the delegate of Spain withdrew proposals E/12/10 to 14.

3.2 The delegate of the U.S.S.R. said that as there was a Working Group dealing with the matters covered in the Soviet proposals, he would leave it to that Group to take adequate account of the Soviet view and so withdrew proposals URS/28/24 to 28.

3.3 With regard to No. 48 of the Draft Constitutional Charter, it was agreed to replace the word "Constitution and General Regulations" on the last line by "Convention".

3.4 With regard to Canadian proposal CAN/24/49, the delegates of the United States of America, Australia and Poland objected to the rewording suggested as it constituted a directive to discuss all the matters mentioned rather than defining the available choice of topics for the agenda.

3.5 In view of the lack of support for that proposal and for proposals CAN/24/50 to 52, it was decided to retain provisions Nos. 49 to 52 as they appeared in the Draft Constitutional Charter.

3.6 The delegate of Argentina said that as the proposal for an International Technical Cooperation Committee had been rejected he withdrew the proposal ARG/67/13.

4. Article 8 - Administrative Council (Documents Nos. THA/6, E/12, THA/13, PRG/17, CAN/24, BEL/26, CME/27, KWT/37, IND/64, ARG/67, NIG/68)

4.1 The delegate of Canada said that her delegation's proposal (CAN/24) to amend the last part of the second sentence of No. 53 to read "... is elected by the next ordinary session of the Plenipotentiary Conference" was intended to specify that the Council would be elected by regular sessions of the Conference.

4.2 The delegate of the United States of America suggested that the Canadian delegation might revise its proposal in the light of the decision on the periodicity of Plenipotentiary Conferences. Under the proposal as it stood, if the periodicity of a Conference was exceptionally changed from 5 to 4 years, the Council elections might have to be delayed for 9 years.

4.3 The delegate of Algeria said that the number of Members of the Council should not appear in the Convention. Moreover, the Canadian idea of electing the Council at successive Plenipotentiary Conferences should be retained.

4.4 The delegate of Spain said that his delegation had proposed the deletion of the second sentence of No. 53 in order to eliminate the existing contradiction between that provision and Nos. 230 and 231 of the Draft General Regulations, providing for two conditions under which membership of the Council could be lost. It had also proposed that the words "equitable distribution" should be substituted for "equitable representation" in the first sentence, since the members of the Council did not represent the parts of the world from which they came.

4.5 The delegate of Venezuela supported the Spanish proposal to delete the second sentence. A substantive legal question was involved : the General Regulations were subsidiary to the Convention and could not go beyond the provisions of that instrument.

4.6 The delegate of the United States of America suggested that the Spanish delegation's point might be met by inserting the words "subject to the provisions of Nos. 230 and 231" between the words "shall" and "hold office".

4.7 The delegate of Spain said he would have no objection to the United States suggestion.

4.8 The delegate of the U.S.S.R. said that, so far as he knew, the basic instrument of no other specialized agency contained provisions similar to Nos. 230 and 231. If they had never been used in practice in the past, perhaps the best solution would be to delete those clauses.

4.9 The delegate of Argentina pointed out that his delegation's proposal (ARG/67) involved none of the difficulties to which attention had been drawn.

4.10 The delegate of Nigeria, supported by the delegates of Australia, India and Saudi Arabia, said that it would be better to leave the second sentence in its existing form. It might be unwise to insert cross-references into an instrument which should not, in principle, be reviewed or amended. In fact, No. 53 referred to the status quo obtaining at the time when a country was elected, and should not be read in conjunction with Nos. 230 and 231. It was also suggested that the Spanish delegation's objections might be met by inserting the word "normally" between "shall" and "hold office".

4.11 The Chairman invited the Committee to vote on whether it wished the second sentence to remain unchanged.

4.12 The motion was carried by a large majority.

4.13 The delegates of Venezuela, Spain and Brazil said that they had voted against the motion because the contradiction between No. 53 and Nos. 230 and 231 would raise a substantive legal point which would make it difficult for their Parliaments to ratify the Convention. The General Regulations could not establish a provision which went further than the Convention itself.

4.14 After a procedural discussion, the Chairman said that, since the vote on the motion had been informal, the Committee could reverse its decision.

4.15 The delegate of Peru suggested that the difficulty could be met by adding the words "except in the case of vacancies" at the end of the sentence.

4.16 The Chairman suggested that a Drafting Group should be set up, consisting of the delegates of Spain, Venezuela, Brazil, the United States of America, the United Kingdom, Nigeria, Australia and Peru and presided over by the delegate of Nigeria, to concord all the suggestions that had been made.

4.17 It was so agreed.

The meeting rose at 1845 hours.

The Secretary :
M. BARDOUX

The Chairman :
Evan SAWKINS

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 242-E

17 October 1973

Original : English

PLENARY MEETING

FINAL PROTOCOL

For Pakistan

The delegation of the Government of Pakistan to the Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973) reserves the right of accepting the implications that might arise through the non-adherence by any other Member of the Union to the provisions of the Convention (1973) or of its related Regulations.



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 243-E

17 October 1973

Original : English

COMMITTEE 2

SECOND REPORT BY THE WORKING GROUP OF COMMITTEE 2

1. On 17 October the Working Group examined the credentials which had been deposited with the Secretariat after the submission by Committee 2 of its first report to the Plenary Meeting (Document No. 117).

2. The Working Group considers that the credentials of the following delegations are now fully in order :

Algeria (Algerian Democratic and Popular Republic)

Belgium

Chile

Costa Rica

Dominican Republic

El Salvador (Republic of)

Ecuador

Greece

Guatemala

Indonesia (Republic of)

Nigeria (Federal Republic of)

Roumania (Socialist Republic of)



3. The delegation of Uruguay (Oriental Republic of) is now provisionally accredited in accordance with No. 631 of the Convention. Such accreditation requires confirmation prior to the signature of the Final Acts.

4. The credentials of the delegation of Albania (People's Republic of) and Jordan (Hashemite Kingdom of) are still not in order, since they indicate only the composition of the delegation.

C. STEAD
Secretary

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 244-E

17 October 1973

Original : English

PLENARY MEETING

FINAL PROTOCOL

For the Republic of Indonesia

The delegation of the Republic of Indonesia hereby reserves the right of its Government to take :

1. any action it deems necessary to safeguard its interests should Members in any way fail to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973) or should reservations by other countries jeopardize its telecommunication services;
2. further action in accordance with the Constitution and Laws of the Republic of Indonesia.



COMMITTEE 7

COMMITTEE 9

FIRST SERIES OF CHAPTERS OF THE GENERAL REGULATIONS

APPROVED BY COMMITTEE 7

(This document must be considered by Committee 7
before submission to Committee 9)

PART I

FUNCTIONING OF THE UNION

CHAPTER I

Plenipotentiary Conference

MOD	202	The Plenipotentiary Conference shall be convened at regular intervals and normally every five years.
NEW	-	If practicable, the date and place of the Conference shall be set by the preceding Plenipotentiary Conference; failing this, they shall be determined by the Administrative Council with the concurrence of the majority of the Members of the Union.
NOC	203	2. (1) The date and place of the next Plenipotentiary Conference, or either one of these, may be changed:
NOC	204	(a) when at least one-quarter of the Members and Associate Members of the Union have individually proposed a change to the Secretary-General, or

NOC	205	(b) on a proposal of the Administrative Council.
NOC	206	(2) In either case a new date or place or both shall be determined with the concurrence of a majority of the Members of the Union.
CHAPTER 2		
Administrative Conferences		
NOC	207	1. (1) The agenda of an administrative conference shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union in the case of a world administrative conference, or of a majority of the Members belonging to the region concerned in the case of a regional administrative conference, subject to the provisions of <u>1227</u> .
NOC	208	(2) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.
MOD	209	(3) A world administrative conference dealing with radiocommunication may also include in its agenda an item concerning instructions to the I.F.R.B. regarding its activities and a review of those activities.
SUP	210	
NOC	211	2. (1) A world administrative conference shall be convened: (a) by a decision of a Plenipotentiary Conference which may fix the date and place of its meeting;
MOD	212	(b) on the recommendation of a previous world administrative conference if approved by the Administrative Council;

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| MOD | 213 | (c) at the request of at least one-quarter of the Members of the Union, who shall individually address their requests to the Secretary-General; or |
| NOC | 214 | (d) on a proposal of the Administrative Council. |
| NOC | 215 | (2) In the cases specified in /212, 213 and 2147 and, if necessary, in the case specified in /2117, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union, subject to the provisions of /2277. |
| NOC | 216 | 3. (1) A regional administrative conference shall be convened:

(a) by a decision of a Pleni-
potentiary Conference; |
| MOD | 217 | (b) on the recommendation of a previous world or regional administrative conference if approved by the Administrative Council; |
| MOD | 218 | (c) at the request of at least one-quarter of the Members belonging to the region concerned, who shall individually address their requests to the Secretary-General; or |
| NOC | 219 | (d) on a proposal of the Administrative Council. |
| NOC | 220 | (2) In the cases specified in /217, 218 and 2197 and, if necessary, in the case specified in /2167, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union belonging to the region concerned, subject to the provisions of /2277. |

MOD	221	<p>4. (1) The agenda, or date or place of an administrative conference may be changed :</p> <p>(a) at the request of at least one-quarter of the Members of the Union, in the case of a world administrative conference, or of a least one-quarter of the Members of the Union belonging to the region concerned in the case of a regional administrative conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Administrative Council for approval; or</p>
NOC	222	<p>(b) on a proposal of the Administrative Council.</p>
NOC	223	<p>(2) In cases specified in <u>/221</u> and <u>222</u> the changes proposed shall not be finally adopted until accepted by a majority of the Members of the Union, in the case of a world administrative conference, or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional administrative conference, subject to the provisions of <u>/227</u>.</p>
NOC	224	<p>5. (1) The Administrative Council may deem it advisable for the main session of an administrative conference to be preceded by a preparatory meeting to draw up proposals for the technical bases of the work of the conference.</p>
NOC	225	<p>(2) The convening of such a preparatory meeting and its agenda must be approved by a majority of the Members of the Union in the case of a world administrative conference, or by a majority of the Members of the Union belonging to the region concerned in the case of a regional administrative conference, subject to the provisions of <u>/227</u>.</p>
NOC	226	<p>(3) Unless the Plenary Meeting of a preparatory session of an administrative conference decides otherwise, the texts finally approved by it will be assembled in a report which will also be approved by a Plenary Meeting and signed by the Chairman.</p>

MOD	227	6. In the consultations referred to in /207, 215, 220, 223 and 225/ Members of the Union who have not replied within the time limits specified by the Administrative Council shall be regarded as not participating in the consultations, and in consequence shall not be taken into account in computing the majority. If the number of replies does not exceed one-half of the Members consulted, a further consultation shall take place the results of which shall be decisive regardless of the number of votes cast.
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CHAPTER 3

Administrative Council

NOC	228	1. (1) The Administrative Council is composed of Members of the Union elected by the Plenipotentiary Conference.
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NOC	229	(2) If between two Plenipotentiary Conferences a seat becomes vacant on the Administrative Council, it shall pass by right to the Member of the Union from the same region as the Member whose seat is vacated, which had obtained at the previous election the largest number of votes among those not elected.
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NOC	230	(3) A seat on the Administrative Council shall be considered vacant :
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(a) when a Council Member does not have a representative in attendance at two consecutive annual sessions of the Administrative Council;

NOC	231	(b) when a Member of the Union resigns its membership on the Council.
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| NOC | 232 | 2. The person appointed to serve on the Council by a Member of the Administrative Council shall, so far as possible, be an official serving in, or directly responsible to, or for, their telecommunications administration and qualified in the field of telecommunication services. |
| NOC | 233 | 3. The Administrative Council shall elect its own Chairman and Vice-Chairman at the beginning of each annual session. They shall serve until the opening of the next annual session and shall be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter. |
| NOC | 234 | 4. (1) The Administrative Council shall hold an annual session at the seat of the Union. |
| NOC | 235 | (2) During this session it may decide to hold, exceptionally, an additional session. |
| MOD | 236 | (3) Between ordinary sessions, it may be convened, as a general rule at the seat of the Union, by its Chairman at the request of a majority of its Members or at the call of the Chairman under the conditions provided for in <u>1257</u> . |
| NOC | 237 | 5. The Secretary-General and the Deputy Secretary-General, the Chairman and the Vice-Chairman of the International Frequency Registration Board and the Directors of the International Consultative Committees may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to its own members.

(Note for Committee 9 : Attention is drawn to the word "deliberaciones" which in Spanish may imply the taking of decisions). |
| NOC | 238 | 6. The Secretary-General shall act as Secretary of the Administrative Council. |

MOD	239	7. The Administrative Council shall make decisions only in session.
NOC	240	8. The representative of each Member of the Administrative Council shall have the right to attend, as an observer, all meetings of the permanent organs of the Union mentioned in <u>31</u> , 32 and <u>33</u> of the Constitution.
NOC	241	9. Only the travelling and subsistence expenses incurred by the representative of each Member of the Administrative Council in this capacity at Council sessions shall be borne by the Union.
MOD (Convention)	242	10. In the discharge of its duties prescribed in the Convention, the Administrative Council shall in particular : (a) in the interval between Plenipotentiary Conferences, be responsible for effecting the coordination with all international organizations referred to in Articles 39 and 40 of the Convention and to this end, shall conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 40 of the Convention, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the next Plenipotentiary Conference in accordance with 44 of the Convention;
NOC	243	(b) decide on the numbers and grading of the staff of the General Secretariat and of the specialized secretariats of the permanent organs of the Union, taking into account the general directives given by the Plenipotentiary Conference;
NOC	244	(c) draw up such regulations as it may consider necessary for the administrative and financial activities of the Union; and also the administrative regulations to take account of current practice of the United Nations and of the specialized agencies applying the Common System of pay, allowances and pensions;
NOC	245	(d) supervise the administrative functions of the Union;

NOC	246	(e) review and approve the annual budget of the Union, taking account of the limits for expenditure set by the Plenipotentiary Conference and ensuring the strictest possible economy but mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible through Conferences and the work programmes of the permanent organs; in so doing, the Council shall also take into account the work plans mentioned in 284 A and any cost-benefit analyses mentioned in 284 B;
MOD	247	(f) arrange for the annual audit of the accounts of the Union prepared by the Secretary-General and approve them, if appropriate, for submission to the next Plenipotentiary Conference; (Note for Committee 9 : Consideration should be given to the words "if appropriate", which could be replaced by "if satisfied" as in previous similar case).
NOC	248	(g) adjust as necessary : 1. the basic salary scales for staff in the professional categories and above, excluding the salaries for posts filled by election, to accord with any changes in the basic salary scales adopted by the United Nations for the corresponding Common System categories;
NOC	249	2. the basic salary scales for staff in the general service categories to accord with changes in the rates applied by the United Nations organization and the specialized agencies at the seat of the Union;
NOC	250	3. the post adjustment for professional categories and above, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union;
NOC	251	4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations Common System;

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| NOC | 252 | 5. the contributions payable by the Union and the staff to the United Nations Joint Staff Pension Fund, in accordance with the decisions of the United Nations Joint Staff Pension Board; |
| NOC | 253 | 6. the cost-of-living allowances granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of practice in the United Nations. |
| NOC | 254 | (h) arrange for the convening of plenipotentiary and administrative conferences of the Union in accordance with Chapters 1 and 2 of the present <u>Regulations.</u> |
| NOC | 255 | (i) offer to the Plenipotentiary Conference of the Union any recommendations deemed useful; |
| MOD | 256 | (j) review and coordinate the work programmes as well as their progress and the working arrangements, including the meeting schedules, of the permanent organs of the Union and take such action as it deems appropriate. |
| MOD | 257 | (k) provide for the filling of any vacancy in the office of Secretary-General and/or Deputy Secretary-General under the situation vide 64a, 64b at a regular meeting, if held within 90 days after a vacancy occurs, or at a meeting convened by the Chairman within the time periods required by 64a or 64b. |
| MOD | 258 | (l) provide for the filling of any vacancy in the office of Director of either of the International Consultative Committees at the next regular meeting following the occurrence of such a vacancy. Directors so selected shall serve until the next Plenary Assembly as provided for in No. 305 and shall be eligible for election to such posts. |

MOD	259	(m) perform the other functions prescribed for it in the Convention and, within the framework of the Convention and the Regulations, any functions deemed necessary for the proper administration of the Union or its permanent organs taken individually;
MOD (Convention)	260	(n) take the necessary steps, with the agreement of a majority of the Members of the Union, provisionally to resolve questions not covered by the Convention, the Regulations and their Annexes and which cannot await the next competent conference for settlement;
MOD	261	(o) submit a report on the activities of all the organs of the Union since the previous Plenipotentiary Conference;
MOD (Ass. Members)	262	(p) send to Members of the Union, as soon as possible after each of its sessions, summary reports on the activities of the Administrative Council and other documents deemed useful.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 246-E

17 October 1973

Original : French

COMMITTEE 4

Proposal by Mexico

MEASURES DESIGNED TO FACILITATE THE PARTICIPATION OF
NEW OR DEVELOPING COUNTRIES IN THE
MEETINGS OF THE C.C.I. STUDY GROUPS

(Document No. 199)

After starting to discuss this subject, Committee 6 realized that it involved several aspects, particularly the financial one, which exceeded its terms of reference.

The question is therefore referred to Committee 4.

Committee 6 is in favour of the proposal contained in this Document and refers the study of the budgetary implications to Committee 4 with a view to its submission to the Plenary Meeting.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 247-E

17 October 1973

Original : French

PLENARY MEETING

FOURTH REPORT OF COMMITTEE 6

Recruitment of Experts for Technical Cooperation Projects

The discussions which took place within Committee 6 underlined the importance of this subject for the success of the I.T.U.'s technical cooperation activities.

In addition to the points made in the draft Resolution (see Document No. 195), the Committee expressed the opinion that the Union should apply, with the maximum flexibility, the system of salaries and allowances provided under the United Nations common system.

M. BENABDELLAH

Chairman of Committee 6



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 248-E

17 October 1973

Original : English

PLENARY MEETING

FINAL PROTOCOL

For the Republic of Cyprus

The delegation of Cyprus declares that the Government of the Republic of Cyprus cannot accept any financial consequences that might arise as a result of reservations made by other governments taking part in the Plenipotentiary Conference (Malaga-Torremolinos, 1973).

It also reserves for its Government the right to take any action it deems necessary to safeguard its interest should Members in any way fail to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973) or should reservations by other countries jeopardize its telecommunication services.

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 249-E
23 October 1973
Original : English

COMMITTEE 7

SUMMARY RECORD
OF THE
THIRTEENTH MEETING OF COMMITTEE 7

The following amendment has been requested :

In paragraph 2.9 on page 3, delete the word "due"
in the sixth line.



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 249-E
17 October 1973
Original : English

COMMITTEE 7

SUMMARY RECORD
OF THE
THIRTEENTH MEETING OF COMMITTEE 7
(STRUCTURE OF THE UNION)

Tuesday, 9 October 1973, at 0935 hrs

Chairman : Mr. Evan SAWKINS (Australia)

Vice-Chairman : Mr. L. KATONA KIS (Hungarian People's Republic)

Subjects discussed

Document No.

- | | |
|--|---|
| 1. Consideration of the report
of the Working Party on
Article 8, Provision 53 | DT/44 |
| 2. Article 8 - Administrative
Council, Nos. 53-60 | 12, 24, 68, 19, 41
29, 9, 64, 17 |
| 3. Article 9 - General
Secretariat, Nos. 61-66 | 7, 11, 22, 24, 37, 64,
67, 68, 88, 179 |
| 4. Article 10 - I.F.R.B.,
Nos. 67-72 | 22, 41, 64 |

1. Consideration of the report of the Working Party on Article 8, Provision 53 (Document No. DT/44)

1.1 The delegate of Nigeria, speaking as Chairman of the Working Party on Article 8, Provision 53, said that the Working Party had made no changes to the first or third sentences of No. 53, but had confined itself to redrafting the second sentence.

1.2 The Chairman drew attention to the second sentence of No. 53 as it appeared in Document No. DT/44. He suggested that in the English text the phrase "except in the case of vacancies arising as otherwise provided for in the General Regulations," should be transferred to the beginning of the sentence.

1.3 It was so agreed.

1.4 The delegate of Spain proposed that the Spanish text be amended slightly to ensure consistency with the English and French texts.

1.5 It was so agreed.

1.6 The second sentence of No. 53, as amended, was approved.

2. Article 8 - Administrative Council, Nos. 53 to 60
(Documents Nos. 12, 24, 68, 19, 41, 29, 9, 64, 17)

Number 53

2.1 The Chairman drew attention to the amendments to the first sentence of No. 53 proposed by the delegations of Nigeria (NIG/68/2) and Spain (E/12/15).

2.2 Following a discussion on the phrase "equitable representation of all parts of the world", in which the delegates of Nigeria, Spain, Brazil, India, Rwanda, Madagascar, Peru, Venezuela, Australia, France and Zaire participated, the Chairman proposed that a working group should be set up, composed of the delegates of Argentina, Australia, France, Spain and Venezuela, in order to redraft the first sentence of No. 53 in the light of the views expressed during the discussion.

2.3 It was so agreed.

- 2.4 The delegate of India introduced proposal IND/64/10.
- 2.5 The delegate of Paraguay drew attention to his delegation's proposals (PRG/17) to incorporate the General Regulations in a single juridical instrument containing all the provisions governing the operation of the Union.
- 2.6 The Chairman observed that the Committee had not been authorized by the Plenary Meeting to consider proposals to transfer texts from the Draft Constitution to the Draft General Regulations and vice versa.
- 2.7 He drew attention to the Canadian proposal to amend the last sentence of No. 53.
- 2.8 The delegate of Canada withdrew that proposal.
- 2.9 The delegate of Spain, speaking as Chairman of the Working Group set up earlier in the meeting to consider the first sentence of No. 53, proposed that the sentence should be amended to read : "The Administrative Council shall be composed of thirty-six 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 regions of the world."
- 2.10 That proposal was adopted.
- 2.11 No. 53, as amended, was approved.

Number 54

- 2.12 The Chairman drew attention to the Spanish proposal (E/12/16). The Committee should deal only with the substance of that proposal, and not with the question of whether the provision should be transferred to the General Regulations.
- 2.13 The Committee approved the substance of the Spanish proposal.
- 2.14 The Chairman drew attention to the proposals by Japan (J/19/5) and Canada (CAN/24) concerning No. 54.
- 2.15 The delegates of Japan and Canada withdrew those proposals.

Number 55

2.16 The Chairman drew attention to the proposals by Japan (J/19/6) and Canada (CAN/24).

2.17 The delegate of Canada withdrew his proposal in favour of the Japanese proposal to delete No. 55.

2.18 The Japanese proposal (J/19/6) was adopted.

Number 56

2.19 The delegate of France introduced proposal F/29/2.

2.20 The delegates of the U.S.S.R., the United States of America, India and Saudi Arabia expressed the view that adoption of the French proposal would complicate the Administrative Council's work rather than facilitate it.

2.21 The Chairman observed that there did not appear to be any support for the French proposal.

Number 59

2.22 The Chairman drew attention to the proposals by the United Kingdom (G/9/2), India (IND/64/11), and the five Nordic countries (DNK/41/3) concerning financial control. He invited the Committee to consider the United Kingdom and Indian proposals first.

2.23 The delegates of France, Algeria, Sweden, Canada and the Federal Republic of Germany supported the United Kingdom proposal.

2.24 The delegate of India said that his delegation's proposal (IND/64/11) went somewhat further than the United Kingdom proposal in providing that effective financial control should be exercised over the Union, including its permanent organs, and stipulating that that control should not sacrifice any of the purposes of the Union and its efficient functioning.

2.25 The delegate of Australia supported the Indian proposal, because it struck the proper balance between effective financial control and respect for the purposes and functioning of the Union. Australia had submitted a similar proposal for inclusion in the General Regulations, but would withdraw it in favour of the Indian proposal if it were decided to include that provision in the Convention.

2.26 The delegate of Mexico also supported the Indian proposal.

2.27 The delegate of the United States of America supported the United Kingdom proposal, which seemed to encompass the main ideas of the Indian proposal. Moreover, the insertion of the phrase about the purposes of the Union might open the door to proposals for similar caveats in other provisions.

2.28 The Chairman suggested that the Committee should approve the United Kingdom proposal, bearing in mind the fact that an Australian proposal similar to the Indian one would be considered in connection with the General Regulations.

2.29 It was so decided.

2.30 The delegate of Sweden, introducing the proposal of the five Nordic countries for the establishment of a special financial working group within the Council (DNK/41/3), said that that proposal should be read together with three provisions proposed for inclusion in the General Regulations (DNK/41/10, 11, 12). The reasons for the proposal were set out in connection with proposal DNK/41/10. He stressed, in connection with proposal DNK/41/12, that if the Union bore the travel and subsistence costs, no Members of the Council would be prevented by financial considerations from serving on the group.

2.31 The delegate of Japan said that the purpose of his delegation's proposal to add a new No. 60A (J/19/7) was to enable the Council to set up ad hoc committees of experts to assist in all aspects of its work, which was becoming increasingly complex and diversified as the Union's activities expanded. In addition to financial matters, it would be useful to set up expert committees on such questions as general personnel policy, regional offices and use of the computer. Japan further proposed (J/19/19) that the basic matters concerning the composition and working arrangements of the committees should be laid down in the General Regulations. Another area in which the expert committees could do valuable work was connected with the increasing extent to which the United Nations and some specialized agencies were becoming concerned with telecommunication matters; it was most important for the Union to be able to be represented and to state its point of view when such matters were being discussed outside the I.T.U. It might be argued that the Council's existing rules of procedure allowed for the establishment of such subsidiary

groups, but the fact that they had not been set up in practice showed the need for the adoption of a regular system of committees, which, moreover, could function within or outside the Council's sessions.

2.32 The delegate of the Federal Republic of Germany said that his delegation's proposals (D/21/22, 23) were similar to those of the Nordic countries, except that they were intended for inclusion in the General Regulations, not the Convention, limited membership of the working group on financial matters to 5 and suggested that the group should meet two weeks before the Council session, for the sake of economy. His delegation had an open mind on the question of who should bear the travel and subsistence costs and also on the Japanese proposal that other expert groups should be set up.

2.33 The delegates of the United Kingdom and Canada said that, although they were in sympathy with the Nordic and Japanese proposals, they did not consider that the provision in question should be inserted in the Convention. The Council should be given the maximum freedom of action, and the relevant provisions in the General Regulations would suffice.

2.34 The delegates of Italy and India said they saw no need for the provisions either in the Convention or in the General Regulations. The Convention must be confined to general principles and the Council, as an executive body, must apply those principles as flexibly as possible. The Council already had a specialized Finance Committee; the financial implications of establishing the group must be borne in mind; and there was nothing in the Council's rules of procedure to prevent it from setting up subsidiary bodies, which might work between sessions.

2.35 The delegate of Sweden said he could not see that the establishment of a working group within the Council would restrict the freedom of that body or that it would have serious financial implications for the Union. In his opinion, the provision should be inserted in Article 8.

2.36 The delegate of the United States of America said that the United Kingdom addition to No. 59 that the Committee had just approved was in fact the provision of the Convention under which the Nordic proposal could be effectively applied through the General Regulations. The inclusion of a mandatory provision for a financial group would open the door to proposals for standing working groups on many other questions.

2.37 The Chairman suggested that the Nordic and Japanese proposals should be considered together with other similar proposals in connection with the General Regulations and that a Working Group composed of the delegates of the Federal Republic of Germany, the United States of America, Sweden, Japan, Italy and the United Kingdom should be convened by the delegate of Sweden to concord the proposals and to report to the Committee at the appropriate time.

2.38 It was so decided.

2.39 The meeting was suspended at 1240 hrs and resumed at 1530 hrs.

Number 60

2.40 The Brazilian delegate opposed the Canadian delegation's proposal for the deletion of No. 60 in view of the importance to the developing countries of the Administrative Council's function in promoting technical cooperation.

2.41 In the absence of any support for the Canadian proposal, it was agreed to retain No. 60.

2.42 The Nigerian delegate, supported by the delegates of Iraq and Ghana, introduced his delegation's proposal (NIG/68/3) for strengthening No. 60 by the addition of the words "and regional international bodies" after the words "United Nations".

2.43 The United States delegate supported by the delegates of the United Kingdom and Australia, said that while he did not oppose the proposal in principle, he thought the wording was too broad and it should be amended to make it clear that the regional international bodies referred to were in some way affiliated to the United Nations.

2.44 After a brief discussion in which various possible formulations were suggested, it was agreed to leave No. 60 unchanged, on the understanding that the Nigerian delegate would raise his proposal in connection with Article 40 when that was considered by Committee 8.

3. Article 9 - General Secretariat, Nos. 61-66 (Documents Nos. 7, 11, 22, 24, 37, 64, 67, 68, 88, 179)

Number 61

3.1 The Chairman announced that No. 61 would be retained unchanged because of an earlier decision by the Committee.

Number 62

3.2 The Canadian delegate withdrew her delegation's proposal for the amendment of No. 62 (CAN/24).

Number 63

3.3 The delegate of the Hungarian People's Republic introduced his delegation's proposal (HNG/7/9) and proposed its amendment by the inversion of the first sentence so that it would read :

"The Secretary-General shall be responsible to the Administrative Council for all the administrative and financial aspects of the Union's activities and he shall take all the action required to ensure economic use of the Union's resources. The Deputy Secretary-General ...".

3.4 The Bulgarian delegate introduced his delegation's proposal (BUL/11/6) the aim of which was to ensure that the Secretary-General should not only see that expenditure remained within the budgetary limits, but should also take steps to effect positive savings. Economy was of great importance in view of the constant increases in the Union's budget.

3.5 The United Kingdom delegate supported the sentiment expressed in the Hungarian and Bulgarian proposals, and suggested an alternative drafting.

3.6 The delegates of the U.S.S.R., the Hungarian People's Republic and Czechoslovakia supported the United Kingdom proposal.

3.7 The Australian delegate, supported by the delegates of Saudi Arabia, Italy and Zaire, said he preferred the Hungarian proposal. The wording of the Bulgarian proposal making the Secretary-General responsible for any excess expenditure might give rise to problems, and the United Kingdom proposal was too lengthy.

3.8 The delegates of Bulgaria and the United Kingdom withdrew their proposals in favour of the Hungarian proposal and the delegates of Czechoslovakia and Lebanon also supported it.

3.9 The Hungarian amendment to No. 63 was adopted.
Number 64

3.10 The Chairman drew attention to the amendments proposed by the United States (US/22/8), Canada (CAN/24), Kuwait (KWT/37/12) and India (IND/64/13 and 15).

3.11 The Israeli delegate supported the Canadian proposal.

3.12 The Australian delegate supported the United States and Kuwaiti proposals and suggested the addition of the words "or Deputy Secretary-General ad interim" after "Deputy Secretary-General" in the United States proposal so as to provide for the clear right of succession to the Deputy Secretary-Generalship.

3.13 The United States delegate said he could accept that amendment if the definition of "Deputy Secretary-General ad interim" was clear.

3.14 The Brazilian delegate said that provision must be made for filling the post of Deputy Secretary-General which would become vacant if the Deputy Secretary-General succeeded to the Secretary-Generalship, and suggested that power be delegated to the Administrative Council to elect a new Deputy Secretary-General.

3.15 In view of the number of proposals to be considered, such as US/22/6, IND/64/13 and 14, and KWT/37/30, it was agreed to establish a small working group consisting of the delegates of Australia, Kuwait and India, under the chairmanship of the United States of America to study the point and report back to the Committee.

Number 65

3.16 The Chairman drew attention to the Kuwaiti proposal for the deletion of No. 65 (KWT/37/14) and to the Philippines proposal (PHL/179/1). He said that the Chairman of Committee 8 had proposed that Committee 7 should delete No. 65 from Article 9 because Committee 8 hoped to cover the point completely in its formulation of Article 17 on the Legal Capacity of the Union.

3.17 It was provisionally agreed to delete No. 65.

Proposal to introduce reference to the Coordination Committee in Article 9 (CAN/24, KWT/37/15, ARG/67/21, INS/88/7)

3.18 The delegate of Argentina introduced his delegation's proposal for the inclusion of a reference to the Coordination Committee in Article 9 (ARG/67/21) which would lead to the consequential deletion of Article 12.

3.19 The delegate of Australia, supported by the United States and U.S.S.R. delegates opposed the proposal on the grounds that the Coordination Committee was sufficiently important to warrant a separate article. The United States delegate further pointed out that the purpose of the Coordination Committee was to coordinate the work of the International Consultative Committees which did not form part of the General Secretariat, so it would be illogical to include the Coordination Committee under Article 9.

3.20 The Canadian delegate, supported by the delegate of Argentina, said that her delegation had proposed the inclusion of a reference to the Coordination Committee in Article 9 in order to reconfirm the authority of the Secretary-General vis-à-vis the Coordination Committee. She suggested that the Committee might consider the substance of Article 12, before deciding in which articles provisions regarding the Coordination Committee should be included.

3.21 The delegate of Saudi Arabia, supported by the delegate of Somalia, supported the principle of the Kuwaiti proposal (KWT/37/15). Since no reference had been made to the Coordination Committee in Article 5, it should be included in Article 9.

3.22 The Chairman said that as Article 12 was rather a complex matter to discuss before Articles 10 and 11 had been dealt with, he suggested that a small working party be set up to consider Article 12 and that the present discussion be confined to the addition to Article 9 of a provision referring to the Coordination Committee. Proposal KWT/37/15 ADD 66A appeared to be a suitable text for such a provision.

3.23 The delegates of Australia and Kuwait supported that proposal.

3.24 The delegate of the United States of America, supported by the delegate of Saudi Arabia, preferred the following wording, based on KWT/37/15 ADD 66D :

"the Secretary-General shall preside over the Coordination Committee provided for in Article 12;"

3.25 The delegate of Peru said that as the general aim seemed to be to make the Coordination Committee equivalent to the other organs of the Union, that Committee should be mentioned in Article 5 rather than Article 9 and Article 12 should be drafted on the same lines as the articles laying down the structure of the other organs.

3.26 The Secretary-General drew the Committee's attention to the fact that if the Secretary-General was to bear sole responsibility for the administrative and financial activities of the Union that meaning should clearly emerge from the wording of the provision. The clearest statement of the precise relationship between the Secretary-General and the Coordination Committee was given in No. 124 of the Montreux Convention. The Committee might like to consider retaining that wording.

3.27 The delegate of Lebanon said that a solution might be to add the words "and the Coordination Committee" to the end of No. 61 of the Draft Constitutional Charter.

3.28 The delegate of New Zealand, supported by the delegates of the United Kingdom and France, said that Article 9 was weakened by any reference to the Coordination Committee, since the latter's function was not solely concerned with the General Secretariat as it coordinated with the other organs of the Union and had special tasks dealing with matters affecting one or more organs.

3.29 The delegate of the United States of America said that, on the contrary, the presidence of the Coordination Committee was an important function of the Secretary-General and so as to make the description of the powers of the Secretary-General complete, mention should be made of it in Article 9.

3.30 As agreement could not be reached on the provision under consideration it was decided to set up a working party comprising the delegates of Australia, Brazil, the United Kingdom, Canada, Saudi Arabia, France, Kuwait, Hungary and the U.S.S.R. under the chairmanship of the delegate of the Federal Republic of Germany, to examine that point together with the content of Article 12 and report their conclusions to the Committee.

4. Article 10 - International Frequency Registration Board, Nos. 67-72 (Documents Nos. 22, 41, 64)

4.1 The Chairman said that there were three proposals to amend the text of No. 67 of the Draft Constitutional Charter, namely US/22/13, IND/64/16 and DNK/FNL/ISL/NOR/S/41/7. The principal intention of all three proposals was to make some mention in the body of the Convention of the qualifications required for I.F.R.B. members. However, the United States proposal merely referred to the need for qualifications and left the detailed description of them to be given in Nos. 289 and 290 in the General Regulations section of the Draft Charter. The Indian proposal was essentially similar but included a reference to the need for "equitable representation of the various parts of the world" in the I.F.R.B. membership. The Nordic countries on the other hand wished the detailed description of the qualifications required for the I.F.R.B. to be in the basic Convention instead of the General Regulations.

4.2 The delegate of Saudi Arabia proposed that the word "parts" on the tenth line of the Indian proposal be replaced by "regions".

4.3 With regard to the Indian proposal, the delegate of the United States of America, supported by the delegates of Italy and Australia, said that he felt strongly that there should be no reference to geographical representation. An I.F.R.B. member essentially had to display high technical qualifications, neutrality and a thorough knowledge of

conditions in a particular area of the world. The last requirement would generally, as it had done in the past, ensure an equitable geographical distribution of I.F.R.B. members. A specific reference to representation of regions would destroy the concept of the impartiality and neutrality of the I.F.R.B. and he considered it a dangerous move.

4.4 The delegate of India, supported by the delegates of the U.S.S.R., Saudi Arabia, Lebanon, Czechoslovakia, Cameroon and Senegal, did not agree with that interpretation and said the effect of the proposed amendment would be to ensure that the I.F.R.B.'s knowledge of geographic, economic and demographic conditions covered every part of the world.

4.5 The delegate of the United Kingdom said a compromise might be to use similar wording to the last sentence in No. 89, Article 13, of the Draft Constitutional Charter.

4.6 As opinions were divided in the Committee on the three proposals put forward, it was agreed to set up a working party, comprising the delegates of Guinea, Norway, the United States of America, Lebanon, Cameroon, France, Italy the United Kingdom, Brazil and the U.S.S.R. under the chairmanship of the delegate of India, to draft an acceptable text for No. 67 and report back to the Committee.

The meeting rose at 1845 hours.

The Secretary :
M. BARDOUX

The Chairman :
Evan SAWKINS

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 250-E
6 November 1973
Original : English

COMMITTEE 8

SUMMARY RECORD OF THE 10th MEETING OF COMMITTEE 8

Paragraph 1.60 on page 10, replace the third sentence by the following :

"However, an arrangement had been reached with the Chinese Administration for the Final Acts of the current Plenipotentiary Conference. The figure shown in the budget of the Plenipotentiary Conference was in fact 20,000 Swiss francs."



INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 250-E
17 October 1973
Original : English

COMMITTEE 8

SUMMARY RECORD

OF THE

TENTH MEETING OF COMMITTEE 8

(RIGHTS AND OBLIGATIONS)

Tuesday, 9 October 1973, at 0935 hrs

Chairman : Mr. GABRIEL TEDROS (Ethiopia)

Vice-Chairman : Mr. G. José J. HERNANDEZ (Mexico)

Subjects discussed :

Document No.

1. Texts :

Chapter 1 - Article 4,
Nos. 23-26

DT/1 and No. 3;
Proposals 12, 15, 24,
26, 49, 68, 69

Article 14,
Nos. 91 and 92

Proposal 72

Article 16,
Nos. 101-108

Proposals 22, 37, 44,
56, 64, 69, 72, 88



1. Texts :

Chapter 1 - Article 4 (Document Nos. DT/1 and No. 3;
Proposals 10/8, 12/8, 15/2, 24, 47, 49/6, 67/7, 68/1, 69/17)

No. 23

1.1 No. 23 was approved with the deletion of the words
"and Associate members".

No. 24

1.2 The delegate of Canada explained that the Canadian proposal (Document No. DT/1, page 25) involved no change of substance and only represented a consolidation of Nos. 60 and 75 of the Montreux Convention and their transfer to No. 24 so as to give emphasis to technical cooperation as one of the purposes of the Union.

1.3 The Chairman noted that there was no support for the Canadian proposal or for the Nigerian proposal (Document No. 68).

1.4 The delegate of Italy drew attention to the note at the end of Document No. 47. The present system of non-obligatory recommendations approved by the C.C.I.s made for flexibility and should be retained.

1.5 No. 24 was approved as it stood.

No. 25

1.6 No. 25 was approved as it stood.

No. 26

1.7 The delegate of Spain said that Spain had proposed (12/8) the deletion of the words "for the benefit of all Members and Associate Members" at the end of No. 26 so as to make the provision more general. It should extend not only to Members but also to industrial organizations.

1.8 The delegates of the Federal Republic of Germany, Brazil and Guinea supported the amendment.

1.9 The Spanish amendment was approved.

1.10 No. 26, as amended, was approved.

1.11 The Chairman said that once the ad hoc working group had completed its task of drafting a general reference to space telecommunications for inclusion in No. 22 bis, the amended text of Article 4 could be transmitted to Committee 9.

Article 14 Proposals CAN 24, ARG 72/26

Nos. 91 and 92

1.12 The delegate of Argentina said that as it was likely that the Conference would adopt a Convention rather than a Constitution the Argentine proposal concerning Nos. 91 and 92 (Document No. 72) would evidently not find favour and need not be discussed.

1.13 Article 14 was approved as it stood for transmission to Committee 9.

Article 16 (Proposals Nos. 22/18, 37/19, 44/2, 56/1, 64/21, 69/10, 72/27, 88/10.

No. 101

1.14 The delegate of Kuwait said that his delegation proposed (Document No. 37) that Arabic should become one of the Union's official languages. Arabic was used by more than 110 million Arabs and was already an official language in U.N.E.S.C.O., I.L.O. and the U.P.U. Adoption of the proposal would foster wider understanding and cooperation.

1.15 The delegates of Iraq, Oman and Upper Volta supported the proposal.

1.16 The Deputy Secretary-General said that the General Secretariat had understood that the proposal would not entail the provision of interpretation services for conferences and meetings but for Final Acts, official documents, etc. Precise directives would have to be given to the General Secretariat as to the implications the proposal would have for the publication of Final Acts and service documents such as the International Frequency Register, the Lists of Fixed Stations in International Circuits, Coast Stations, Ships' Stations and Telegraph Offices and consequently on staffing. The latter documents might be produced weekly, monthly, quarterly or annually. There would

be technical difficulties in producing the International Frequency Register if Arabic numerals were required because of the symbols and figures used in it at present. By arrangement, some publications were issued with only a translation of the prefatory matter into some of the official languages. At present the Administrations of the Soviet Union and China undertook to translate certain parts of the service documents at a minimal charge and had agreed to receive the basic material in working language.

1.17 Applying in the case of Arabic the same criteria as those used for other official languages the cost for staff of the proposal had been estimated as 1.3 million Swiss francs for each of the first two years and subsequently 520,000 Swiss francs a year. The expenditure would have to be attributed to the regular budget, budgets of conferences or the publications budget. The distribution of funds within the publications budget was approved by the Administrative Council which in the past had sought to equalize the burden as between the various languages. It had also imposed limitations on the expenditure authorized on specific publications. The estimates did not include composition and printing.

1.18 The problems raised by the proposal were complex and delicate and should be studied by a small working group.

1.19 The delegate of France asked about the probable volume of additional receipts that could be expected from the wider sale of publications in Arab countries.

1.20 The delegate of Ireland asked whether the estimates mentioned by the Deputy Secretary-General included the cost of special typing equipment and printing costs.

1.21 The Deputy Secretary-General said that any additional income from the sale of publications in Arabic would be credited to the publications account.

1.22 In reply to the delegate of Ireland he said that the estimates included the cost of preparing final manuscripts but not printing costs. The present cost of translating English into Arabic in Geneva was 260 Swiss francs a page.

1.23 The delegate of the United States of America considered that Committee 4 should be asked to examine the financial implications of the proposal before decision could be taken. Committee 5 should also examine its impact on the staffing plan.

1.24 The delegate of Argentina asked what effect adoption by the General Assembly of the United Nations of the proposal before it to include Arabic as an official language would have on the policy of specialized agencies.

1.25 The Deputy Secretary-General said that the I.T.U. was autonomous and was free to take its own decision concerning the use of Arabic as an official language. Naturally if the United Nations addressed any general recommendation on the subject to the specialized agencies it would have to be considered. Such a step had never as yet been taken. There were certain differences in the practices of the United Nations and I.T.U. concerning official and working languages.

1.26 The delegate of Morocco, supporting the proposal by Kuwait, said that I.T.U. documents were now receiving wider distribution and were being used by many organizations as well as administrations. Perhaps part of the initial investment cost of making Arabic an official language could be met from the payments of arrears which, it was apparent from the discussions in Committee 4, would be paid at least in part. That would reduce the amount that might be payable by the countries directly concerned. The establishment of a working group to examine the proposal in detail would be unnecessarily time-consuming and it would be preferable to ask the General Secretariat to prepare a paper on the financial implications on the basis of which the proposal could be brought up in Plenary.

1.27 The delegate of Canada, speaking as Chairman of Committee 5, drew attention to No. 99 of the Montreux Convention and said that any decision concerning the inclusion of Arabic among the official languages affecting staff requirements could be dealt with by the Administrative Council so there was no need to re-open a discussion on the size of the staff in Committee 5.

1.28 The delegate of Brazil said that it was desirable for all countries to enjoy the same facilities so the Kuwait proposal should be studied carefully and every effort should be made to accede to the request.

1.29 The delegate of Argentina considered that account should be taken of the action decided upon within the United Nations. Members from Spanish speaking countries could well understand the difficulties being faced by Arab administrations : their request which was closely linked to the provision of technical assistance should be given careful consideration.

1.30 The Deputy Secretary-General said that the financial implications of the proposal had been assessed in the light of past experience with the two other official languages which were not working languages. It should be borne in mind that for the most part service documents were produced by mechanical means through updating the material on magnetic tape.

1.31 The Chairman suggested that the Secretary-General be requested to prepare a paper on the financial and other implications of the Kuwait proposal and that its supporters should confer with him to help clarify any outstanding points. That document could then be examined by the Committee at a later stage.

1.32 It was so agreed.

The meeting was suspended at 1110 hours to permit the Working Groups to hold meetings and resumed at 1535 hours.

1.33 The Chairman invited the Chairmen of the two Working Groups to report on their activities.

1.34 The Chairman of Working Group 1 said that it had adopted Document No. DT/41 with the addition of HOL/25/8 and 9. The following proposals had been deleted : USA/22/18 and J/19/10, 13, 14 and 16. All proposals on Articles 2 and 4, except those concerning space telecommunications, had been transferred to the first column (treated). On Article 17 the Working Group had noted six proposals in favour of the Charter Study Group's text and one adding a few words to it. The Secretariat had been asked to issue a composite proposal which would be available shortly. On Article 18, Mexico had withdrawn MEX/69/12 so the only remaining proposal was INS/88/12. On Article 19, Argentina had withdrawn ARG/72/29 and there were no other proposals. On Article 22, Canada had withdrawn CAN/24 leaving ARG/72/30, which it had been agreed to refer to Committee 8 itself. Thus, eight proposals had been withdrawn. In conclusion, he appealed to the sponsors of proposals to attend meetings of the Working Group.

1.35 The Chairman of Working Group 2 said it had held its first meeting and would issue a note on the classification of proposals. He pointed out that the activities of Working Group 2 depended to a large extent on decisions taken by Working Group 1.

1.36 The delegate of the Federal Republic of Germany, supported by the delegate of Austria, formally requested the introduction of German as an official language of the Union. A written proposal to that effect would shortly be submitted.

No. 102

1.37 The Chairman noted that there were no proposals.

1.38 No. 102 was approved.

No. 103 (AUS/44/2, IND/64/21, INS/88/10)

1.39 The Chairman referred to Note No. 17 which drew attention to the ambiguity of the word "authentic" in the English text.

1.40 The delegate of Australia introduced his proposal to amend the English text by replacing "shall be authentic" with "shall prevail".

1.41 The delegates of the United States of America and the United Kingdom supported that proposal.

1.42 The delegates of Spain, Brazil, Belgium and Switzerland pointed out that the English text only was affected by the amendment.

1.43 The delegate of Indonesia withdrew his proposal.

1.44 No. 103, as amended, was approved.

No. 104

1.45 The Chairman pointed out that ARG/72 had been withdrawn.

1.46 No. 104 was approved.

Nos. 105 to 107 (ARG/72/27)

1.47 The delegate of Argentina said he was prepared to withdraw his proposal to replace "conferences" by "meetings".

1.48 The delegate of Brazil said he strongly supported that proposal, for on many occasions in the past delegates, including himself, had had to insist most energetically that documents should be produced in Spanish as well as in English and French. In the Charter Study Group, for instance, he had been obliged to take a firm stand in order to obtain the necessary documentation in Spanish. At the present Conference, moreover, a delegate had been handicapped for similar reasons at a meeting of a working group. It should be noted that the Convention nowhere authorized the Secretariat to conduct meetings in French and English only. The practice had been justified on the grounds that No. 105 referred to "conferences" rather than "meetings". He therefore strongly urged that the Argentine proposal be adopted.

1.49 The delegate of Spain supported the previous speaker.

1.50 The Deputy Secretary-General wondered whether the difficulty referred to by the delegate of Brazil was not, in fact, a matter of interpretation rather than of documentation. In that case, he wished to draw attention to No. 108 which stated that, with the agreement of participants, debates might be conducted in fewer than the three working languages and Russian. In his view, the point raised by Brazil might better be dealt with in an additional paragraph following No. 108. In that connection, reference should be made to No. 393. He pointed out that I.T.U. often held meetings of a regional character that were of no concern to linguistic groups outside the region in question.

1.51 The Director of C.C.I.T.T. stated that, in general, the practice of C.C.I.T.T. was to translate documents into the three working languages and to provide interpretation into those languages at conferences and meetings. But some degree of flexibility was essential in order to avoid unnecessary expense. For instance, at a meeting held in Brazil in July documents and interpretation had been provided in English and Spanish only, with the agreement of the French speaking delegates. He therefore hoped that the Secretariat would be allowed some latitude in making its linguistic arrangements.

1.52 The delegate of Brazil said that the principle of the equality of the working languages of the Union should be firmly established in the Convention, leaving open the possibility of agreeing in particular instances not to use one or other of them.

1.53 The Chairman suggested that the Committee approve Nos. 105 to 107, reverting to the Brazilian proposal after No. 108.

1.54 It was so agreed.

No. 108 (Document No. 56)

1.55 The delegate of China made the following statement :

"Mr. Chairman,

The Chinese Delegation has submitted a proposal for adopting the Chinese language as one of the interpretation languages at conferences of the Union and at meetings of all its permanent organs and those of the Administrative Council.

As is known to all, the Chinese language is one of the five official languages of the Union. At present, all the other four official languages are already used as interpretation languages at conferences of the Union and at meetings of all its permanent organs as well as those of the Administrative Council. In order to facilitate the proceedings of the conferences and meetings, the Chinese Delegation requests that the Chinese language be included, together with English, French, Russian and Spanish, in the system of reciprocal interpretation at conferences of the Union and, whenever it is necessary, at meetings of its permanent organs as well as those of the Administrative Council. We hope that this proposal submitted by the Chinese Delegation will obtain the support of the Conference.

Thank you Mr. Chairman."

1.56 The delegates of Pakistan, Congo, Australia, Algeria, Mali, Japan, Kuwait and Guinea supported the Chinese proposal.

1.57 The delegate of the United States of America said it was essential that all meetings of the Union should be held in conformity with the provisions of the Convention. He had the greatest sympathy with any delegation that was unable to participate fully in meetings for linguistic reasons. He would appreciate further information on the financial implications of the Chinese proposal, and in particular on how the present interpretation service into five languages was being financed. Was the extra cost being borne by the government concerned or by the Union as a whole? In other words, he would like to know whether the Chinese proposal simply regularized the existing situation.

1.58 The Deputy Secretary-General said that the proposal concerned a matter of principle that must be decided by the Plenipotentiary Conference. He would like to provide some information that might guide it in its decision.

1.59 The present practice regarding the recruitment of linguistic staff was that, apart from some minor variations in relation to the U.S.S.R., the payment of expenses on interpretation from and into English, French, Russian and Spanish was borne by the Union as a whole. At the present Conference, the cost of interpretation in Chinese was being met by the Chinese Administration.

1.60 In accordance with the final formula of the Montreux Convention, the Final Acts had to be signed in each of the Chinese, English, French, Russian and Spanish languages. The cost of drawing up the final documents for signature in Chinese would have been approximately 900,000 Swiss francs. However, a compromise had been reached with the Chinese Administration and the figure shown in the budget was in fact 20,000 Swiss francs. The cost of recruiting staff for interpretation from and into Chinese at the present Conference would have been 174,000 Swiss francs.

1.61 The delegate of Brazil outlined the history of the Union and the different languages it had used since its foundation. All official languages had exactly the same status and rights and should be available at all times. He therefore opposed the words "when it is necessary" in No. 108 and could not accept an approach to linguistic problems based on financial considerations.

1.62 The delegate of the United States of America said he wished it to be perfectly clear that his query regarding the financing of linguistic services had been intended solely to elicit information. He had implied no opposition of any kind to the proposal in Document No. 56 and repeated his sympathy with all delegates who found themselves hampered in their participation in I.T.U. meetings by linguistic difficulties.

1.63 The Chairman said he took it that the Committee wished to approve the proposal in Document No. 56.

1.64 It was so agreed.

1.65 The delegate of the United States of America suggested that the text of No. 108 be modified accordingly to read "... reciprocal interpretation between the five official languages of the Union...". In the final sentence the word "four" should be replaced by "five".

1.66 The delegate of Mexico, supported by the delegate of Brazil, proposed the deletion of the words "when it is necessary".

1.67 The Deputy Secretary-General said that, while understanding the reasons behind the Brazilian and Mexican proposal, he would like the text to allow the Secretariat a certain degree of flexibility in respect of the two organs at Headquarters which did not involve meetings of Members. In that connection, he recalled the decision by the Administrative Council to the effect that certain conditions must be complied with before interpretation into a particular language was provided, namely that three months' notice be given and that a minimum of three delegations required the service. The decision was based on what the Administrative Council regarded as a reasonable interpretation of No. 108.

1.68 The delegate of the United States of America supported the existing wording.

1.69 The delegate of the U.S.S.R. said he supported the proposal in Document No. 56 but wished to comment on the point raised by the delegates of Brazil and Mexico. In practice, the equality of languages laid down in the Convention was not respected. In the case of Russian, for example, the cost of interpreters recruited in the U.S.S.R. was borne by the Soviet Union Administration. He considered it incorrect for the Administrative Council to lay down conditions that were contrary to the provisions of the Convention. Any country which desired interpretation into an official language was entitled to obtain it, regardless of the expense.

The meeting rose at 1730 hours.

Secretaries :

A.C. DAVID
R. MACHERET

Chairman :

GABRIEL TEDROS

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 251-E
6 November 1973
Original : English

COMMITTEE 8

SUMMARY RECORD
OF THE
11th MEETING OF COMMITTEE 8

In paragraph 2.39 on page 7, the last line should read :
"which might be considered more elegant."



COMMITTEE 8

SUMMARY RECORD
OF THE
ELEVENTH MEETING OF COMMITTEE 8
(RIGHTS AND OBLIGATIONS)

Tuesday, 10 October 1973, at 1530 hrs.

Chairman : Mr. GABRIEL TEDROS (Ethiopia)

Vice-Chairman : Mr. G. José J. HERNANDEZ (Mexico)

<u>Subjects discussed</u>	<u>Document No.</u>
1. Summary Record of the 6th Meeting	165
2. Texts : Chapter I - Article 16, No. 108	DT/1 and No. 3; Proposal 69
Article 17, Nos. 109, 110	7, 24, 29, 37, 47, 64, 69, 72, 88
Chapter II - Article 19, Nos. 112, 113	
Article 20, No. 114	
Article 21, No. 115	
Article 22, Nos. 116, 117	72
Article 23, Nos. 118-121	
Article 24, No. 112	
Article 25, No. 123	24, 30, 72, 88
Article 26, No. 124	
Article 27, Nos. 125-127	64
Article 28, No. 128	64
Article 31, No. 131	24
Article 32, No. 132	20, 24, 25, 69

1. Summary Record of the 6th Meeting (Document No. 165)

The Summary Record of the 6th Meeting was approved.

2. Texts : Chapter I, Article 16 (Document Nos. DT/1 and No. 3; Proposal 69).

No. 108

2.1 The Deputy Secretary-General said that the meaning of No. 108 might be made clearer by the insertion of a comma after the word "Union". The clause reading "and whenever it is necessary" should be maintained to cover the case of meetings of permanent organs, especially of the Headquarters, that might not require interpretation in all the working languages. Requirements would obviously depend on the linguistic groups attending a meeting.

2.2 Decision No. 356 of the Administrative Council which had been based on the recommendations of a small working group in which all language groups had been represented had sought to take account of certain practical considerations. It had been decided that a minimum of three months' notice should be given to the Director concerned of any request for interpretation facilities at a particular meeting and that there must be at least three participants using the language in question to justify the request. The Secretary-General could then recruit the interpreters needed. Invitations to conferences and meetings were sent out twelve months in advance. That rule applied to English, French, Russian and Spanish.

2.3 The delegate of Spain welcomed the Committee's decision to add Chinese to the languages of interpretation of the Union.

2.4 Supporting the Mexican amendment to No. 108, he said that the provision of interpretation in all the working languages should be the rule rather than the exception as was the implication of No. 108 as at present worded. Furthermore, the decision about the interpretation to be provided should lie with participating countries acting in consultation with the Secretary-General.

2.5 Provision should be made in Article 16 for the translation of all documents of conferences as well as of meetings of permanent organs into the working languages.

2.6 The delegate of Mexico proposed that No. 108 should read : "At conferences of the Union and at meetings of its permanent organs and of the Administrative Council, the debates shall be conducted with the aid of an efficient system of reciprocal interpretation between the five official languages.

However, when all the countries concerned agree, the debates may be conducted in fewer than the five languages mentioned above." Such wording would allow for flexibility and provide for consultation in advance between countries.

2.7 The Deputy Secretary-General observed that the word "countries" would not always be appropriate, for example, in the case of I.F.R.B. or the General Secretariat.

2.8 The delegate of the U.S.S.R. supported the Mexican proposal. The Secretariat's task of recruiting interpreters should be made easier but a concise provision on this subject would be difficult to draft and it would be preferable to ask the Administrative Council to work out the appropriate procedure and precise instructions to the Secretariat as to how No. 108 should be implemented.

2.9 The delegate of Brazil supported the Mexican proposal.

2.10 The Chairman said that he could see nothing objectionable in the wording of No. 108 as it stood. Obviously interpretation between all working languages might not be needed for meetings of certain bodies.

2.11 The delegate of Argentina said that the Plenipotentiary Conference, as the supreme organ of the Union, must take a final decision about interpretation services and the matter could not be merely referred back to the Administrative Council which had already discussed it at great length without reaching a conclusion.

2.12 The delegate of the United States of America was strongly in favour of approving No. 108 as it stood. Its language was perfectly clear and the rule was that whenever necessary interpretation would be provided between the five languages. The exception to the rule was stated in the second sentence.

2.13 He moved the closure of the debate and proposed that a vote be taken on No. 108 as it stood. If it were rejected, the Committee could discuss the Mexican proposal.

2.14 In addition, he proposed that a recommendation be made to the Plenary that the Administrative Council be requested to review its resolutions and decisions concerning interpretation in consultation with the General Secretariat and to present a report on the question to the next Plenipotentiary Conference.

2.15 The delegate of Brazil, raising a point of order, said that it would be wholly at variance with Rule 15 (737) of the Rules of Procedure of Conferences to vote on the original text of No. 108 before voting on the Mexican amendment which had been seconded.

2.16 Rejection of the amendment would not automatically mean approval of No. 108 as it stood.

2.17 The delegate of the United States of America withdrew his motion and proposed that the Mexican amendment be put to the vote.

2.18 The Deputy Secretary-General pointed out that the Mexican amendment did not meet the case for all permanent organs. It would be incorrect to provide for consultations between the countries in the case of I.F.R.B. which under its terms of reference did not receive instructions from countries and in the case of the General Secretariat.

2.19 The delegate of the United States of America suggested that the words "the participants in a conference or a meeting" should be substituted for the words "the countries concerned" in the Mexican proposal in order to eliminate the difficulty mentioned by the Deputy Secretary-General.

2.20 The delegate of Mexico accepted the amendment.

2.21 The delegate of the U.S.S.R. asked whether the term "participants" would include private operating agencies. In his opinion a decision about interpretation services could only be taken by administrations.

2.22 The Deputy Secretary-General said that participants in conferences and meetings varied according to the rules governing eligibility. Administrative conferences were confined to Member countries, certain international organizations and some specialized agencies of the United Nations as well as certain organizations admitted by the Conference itself. The conditions of participation in the C.C.I.s were set out in Chapter 11 of the General Regulations in the Montreux Convention.

2.23 The Mexican text to replace NO. 108 was approved by 36 votes to 29 with 6 abstentions.

The meeting was suspended at 11.20 a.m. and resumed at 3.30 p.m.

2.24 The Chairman suggested that the following articles, to which no amendments had been proposed, be submitted forthwith to the Editorial Committee in the Convention, Articles 19, 20, 21, 23, 24, 26, 29, 30, 37 and 38 and in the General Regulations, Chapters 10, 13 and Rules 1-14, 16-20, 22 and 24-26 of Chapter 25.

2.25 It was so agreed

New No. proposed by Mexico (Document No. 69/10)

2.26 The delegate of Mexico said that his proposal consisted essentially in the transfer of No. 393, amended to include documents produced during as well as after meetings, to the body of the Convention.

2.27 The delegate of Spain said he wished to withdraw his own suggestion in favour of the Mexican proposal.

2.28 The delegate of Ireland, supported by the delegate of the United Kingdom, agreed with the principle of the proposal but thought that some degree of flexibility should be introduced.

2.29 The delegate of France asked for clarification of the financial implications of the proposal and wondered whether the delegate of Mexico would agree to a more flexible wording.

2.30 The delegate of the U.S.S.R. thought there was no need to introduce a rigid provision into the Convention and favoured the existing text.

2.31 The delegate of Mexico said he was ready to add a sentence to his proposal along the following lines : "When, however, all participants in a meeting agree, the documents may be translated in fewer than the three working languages."

2.32 The delegate of Denmark, speaking as one whose mother-tongue was neither an official nor a working language, appealed to all delegates who had the good fortune to speak one of the Union's recognized languages to make every effort to avoid unnecessary translation and interpretation.

2.33 The Chairman put to the vote the Mexican proposal, as amended by the sponsor himself.

2.34 There were 9 votes in favour and 16 against, with 36 abstentions.

2.35 In accordance with No. 723, the matter was therefore postponed to a later meeting.

Article 17 (Note 18 of the Report of the Charter Study Group)

No. 109 (Document Nos. 72/28, 24, 29/9, 7/14 and 15, 88/11, 64/22, 37/20, 47/5.)

2.36 The Chairman of Working Group 1 pointed out that the Committee had before it the text proposed by the Study Group, which was supported by Argentina, Canada, France, Hungarian People's Republic, Italy and Kuwait. The United States proposal in Document No. 182/20 and 21 had been withdrawn, as had the Mexican proposal in Document No. 69/11, leaving the Indian and Indonesian proposals in Document Nos. 64/22 and 88/11 respectively. Finally, there was a Philippines proposal concerning the duties of the Secretary-General in Document No. 179/1.

2.37 The delegate of Indonesia said that the legal capacity of the Union was implicit in the Convention and General Regulations so that, in the view of his country, there was no need to make it explicit in the text.

2.38 The delegate of Morocco considered that the Study Group's text would create legal problems for some Members since it affected the principles of national sovereignty and extra-territoriality. He therefore believed that a reference to Article 104 of the United Nations Charter would suffice.

2.39 The delegate of the United States of America recalled that his own proposal, which had been withdrawn, referred to the territory "of each Member" rather than "of each of its Members", which he considered more elegant.

2.40 The delegate of France supported the text proposed by the Study Group and wondered whether it should not appear in a more prominent position in the Convention.

2.41 The Secretary, explaining the reasons for the proposal, agreed that the legal status and personality of the Union were implicit from the Convention and the General Regulations. However, it was difficult to prove their existence by reference to any specific provision, and indeed a difficulty had arisen when the Union had come to take possession of the land on which its headquarters stood. Fortunately, on that particular occasion, it had proved possible to refer to the Headquarters Agreement with the Swiss Government. In the case of countries which had ratified the Convention on the Privileges and Immunities of the Specialized Agencies reference could be made to that document. But not all Members had in fact ratified the Convention, so a problem still remained. The Union was practically the only specialized agency of the United Nations that had no such provision in its statutes and since no difficulties seemed to have arisen over its adoption in other bodies, he could see no reason why a similar text could not be added to the Convention.

2.42 The delegate of Argentina supported that statement.

2.43 The delegate of Indonesia said that, in the light of the explanations he had heard, he was prepared to withdraw his amendment.

2.44 The delegate of India introduced his proposal to add the words "and is compatible with the Constitution and Laws of the State concerned", which completed the text by laying down conditions for both sides.

2.45 The delegates of Austria and Morocco supported that proposal.

2.46 The delegates of the U.S.S.R., Switzerland, Argentina, the Philippines, Indonesia, Nicaragua and the Federal Republic of Germany considered the Indian proposal unnecessary.

2.47 The Chairman put the Indian proposal to the vote.

2.48 The Indian proposal was rejected by 38 votes to 7, with 13 abstentions.

2.49 The text of No. 109 proposed by the Study Group, with the phrase "and Associate Members" deleted, was approved.

No. 110

2.50 The Chairman referred to a proposal submitted by Kuwait to maintain the terms of No. 65 in Article 17.

2.51 The delegate of Kuwait said that his delegation would not press that proposal and at the Chairman's suggestion it was agreed that the question of the positioning of No. 65 in the draft Constitution would be passed to Committee 7 for consideration.

2.52 The Chairman asked if there was support for the proposal by Hungary (HNG/7/14) to add a new first paragraph to Article 17; none was forthcoming so the proposal was not considered.

Chapter II

Articles 19, 20, 21

2.53 Adopted without amendment.

Article 22 (Document 72/30)

No. 117

2.54 The delegate of Argentina explained that the proposal to change the word "internal" to "national" was designed to make the text more precise. The proposal received no support, however, and the text of No. 117 was therefore adopted without amendment.

Articles 23 and 24

2.55 Adopted without amendment.

Article 25 (Documents 24, 30/2, 72/31 and 88/13)

2.56 At the invitation of the Chairman, the Chairman of Working Party 1 reported that of the four proposals listed, that of Canada had been withdrawn, those of Indonesia and Israel had

not been discussed and that the delegate of Argentina had expressed a desire for his proposal to be discussed in Committee.

2.57 The Chairman sought support for each proposal in turn, drawing attention in particular to the distinction between Articles 25 and 26 which explained why the Articles appeared in different Chapters of the draft Constitutional Charter. No support was forthcoming and Article 25 was adopted without amendment.

Article 26

2.58 Adopted without amendment.

Article 27 (Document 64/23)

2.59 At the suggestion of the delegate of India it was agreed to discuss his country's proposal at a later meeting.

Article 28 (Document 64/4)

2.60 The Chairman thought that the proposal was of a purely editorial nature and the delegate of India agreed that it could be referred to the Editorial Committee.

2.61 It was so decided.

Article 31 (Document 24)

2.62 At the Chairman's invitation the delegate of Canada explained that his proposal (submitted in French and English) to change the word "agreements" to "arrangements" throughout the text and title of Article 31 was intended to give a restrictive connotation to its provisions.

2.63 The proposal was supported by the delegates of the Federal Republic of Germany and the United States of America. After some discussion in which the delegates of Argentina, Austria, Canada and Spain took part, the proposal was adopted.

2.64 It was agreed that the Editorial Committee should be asked to ensure alignment of the texts in all official languages.

Article 32 (Documents 24, 69/13, 25/2 and 3, and 20/2)

2.65 It was agreed to adopt the Canadian proposal without discussion, it being identical to that put forward for Article 31.

2.66 The proposal from Mexico (69/13), which was supported by the delegate of Zaire, evoked discussion in which the delegates of Australia, Mexico, the United Kingdom, U.S.A., U.S.S.R. and Zaire took part. Clarification of the reasons behind the proposal was sought and some delegates expressed doubts about possible unreasonable and unintentional responsibilities its adoption might place on administrations.

2.67 The proposal of Mexico was rejected by 25 votes to 7 with 21 abstentions.

2.68 The delegate of the U.S.S.R. requested that the reasons for rejecting the Mexican proposal be recorded in order to avoid misinterpretation of the result of the vote.

i) Incorporation of the proposed additional wording in Article 32 would place on Administrations the onus of ensuring that any agreements they may conclude bilaterally or multilaterally would not affect adversely any other similar agreements already in existence throughout the world and

ii) such a burden was unreasonable in the light of the fact that in law no agreement concluded between consenting parties could affect or otherwise influence any non-contracting parties.

The meeting rose at 6.50 p.m.

Secretaries :

A. DAVID

R. MACHERET

The Chairman :

GABRIEL TEDROS

PLENARY MEETING

B.9

9th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C6	DT/45	Res. No. Y
C4	DT/57	Article 15
C4	DT/57	Chapter 27
C7	DT/59	Article 9

Albert CHASSIGNOL

Chairman of
Committee 9

Annex : Pages

B.9/1 to B.9/8

RESOLUTION Y

SEMINARS

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

recognizing

a) that for the staff of telecommunication administrations, particularly in the new or developing countries, seminars are a very valuable means of acquiring knowledge of the latest developments in telecommunication techniques and of comparing experience;

b) that this I.T.U. activity should be continued and expanded;

thanks administrations

which have already organized or which intend to organize seminars and which have provided at their own expense qualified lecturers or discussion leaders for this purpose;

urges administrations

to continue and intensify their efforts in this direction in coordination with the Secretary-General;

instructs the Secretary-General

1. to coordinate the efforts of the Members of the Union which plan to organize seminars with a view to avoiding duplication and overlapping, paying particular attention to the languages used;

2. to ascertain and provide information on the subjects which should be dealt with by seminars;

3. to promote or to organize seminars within the limits of available funds;

4. constantly to improve the effectiveness of these seminars in the light of experience;

5. to make inter alia the following arrangements :
 - 5.1 publish the preliminary and final documents of seminars and forward them in good time to the administrations and participants concerned by the most appropriate means;
 - 5.2 to take appropriate action following these seminars;
6. to submit an annual report to the Administrative Council and to make proposals to it with a view to ensuring the effective attainment of the objectives referred to above, bearing in mind the opinions expressed by the Conference and the available credits;

asks the Administrative Council

to take account of the recommendations of the Secretary-General and to ensure that appropriate credits are included in the annual budgets of the Union to permit the accomplishment of the tasks envisaged in this Resolution.

ARTICLE 15
FINANCES OF THE UNION

NOC 93 1. The expenses of the Union shall comprise the costs of :

(a) the Administrative Council and the permanent organs of the Union;

NOC 94 (b) Plenipotentiary Conferences and world administrative conferences.

ADD 94A (c) Plenary Assemblies and meetings of the International Consultative Committees.

MOD 95 2. The expenses of the Union shall be met from the contributions of its Members, each Member paying a sum proportional to the number of units in the class of contribution it has chosen from the following scale :

30 Unit class	8 Unit class
25 " "	5 " "
20 " "	4 " "
18 " "	3 " "
15 " "	2 " "
13 " "	1 1/2 " "
10 " "	1 " "
	1/2 " "

MOD 96 3. Members shall be free to choose their class of contribution for defraying Union expenses.

MOD 97 4. No reduction in a unit classification established in accordance with the Convention can take effect during the life of this Convention.

- MOD 98 5. Expenses incurred by the regional administrative conferences referred to in 47 shall be borne in accordance with their unit classification by all the Members of the region concerned and, where appropriate, on the same basis by any Members of other regions which have participated in such conferences.
- MOD 99 6. Members shall pay in advance their annual contributory shares, calculated on the basis of the budget approved by the Administrative Council.
- ADD 99A 6A. A Member which is in arrear in its payments to the Union shall lose its right to vote as defined in 14 and 15 when the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two years.
- NOC 100 7. The provisions which apply to the financial contributions by recognized private operating agencies, scientific or industrial organizations and international organizations are in the General Regulations.

CHAPTER 27

Finances

- MOD 536 1. (1) At least six months before the Convention comes into force, each Member shall inform the Secretary-General of the class of contribution it has chosen.
- MOD 537 (2) The Secretary-General shall communicate this decision to Members.
- MOD 538 (3) Members who have failed to make known their decision in the time specified in 536 shall retain the class of contribution previously chosen.
- MOD 539 (4) Members may at any time choose a class of contribution higher than the one already adopted by them.
- MOD 540 2. (1) Every new Member shall, in respect of the year of its accession, pay a contribution calculated as from the first day of the month of accession.
- MOD 541 (2) Should the Convention be denounced by a Member, its contribution shall be paid up to the last day of the month in which such denunciation takes effect.
- NOC 542 3. The amounts due shall bear interest from the beginning of each financial year of the Union at 3% (three per cent) per annum during the first six months, and at 6% (six per cent) per annum from the beginning of the seventh month.
- NOC 543 4. The following provisions shall apply to contributions by recognized private operating agencies, scientific or industrial organizations and international organizations :
- NOC 544 a) Recognized private operating agencies and scientific or industrial organizations shall share in defraying the expenses of the International Consultative Committees in the work of which they have agreed to participate. Recognized private operating agencies shall likewise share in defraying the expenses of the administrative conferences in which they have agreed to participate, or have participated, in accordance with 336;

- NOC 545 b) International organizations shall also share in defraying the expenses of the conferences or meetings in which they have been allowed to participate, unless exempted by the Administrative Council on condition of reciprocity;
- NOC 546 c) Recognized private operating agencies, scientific or industrial organizations and international organizations, which share in defraying the expenses of conferences or meetings in accordance with 544 and 545, shall freely choose from the scale in 95 of the Convention their class of contribution for defraying Union expenses, and inform the Secretary-General of the class chosen;
- NOC 547 d) Recognized private operating agencies, scientific or industrial organizations and international organizations which share in defraying the expenses of conferences or meetings may at any time choose a class of contribution higher than the one already adopted by them;
- MOD 548 e) No reduction in the number of contributory units shall take effect during the life of the Convention;
- NOC 549 f) In the case of denunciation of participation in the work of an International Consultative Committee, the contribution shall be paid up to the last day of the month in which such denunciation takes effect;
- NOC 550 g) The amount of the contribution per unit payable by recognized private operating agencies and scientific or industrial organizations or international organizations towards the expenses of the International Consultative Committees in the work of which they have agreed to participate shall be fixed annually by the Administrative Council. The contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of 542;
- MOD 551 h) The amount of the contribution per unit payable towards the expenses of administrative conferences by recognized private operating agencies which participate in accordance with 336 and by participating international organizations shall be fixed by dividing the total amount of the budget of the Conference in question by the total number of units contributed by Members as their share of Union expenses. The contributions

shall be considered as Union income. They shall bear interest from the sixtieth day following the day on which accounts are sent out, at the rates fixed in 542.

- MOD 552 5. Expenses incurred by laboratories and technical installations of the Union in measurements, testing, or special research for individual Members, groups of Members, or regional organizations or others, shall be borne by those Members, groups, organizations or others.
- MOD 553 6. The sale price of publications sold to administrations, recognized private operating agencies or individuals, shall be determined by the Secretary-General, in collaboration with the Administrative Council, bearing in mind that the cost of printing and distribution should, in general, be covered by the sale of the publications.

ARTICLE 9 OF THE CONVENTION

64. If the post of Secretary-General falls vacant, the Deputy Secretary-General shall succeed to it and shall remain in office until a date determined by the following Plenipotentiary Conference. He shall be eligible for election to that office.

64. a) If the post of Deputy Secretary-General falls vacant more than 180 days prior to the date set for the convening of the next Plenipotentiary Conference, the Administrative Council shall appoint a successor for the balance of the term.

64. b) If the posts of the Secretary-General and the Deputy Secretary-General fall vacant simultaneously, the director of the international consultative committee who has been longer in office shall discharge the duties of Secretary-General for a period not to exceed 90 days. The Administrative Council shall appoint a Secretary-General and, if the vacancies occur more than 180 days prior to the date set for the convening of the next Plenipotentiary Conference, a Deputy Secretary-General. An official thus appointed by the Administrative Council shall serve for the balance of the term for which his predecessor was elected. They shall be eligible for election to regular terms as Secretary-General and/or Deputy Secretary-General.

COMMITTEE 7

COMMITTEE 9

SECOND SERIES OF CHAPTERS OF THE GENERAL REGULATIONS

APPROVED BY COMMITTEE 7

(This document must be considered by Committee 7
before submission to Committee 9)

CHAPTER 4

General Secretariat

MOD 263 1. The Secretary-General shall :

(a) coordinate the activities of the different permanent organs with the advice and assistance of the Coordination Committee referred to in No. 83 of the Convention with a view to assuring the most effective and economical use of personnel and of financial and other resources of the Union;

NOC 264 (b) organize the work of the General Secretariat and appoint the staff of that Secretariat in accordance with the directives of the Plenipotentiary Conference and the rules established by the Administrative Council;

NOC 265 (c) undertake administrative arrangements for the specialized secretariats of the permanent organs of the Union and appoint the staff of those secretariats in agreement with the Head of each permanent organ; the appointments shall be made on the basis of the latter's choice, but the final decision for appointment or dismissal shall rest with the Secretary-General;

(Note for Committee 9 : the Committee is invited to consider the proper Spanish translation for the word "choice".)

NOC 266 (d) report to the Administrative Council any decisions taken by the United Nations and the specialized agencies which affect Common System conditions of service, allowances and pensions;

NOC 267 (e) ensure the application of the financial and administrative regulations approved by the Administrative Council;

ADD 267A (e bis) provide legal advice to the organs of the Union;

MOD 268 (f) supervise, for administrative management purposes, the staff of the Headquarters of the Union with a view to assuring the most effective use of personnel and the application of the common conditions of employment for the staff of the Union. The staff appointed to assist directly the Directors of the Consultative Committees and the International Frequency Registration Board shall work under the direct orders of those senior officials concerned but in accordance with general administrative directives of the Administrative Council and of the Secretary-General;

(Note for Committee 9 : French and Spanish texts to be aligned on English text; in particular "surveillance" was not found appropriate and "Président" should be deleted.)

ADD 268A (f bis) in the interest of the Union as a whole and in consultation with the Chairman of the International Frequency Registration Board or the Director of the Consultative Committee concerned, temporarily reassign staff members from their appointed position as necessary to adjust to fluctuating work requirements at Headquarters. The Secretary-General shall report such temporary reassignments including the financial implications thereof, to the Administrative Council;

(Note for Committee 9 : adjust French and possibly Spanish; in particular, delete "il" 4th line, French text.)

NOC 269 (g) undertake secretarial work preparatory to, and following conferences of the Union;

MOD 270 (h) provide, where appropriate in cooperation with the inviting government, the secretariat of conferences of the Union, and provide the facilities and services for meetings of the permanent organs of the Union in collaboration with their respective heads; drawing from the Union's staff as he deems necessary in accordance with 268A. The Secretary-General may also when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;

NOC 271 (i) keep up-to-date the official lists, compiled from data supplied for this purpose by the permanent organs of the Union or by Administrations, with the exception of the master registers and such other essential records as may be related to the duties of the International Frequency Registration Board;

MOD 272 (j) publish principal reports of the permanent organs of the Union, the recommendations and the operating instructions derived from such recommendations for use in the international telecommunication services;

- NOC 273 (k) publish international and regional telecommunication agreements communicated to him by the parties thereto, and keep up-to-date records of these agreements;
- NOC 274 (l) publish the technical standards of the International Frequency Registration Board, as well as such other data concerning the assignment and utilization of frequencies as are prepared by the Board in the discharge of its duties;
- NOC 275 (m) prepare, publish and keep up-to-date with the assistance, where appropriate, of the other permanent organs of the Union;
- NOC 276 1. a record of the composition and structure of the Union;
- NOC 277 2. the general statistics and the official service documents of the Union as prescribed by the Administrative Regulations;
- NOC 278 3. such other documents as conferences or the Administrative Council may direct
- NOC 279 (n) collect and publish, in suitable form, data, both national and international, regarding telecommunication throughout the world;
- NOC 280 (o) assemble and publish, in cooperation with the other permanent organs of the Union, both technical and administrative information that might be specially useful to new or developing countries in order to help them to improve their telecommunication networks. Their attention shall also be drawn to the possibilities offered by the international programmes under the auspices of the United Nations;
- MOD 281 (p) collect and publish such
(Ass. information as would be of assistance to Members
Members) regarding the development of technical methods with a view to achieving the most efficient operation of telecommunication services and especially the best possible use of radio frequencies so as to diminish interference;

- NOC 282 (q) publish periodically, with the help of information put at his disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;
- ADD 282A (q bis) determine, in consultation with the Director of the C.C.I. concerned or, as appropriate, the Chairman of the I.F.R.B., the form and presentation of all publications of the Union, taking into account the nature and the contents as well as the most suitable and economical means of publication;
- MOD 283 (r) arrange the timely distribution of the published documents;
- MOD 284 (s) after having made what economies are possible, prepare and submit to the Administrative Council annual budget estimates which, after approval by the Council, shall be transmitted for information to all Members of the Union;
- ADD 284A (s bis) prepare and submit to the Administrative Council future work plans comprising the main activities at the Headquarters of the Union according to directives of the Administrative Council;
- ADD 284B (s ter) to the extent the Administrative Council finds it appropriate, prepare and submit to the Administrative Council cost-benefit analyses of the main activities at the Headquarters of the Union;
- MOD 285 (t) prepare a financial operating
(Ass. report and accounts to be submitted annually to the
Member) Administrative Council and recapitulative accounts immediately preceding each Plenipotentiary Conference; these accounts, after audit and approval by the Administrative Council, shall be circulated to the Members and be submitted to the next Plenipotentiary Conference for examination and final approval;

- MOD 286 (u) prepare an annual report on the
(Ass. activities of the Union which, after approval by the
Member) Administrative Council, shall be transmitted to all
Members;
- NOC 287 (v) perform all other secretarial
functions of the Union.
- NOC 288 2. The Secretary-General or the Deputy
Secretary-General may participate, in a consultative
capacity, in Plenary Assemblies of the International
Consultative Committees and in all conferences of
the Union; the Secretary-General or his represent-
ative may participate in a consultative capacity
in all other meetings of the Union; their
participation in the meetings of the Administrative
Council is governed by /237./

CHAPTER 6

International Consultative Committees

- MOD 303 1. Each Consultative Committee shall work
through the medium of :
- (a) the Plenary Assembly, preferably
meeting every three years. When a corresponding
world administrative conference has been convened,
the Plenary Assembly should meet, if possible, at
least eight months before this conference;
- NOC 304 (b) study groups, which shall be set
up by the Plenary Assembly to deal with questions to
be examined;
- NOC 305 (c) a Director elected by the Plenary
Assembly initially for a period equal to twice the
interval between two consecutive Plenary Assemblies,
i.e. normally for six years. He shall be eligible
for re-election at each subsequent Plenary Assembly
and if re-elected shall then remain in office until
the date of the next Plenary Assembly, normally for
three years. When the position becomes unexpectedly
vacant, the following Plenary Assembly shall elect
the new Director;

- NOC 306 (d) a specialized secretariat, which assists the Director;
- NOC 307 (e) laboratories or technical installations set up by the Union.
- MOD 308 2. (1) The questions studied by each
(Ass. International Consultative Committee, on which it
Members) shall issue recommendations, shall be those referred to it by the Plenipotentiary Conference, by an administrative conference, by the Administrative Council, by the other Consultative Committee, or by the International Frequency Registration Board, in addition to those decided upon by the Plenary Assembly of the Consultative Committee itself, or, in the interval between its Plenary Assemblies, when requested or approved by correspondence by at least twenty Members of the Union.
- 309 (2) At the request of the countries concerned, each Consultative Committee may also study and offer advice concerning their national telecommunication problems. The study of such problems should be in accordance with 308.
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PLENARY MEETING

B.10

10th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C.8	Draft Charter	Articles 46, 47 and 49
C.8	idem	General Regulations, Preamble
C.8	idem	Chapters 8, 9, 11, 12, 14, 15, 19, 23 and 24
C.7	235	Resolution No. X

Albert CHASSIGNOL
Chairman of
Committee 9

Annex : Pages
B.10/1 to B.10/13

SUP

ARTICLE 46

SUP 163
to
165

SUP

ARTICLE 47

SUP 166

SUP

ARTICLE 49

SUP 169

SUP 170

MOD

GENERAL REGULATIONS

SUP 201

PART II

General Provisions regarding Conferences

CHAPTER 8

Invitation and Admission to Plenipotentiary
Conferences when there is an
Inviting Government

- NOC 316 1. The inviting government, in agreement with the Administrative Council, shall fix the definite date and the exact place of the conference.
- (MOD) 317 2. (1) One year before this date, the inviting government shall send an invitation to the government of each country Member of the Union.
- NOC 318 (2) These invitations may be sent directly or through the Secretary-General or through another government.
- MOD 319 3. The Secretary-General shall send an invitation to the United Nations in accordance with Article 39 of the Convention and to any of the regional telecommunication organizations mentioned in Article 32 of the Convention if requested by it.
- NOC 320 4. The inviting government, in agreement with or on a proposal by the Administrative Council, may invite the specialized agencies of the United Nations and the International Atomic Energy Agency to send observers to take part in the conference in an advisory capacity, on the basis of reciprocity.
- (MOD) 321 5. (1) The replies of the Members must reach the inviting government not later than one month before the date of opening of the conference and should include whenever possible full information on the composition of the delegation.

- ADD 321A (2) These replies may be sent directly to the inviting government or through the Secretary-General or through another government.
- NOC 322 6. Any permanent organ of the Union shall be entitled to be represented at the conference in an advisory capacity when the conference is discussing matters coming within its competence. If necessary, the conference may invite an organ which has not considered it necessary to be represented.
- NOC 323 7. The following shall be admitted to Plenipotentiary Conferences :
- (a) delegations as defined in 575;
- NOC 324 (b) observers of the United Nations;
- ADD 324A (b bis) observers of regional telecommunication organizations in conformity with 319;
- NOC 325 (c) observers of the specialized agencies and of the International Atomic Energy Agency in conformity with 320.

CHAPTER 9

Invitation and Admission to Administrative Conferences when there is an Inviting Government

- MOD 326 1. (1) The provisions of 316 to 321A above shall apply to administrative conferences.
- NOC 327 (2) However, the time limit for the despatch of invitations may be reduced to six months if necessary.

- (MOD) 328 (3) Members of the Union may inform the private operating agencies recognized by them of the invitation they have received.
- NOC 329 2. (1) The inviting government, in agreement with or on a proposal by the Administrative Council, may notify the international organizations which are interested in sending observers to participate in the conference in an advisory capacity.
- NOC 330 (2) The interested international organizations shall send an application for admission to the inviting government within a period of two months from the date of notification.
- NOC 331 (3) The inviting government shall assemble the requests and the conference itself shall decide whether the organizations concerned are to be admitted.
- NOC 332 3. The following shall be admitted to administrative conferences :
- (a) delegations as defined in 575;
- NOC 333 (b) observers of the United Nations;
- ADD 333A (b bis) observers of regional telecommunication organizations mentioned in Article 32 of the Convention;
- NOC 334 (c) observers of the specialized agencies and of the International Atomic Energy Agency in conformity with 320;

- NOC 335 (d) observers of international organizations admitted in accordance with 329 to 331;
- NOC 336 (e) representatives of recognized private operating agencies, duly authorized by the Member country to which they belong;
- NOC 337 (f) permanent organs of the Union, subject to the conditions set forth in 322.

CHAPTER 11

Procedure for convening Regional Administrative Conferences at the Request of Members of the Union or on a Proposal of the Administrative Council

- (MOD) 348 In the case of a regional administrative conference, the procedure described in Chapter 10 shall be applicable only to the Members of the region concerned. If the conference is to be convened on the initiative of the Members of the region, it will suffice for the Secretary-General to receive concordant requests from a quarter of the total number of Members in that region.

CHAPTER 12

Provisions for Conferences meeting when there is no Inviting Government

- NOC 349 When a conference is to be held without an inviting government, the provisions of Chapters 8 and 9 apply. The Secretary-General shall take the necessary steps to convene and organize it at the seat of the Union, after agreement with the Government of the Swiss Confederation.

CHAPTER 14

Time-limits for Presentation of Proposals to Conferences and
Conditions of Submission

- (MOD) 353 1. Immediately after the invitations have been despatched, the Secretary-General shall ask Members to send him, within four months, their proposals for the work of the conference.
- (MOD) 354 2. All proposals the adoption of which will involve revision of the text of the Convention or Regulations must carry references identifying by their marginal numbers those parts of the text which will require such revision. The reasons for the proposal must be given, as briefly as possible, in each case.
- (MOD) 355 3. The Secretary-General shall communicate the proposals to all Members as they are received.
- MOD 356 4. The Secretary-General shall assemble and coordinate the proposals received from administrations and from the Plenary Assemblies of the International Consultative Committees and shall communicate them at least three months before the opening of the conference, to Members. The Secretary-General, the Directors of the International Consultative Committees and the members of the I.F.R.B. shall not be entitled to submit proposals.

CHAPTER 15

Credentials for Delegations to Conferences

- (MOD) 357 1. The delegation sent by a Member of the Union to a conference shall be duly accredited in accordance with 358 to 365.
- NOC 358 2. (1) Accreditation of delegations to Plenipotentiary Conferences shall be by means of instruments signed by the Head of State, by the Head of the Government or by the Minister for Foreign Affairs.
- NOC 359 (2) Accreditation of delegations to administrative conferences shall be by means of instruments signed by the Head of State, by the Head of the Government, by the Minister for Foreign Affairs or by the Minister responsible for questions dealt with during the conference.
- (MOD) 360 (3) Subject to confirmation prior to the signature of the Final Acts, by one of the authorities mentioned in 358 or 359, delegations may be provisionally accredited by the Head of the diplomatic mission of the country concerned to the government of the country in which the conference is held. In the case of a conference held in the country of the seat of the Union, a delegation may also be provisionally accredited by the Head of the Permanent Delegation of the country concerned to the United Nations Office at Geneva.
- SUP 361
- NOC 362 3. Credentials shall be accepted if they are signed by the appropriate authority mentioned under 358 to 361, and fulfil one of the following criteria :
- NOC 363 - they confer full powers;
- NOC 364 - they authorize the delegation to represent its government, without restrictions;

- NOC 365 - they give the delegation, or certain members thereof, the right to sign the Final Acts.
- NOC 366 4. (1) A delegation whose credentials are found to be in order by the Plenary Meeting shall be entitled to exercise the right to vote of the Member concerned and to sign the Final Acts.
- NOC 367 (2) A delegation whose credentials are found not to be in order by the Plenary Meeting shall not be entitled to exercise the right to vote or to sign the Final Acts until the situation has been rectified.
- NOC 368 5. Credentials shall be deposited with the secretariat of the conference as early as possible. A special committee shall be entrusted with the verification thereof and shall report on its conclusions to the Plenary Meeting within the time specified by the latter. Pending the decision of the Plenary Meeting thereon, a delegation of a Member of the Union shall be entitled to participate in the conference and to exercise the right to vote of the Member concerned.
- (MOD) 369 6. As a general rule, Members of the Union should endeavour to send their own delegations to conferences of the Union. However, if a Member is unable, for exceptional reasons, to send its own delegation, it may give the delegation of another Member powers to vote and sign on its behalf. Such powers must be conveyed by means of an instrument signed by one of the authorities mentioned in 358 or 359.
- NOC 370 7. A delegation with the right to vote may give to another delegation with the right to vote a mandate to exercise its vote at one or more meetings at which it is unable to be present. In such a case it shall, in good time, notify the Chairman of the conference in writing.
- MOD 371 8. A delegation may not exercise more than one proxy vote.

- NOC 372 9. Credentials and the transfer of powers sent by telegram shall not be accepted. Nevertheless, replies sent by telegram to requests by the Chairman or the secretariat of the conference for clarification of credentials shall be accepted.

CHAPTER 19

Languages and Right to Vote in Plenary Assemblies

- (MOD) 392 1. (1) The languages used in the Plenary Assemblies shall be as provided in Article 16 of the Convention and in Chapter 26 of these Regulations.
- (MOD) 393 (2) The preparatory documents of study groups, the documents and minutes of Plenary Assemblies and the documents published after these Assemblies by the International Consultative Committees shall be issued in the three working languages of the Union.
- (MOD) 394 2. The Members which are authorized to vote at sessions of Plenary Assemblies of the Consultative Committees are those to which reference is made in 14 and 156 of the Convention. However, when a country, Member of the Union, is not represented by an administration, the representatives of the recognized private operating agencies of that country shall, as a whole, and regardless of their number, be entitled to a single vote, subject to the provisions of 374.
- ADD 394A 2A. The provisions of 369 to 372 concerning the transfer of powers shall apply to Plenary Assemblies.

CHAPTER 23

Proposals for Administrative Conferences

- NOC 414 1. The Plenary Assemblies of the International Consultative Committees are authorized to submit to administrative conferences proposals arising directly from their recommendations or from findings on questions under their study.
- NOC 415 2. The Plenary Assemblies of the Consultative Committees may also make proposals for modification of the Administrative Regulations.
- NOC 416 3. Such proposals shall be sent to the Secretary-General in good time for assembly, coordination and communication, as laid down in 356.

CHAPTER 24

Relations of Consultative Committees between themselves and with other International Organizations

- NOC 417 1. (1) Plenary Assemblies of Consultative Committees may set up joint study groups to study and make recommendations on questions of common interest.
- NOC 418 (2) The Directors of Consultative Committees may, in collaboration with the Group Chairmen, organize joint meetings of study groups of both Consultative Committees, to study and prepare draft recommendations on questions of common interest. Such draft recommendations shall be submitted to the next meeting of the Plenary Assembly of each Consultative Committee.

- NOC 419 2. When one of the Consultative Committees is invited to participate in a meeting of the other Consultative Committee or of another international organization, the Plenary Assembly or Director of the invited Consultative Committee is authorized to make arrangements for such representation in an advisory capacity, taking into account the provisions of 312.
- NOC 420 3. The Secretary-General, the Deputy Secretary-General, the Chairman of the International Frequency Registration Board, and the Director of the other Consultative Committee, or their representatives, may attend meetings of a Consultative Committee in an advisory capacity. If necessary, a Consultative Committee may invite to attend its meetings, in an advisory capacity, representatives of any permanent organ of the Union which has not considered it necessary to be represented.

RESOLUTION X

DEFINITION OF THE TERMS "TELEGRAPHY" AND "TELEPHONY"

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

having decided

to maintain the existing terms of reference of the C.C.I.T.T. contained in 187 of the Montreux Convention, 1965;

believing however

that it would be useful if the terms of reference of the C.C.I.T.T. were to make unambiguous provision for the introduction of new telecommunications services, such as data transmission and visual telephony, resulting from the advent of new techniques;

considering further

that any new wording of the terms of reference of the C.C.I.T.T. should be carefully chosen, particularly to avoid any overlapping of the terms of reference of the C.C.I.R. and the C.C.I.T.T.;

noting finally

that 410 of Annex 2 to the Montreux Convention, 1965 gives two different definitions of the term "telegraphy", one of which is for the purposes of the Radio Regulations;

and being of the opinion

that it is desirable for a single definition of the term "telegraphy" to be used by all the organs of the Union;

instructs

1. the International Radio Consultative Committee and the International Telegraph and Telephone Consultative Committee :

- a) to have prepared by the Joint Committee on Vocabulary, with the participation of the Study Groups concerned, a definition of the term "telegraphy" which can be used by all the organs of the Union;
- b) to consider also the amendments or additions which should be made to the definitions of the terms "telegraphy" and "telephony" contained in 410 and 411 of Annex 2 to the Montreux Convention, 1965, to make unambiguous provision for new telecommunication services, such as data transmission and visual telephony or any other future system;

2. the International Telegraph and Telephone Consultative Committee to determine, in the light of the results of this study whether it would also be useful to replace the phrase "relating to telegraphy and telephony" in the terms of reference of the C.C.I.T.T. by a new expression and, if so, to propose a new wording, taking account of the foregoing considerandum;

consequently requests

the VIth Plenary Assembly of the C.C.I.T.T. (1976) and the XIVth Plenary Assembly of the C.C.I.R. (1977) to submit their conclusions and proposals on the foregoing points to the next Plenipotentiary Conference.

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 255-E
17 October 1973
Original : French

PLENARY MEETING

DRAFT RESOLUTION*)

TELECOMMUNICATIONS DOCUMENTATION CENTRE
AT I.T.U. HEADQUARTERS

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

considering

the stipulation in No. 25 of the International
Telecommunication Convention (Montreux, 1965) that the Union
shall "collect and publish information concerning telecommunication
matters for the benefit of all Members";

bearing in mind

a) Resolution No. 32 of the Plenipotentiary Conference
(Montreux, 1965), C.C.I.R. Resolution No. 36 (1966); and

b) the studies already made by the Secretary-General;

recognizing

that documentation services are a basic means of
keeping informed of the latest advances in telecommunications,
particularly for the new or developing countries;

instructs the Secretary-General

a) to pursue, with the aid of the other permanent organs
of the Union, studies with a view to the creation of a
documentation and bibliographical reference centre for
telecommunications to be responsible for :

*) Prepared by the Working Group set up at the 16th Plenary Meeting.



1. facilitating the use of the documentation published by the Union;
2. collaborating with other international or national documentation centres in the exchange of bibliographical references in order to avoid duplication of work, reduce expenses and, at the same time, centralize world information on telecommunications;
3. placing this information at the disposal of Members and the officials and experts of the Union;

b) to report to the Administrative Council so as to enable the next Plenipotentiary Conference to take a decision on the matter;

invites the Administrative Council

to take the necessary steps, within the limit of available resources, to enable these studies to be made.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 256-E

18 October 1973

Original : English

COMMITTEE 3

SUMMARY RECORD

OF THE

3rd MEETING OF COMMITTEE 3

(BUDGET CONTROL)

Friday, 12 October 1973, at 1000 hrs

Chairman : Mr. M.K. BASU (India)

Vice-Chairman : Mr. WOODSTOCK (Jamaica)

Subjects discussed

Document No.

1. Position of the Conference Accounts
on 9 October 1973

DT/35

2. Draft interim report of Committee 3
to the Plenary Meeting

DT/58



1. Position of Conference Accounts on 9 October 1973
(Document No. DT/35)

1.1 At the request of the Chairman, the Head of the Finance Department introduced Document No. DT/35 and in response to a question from the delegate of Canada, explained the presentation of the figures in the Annex, mentioning that a total of 132,000 Swiss francs had been transferred to Sub-head II comprising 100,000 Swiss francs from Sub-head I and 32,000 Swiss francs from Sub-head III. The figures were not of course final since they were based only upon the interim position; further changes would need to be made before the final position was reported to the Plenary.

1.2 The delegate of the United States of America drew attention to the figures in column 8 in respect of estimated expenditure likely to be incurred under item 7101 for subsistence payable to staff and privately contracted staff; he wondered whether the Secretariat contemplated hiring extra personnel.

1.3 The Head of the Finance Department replied that it was customary to provide in the budget for recruitment of additional staff in case it became absolutely necessary but it was hoped that the credits provided for the purpose would remain unused and thereby constitute a saving. Approximately 15,000 and 20,000 Swiss francs had been earmarked for the payment of subsistence allowance and salaries respectively.

1.4 The delegate of Spain referred to the shortage of minute writers and asked whether or not it was intended to approach delegations for staff and if such staff was available, whether or not they would be paid the same rates of salary and per diem as staff recruited in Geneva.

1.5 The Head of the Finance Department said that prior to the Montreux Plenipotentiary Conference, delegations had provided rapporteurs but that Conference instructed the Secretariat to provide minute writers subsequently. The Secretariat had underestimated the number of minute writers required to cover all the meetings and was currently attempting to recruit more; it was intended that they should be paid the same salary as staff from Geneva.

1.6 The Chairman was optimistic that as the Conference had only two weeks still to run, not all credits available need be spent and that some savings could be made as a result.

1.7 The delegate of the United States of America sought clarification of two points in connexion with the financial provisions for travel of staff under item 7103. Firstly, was the sum of 37,325 Swiss francs shown in column 8 of the Annex to Document No. DT/35 the estimated cost of bringing extra staff to Torremolinos and, secondly, would the difference of 74,000 Swiss francs between the estimated total expenditure on travel of 204,000 Swiss francs and the amount of 130,000 Swiss francs estimated to be borne by the Spanish Administration necessarily have been spent, had the Conference been held in Geneva?

1.8 Both the Chairman and the Head of the Finance Department confirmed that 37,325 Swiss francs was the estimated cost of bringing extra staff to Torremolinos; also, travel costs of staff had to be paid whether they travelled to Geneva or to Torremolinos and only the difference between those costs would be borne by the Spanish Administration. Naturally, it could not be guaranteed that 74,000 Swiss francs would have been spent in this fashion had the Conference been convened in Geneva but nevertheless, provision had necessarily to be made for this and the Administrative Council had settled on this figure.

1.9 Sub-head II was approved without comment.

1.10 The delegate of the United States of America sought an explanation of the sundry and unforeseen expenses under item 7206 of Sub-head II. The Head of the Finance Department explained that in the main this was to cover banking and medical expenditure.

1.11 In consideration of Sub-head III, the delegate of the United States of America drew attention to the apparent anomaly between the figure given in Document No. DT/18 for the cost of printing the Final Acts of the Conference, which was there 120,000 Swiss francs, and the figure quoted in Document No. DT/35 which is only 25,041 Swiss francs. There was no explanation of this in Document No. DT/35.

1.12 The Head of the Finance Department intimated that when the budget was prepared, the estimated cost of printing the Final Acts had indeed been 120,000 Swiss francs; however, on the basis of information from the Spanish Administration the figure should be reduced to around 25,000 although he thought it likely, as indicated in column 9 on page 4, that total expenditure might amount to 60,000 Swiss francs.

1.13 The Chairman expressed gratitude for the assistance given by the Spanish Administration in that matter; the total of Sub-head III had been reduced by approximately 62,000 Swiss francs and overall the amount now estimated to be borne by the Spanish Administration had been reduced from the estimate of 420,000 Swiss francs forecast in Document No. DT/18 to the current estimate of 324,000 Swiss francs; the difference between that figure and the amount agreed of 275,000 Swiss francs was now reduced to 49,000 Swiss francs which figure he was hopeful would be reduced considerably by the end of the Conference.

1.14 The delegate of the United States of America noted that a Plenary Meeting had been scheduled for a Saturday and wondered whether it would incur expenditure over and above that already provided for and the delegate of Canada considered that if such were the case, the expenditure should not be borne by the Spanish Administration, because, had the Conference been convened in Geneva it is likely that similar week-end meetings would have been held there and so similar expense would have occurred.

1.15 The Head of the Finance Department confirmed that the estimates had taken account of the possibility of holding extra meetings at week-ends and in the evenings and that any additional expense occasioned thereby would not, for the reasons explained by the delegate of Canada, be the responsibility of the Spanish Administration.

1.16 The delegate of Spain was appreciative of the remarks made earlier by the Chairman and wished to record the gratitude of the Spanish Administration toward the I.T.U. Secretariat whose responsibility it was to exercise control over actual expenditure, for the manner in which it was performing this task.

2. Draft Interim Report of Committee 3 to the Plenary Meeting
(Document No. DT/58)

2.1 The Committee agreed, after some discussion in which the Head of the Finance Department and the delegates of the United States of America and the United Kingdom took part, that in the light of Nos. 675 and 676 of the Montreux Convention Document No. DT/58 would be submitted to the Plenary Meeting as an interim report of the Budget Control Committee and the following amendments would be incorporated :

- i) the word "general" in the last line of the third paragraph on page 1 would be replaced by the word "full";
- ii) the figures given in paragraph C for composition, printing and paper etc. would be replaced by 40,000 and 20,000 respectively, the total being amended to 60,000; and
- iii) the blank spaces left in the first two paragraphs of section D would record the figures 94,550 and 324,000 respectively.

The meeting rose at 11.10 a.m.

Secretary :
R. PRELAZ

Chairman :
M.K. BASU

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 257-E
18 October 1973
Original : French

PLENARY MEETING

Final Protocol

FOR THE KINGDOM OF LAOS

The delegation of the Royal Government of Laos to the Plenipotentiary Conference of the International Telecommunication Union reserves its Government's right to refuse to accept any financial measure which might lead to an increase in its contributory share in defraying Union expenses and to take any action it deems necessary to safeguard its interests should Members of the Union in any way fail to comply with the provisions of the International Telecommunication Convention (Malaga-Torremolinos, 1973).

It also reserves the right not to share in any payment, irrespective of the amount, of debts owed to the Union by Member countries.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 258-E

18 October 1973

Original : Spanish

PLENARY MEETING

Final Protocol

FOR CHILE

The Delegation of Chile expressly states that, whenever the International Telecommunication Convention, its Annexes and Regulations, or documents of any kind, mention, or refer to "Antarctic Territories" as dependencies of any State, the said mentions or references do not, and cannot, apply to the Chilean Antarctic Sector, which is an integral part of the national territory of the Republic of Chile, over which that Republic holds inalienable rights.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 259-E

18 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR JAMAICA

The Delegation of Jamaica reserves for its Government the right not to accept any financial measure which might lead to an increase in its contributory share to defraying the expenses of the Union, and the right to take such action as it may consider necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973) or its Annexes or the Protocols thereto or should reservations by other countries jeopardize the telecommunication services of Jamaica.



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 260-E

18 October 1973

Original : French

PLENARY MEETING

THIRD REPORT OF COMMITTEE 4
TO THE PLENARY MEETING

1. At its 11th and 12th Meetings, the Committee considered the part of the Report of the Administrative Council dealing with the Union building and more particularly of the information on the project for a third construction phase to fill the present gap between Phase II and the garage underneath the Place des Nations.
2. In view of the Union's financial difficulties, which dictate strict economy, the Committee considers it inadvisable to undertake this phase for the time being. Furthermore, at the present stage of elaboration of the project, the Committee does not have all the data it regards as a necessary basis for a final conclusion.
3. However, the Committee is aware that a permanent solution ought to be found to meet the wish of the local authorities for a pathway between the park over the underground garage and the stairway built to give direct access to the International Conference Centre. The Committee therefore proposes that the Plenary Meeting adopt a resolution instructing the Administrative Council to study the most rational solution to the problem.
4. A draft resolution is being sent to the Editorial Committee.

R. RÜTSCHI
Chairman



INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 261-E
23 October 1973
Original : English

COMMITTEE 6

SUMMARY RECORD
OF THE
EIGHTH MEETING OF COMMITTEE 6

Amend the end of paragraph 2.14 on page 4 to read :

".... million Swiss francs per year, so that those costs would be much higher than the administrative costs of the whole Technical Cooperation Department which amounted to 5.9 million Swiss francs for 1974."



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 261-E

18 October 1973

Original : English

COMMITTEE 6

SUMMARY RECORD

OF THE

EIGHTH MEETING OF COMMITTEE 6

Tuesday, 9 October 1973, at 0930 hrs

Chairman : Mr. M. BENABDELLAH (Morocco)

Vice-Chairman : Mr. L. DVORACEK (Czechoslovakia)

Subjects discussed

Document No.

1. Summary Record of the Fourth Meeting

169

2. Regional Offices (continued)

Report Part VI,
point 3.2
(Section 5.2.9)
83(Rev.)
129



1. Summary Record of the Fourth Meeting (Document No. 169)

Approved, subject to a minor amendment to paragraph 1.30 submitted by the delegate of Japan.

2. Regional Offices (continued) (Report Part VI, point 3.2 (Section 5.2.9))

2.1 The Chairman said that at the end of the previous meeting's discussion it had seemed evident that there were two almost equally divided bodies of opinion, the first considering that decentralization and the creation of regional offices would be of considerable value to developing countries and the second that such offices would entail dispersion of means and effort and necessitate seeking funds from non-U.N.D.P. sources which would doubtless be a problem.

2.2 The delegate of Ghana said that in view of the opinions expressed at the previous meeting and the Secretary-General's explanations, he still favoured the creation of regional offices provided they were limited in scope to avoid duplication of effort. The essential problem was obviously one of finance and certain details were required before a decision could be taken (scope of work, structure of the offices, the amount of authority to be delegated to their Heads, possible means of funding) and he thought the Secretariat or the Administrative Council should undertake a further study; in the meantime, the Technical Cooperation Department should be reinforced by the appointment of additional experts.

2.3 The delegate of Ethiopia also supported the principle of establishing regional offices but thought that a further cost/benefit analysis should be carried out and the result submitted to the Administrative Council.

2.4 His views were shared by the delegates of Cameroon, Liberia, Algeria and Rwanda, the last speaker proposing that Resolution No. 40 be updated and perpetuated.

2.5 The delegate of Upper Volta agreed that the problem needed further study and felt a solution should be sought within the ordinary budget of the Union. However, he thought it would be unwise to wait for a decision until the following Plenipotentiary Conference as the need for closer cooperation was becoming increasingly acute.

2.6 The delegate of India said that he realized the benefits of decentralization but not for its own sake and he feared that it would amount to an extra administrative step between the regional expert and headquarters. He was in favour of increasing the responsibilities of the regional experts and streamlining present procedures and he wondered whether the Secretary-General could negotiate further with U.N.D.P. for the funding of those experts.

2.7 The delegate of the U.S.S.R. thought the creation of regional offices could have dangerous consequences as there was a real danger of them duplicating the work done by other regional bodies. The very fact that the Administrative Council had been unable to reach a firm decision on the necessity of implementing the Montreux Resolution was a factor for concern. It was of course the objective to provide rapid assistance to national telecommunication administrations but he doubted whether that was feasible as each office would need a large staff of experts in various disciplines. Such a policy did not even seem reasonable as even if experts could be found, which was doubtful, many might be left unemployed for months or even years at a time. The Secretary-General had explained that if the regional experts were incorporated into regional offices U.N.D.P. would no longer finance them and he did not think such a course could be afforded. He feared that regional offices would become mere clearing-houses. However, he did agree that it was necessary to reaffirm the Montreux Resolution and request the Council to carry out an in-depth study and attempt to determine how funding could be arranged. The present activities of the Technical Cooperation Department should also be analyzed and an assessment made of the work of the four specialist engineers and ten experts.

2.8 The delegate of Argentina wondered whether better use could be made of the funds available and savings made in the technical cooperation budget. In reply, the Secretary-General explained that the savings resulting from transfer of the Training Division and payment of mission costs of the four engineers from the ordinary budget would permit continuance of the regional experts; in no event could savings of U.N.D.P. funds be used for regional offices.

2.9 The delegate of Japan expressed concern with the budgetary situation of technical cooperation activities. Certain technical cooperation activities (i.e. salaries of three of the four specialist engineers) were being paid from the ordinary budget whereas several posts in the General Secretariat were financed from U.N.D.P. funds, as were many of the missions

carried out by the Secretary-General and Deputy Secretary-General. His delegation proposed that all U.N.D.P. resources available be concentrated on the Technical Cooperation Department, for which the Chief of the Department should be fully responsible.

2.10 The Chairman said that the Administrative Council had debated at length the significance of "technical cooperation expenses"; it was the Council which had decided not to burden the Department with administrative expenses.

2.11 The delegate of Somalia associated himself with the remarks made by the delegates of India and the U.S.S.R., mainly because he feared that the staff of regional offices might have to spend much time drawing up plans, etc. (all countries in a given region being at varying stages of development) without producing tangible results.

2.12 The delegate of the United States of America also shared the concern previously expressed and agreed that Resolution No. 40 should be revised as necessary and passed to the Administrative Council.

2.13 The delegate of Ireland was also against the creation of regional offices at the present time.

2.14 The delegate of the Federal Republic of Germany was in favour of the India/USSR/USA suggestion and also queried the figures given by the Secretary-General; in his estimation, the cost of setting up regional offices would be between seven and eight million Swiss francs.

2.15 The delegate of Ecuador recognized that the means were not available to set up offices immediately but thought the role of the regional experts should be strengthened and that five years should not be allowed to elapse before a decision was taken.

2.16 The delegate of Sri Lanka said the creation of offices could be postponed given the assurance that the regional experts would continue to be financed by U.N.D.P. The Conference could request the Secretary-General to seek means of financing should the situation change in the future. In the absence of a consensus he thought a working group might produce a draft resolution along the lines suggested.

2.17 The Chairman felt the median solution might be to recognize that such offices would be useful, ask the Administrative Council, Secretary-General and other organs of the Union to re-examine all aspects (including funding) - i.e. revise and update Montreux Resolution No. 40 - and present new recommendations to the following Plenipotentiary Conference.

2.18 The delegate of the United States of America said he was not sure there had been a consensus on the utility of regional offices and that the matter should be left open for a completely objective study.

2.19 The delegate of Lebanon pointed out that the procedure just suggested left a five-year period in which nothing practical would be achieved and he proposed that the Resolution give the Administrative Council the authority to set up two or three pilot offices.

2.20 The delegate of Iraq supported that proposal and said the revised version of the Resolution should make it clear that there was general agreement on the principle. Following the explanation by the Secretary-General that the Council would be powerless to take such action if credits were not made available by the Plenipotentiary Conference, he suggested that credits for two or three such offices should be entered in the budget.

2.21 That suggestion was supported by the delegate of Argentina who considered that a firm decision on the principle should be taken by the Committee.

2.22 The delegates of the Yemen Arab Republic, Dahomey and Nigeria also felt that an immediate decision on the principle was required.

2.23 The Chairman said that he would put to the vote the motion that the Committee was in favour of the creation of Regional Offices : if the result were negative, the whole question would be referred to the Council in a Resolution based on Montreux Resolution No. 40, if positive the Council would be instructed, in the light of the decision on additional resources, to envisage the creation of one or more prototype offices and report to the Plenipotentiary Conference.

2.24 The delegate of the United Kingdom said he had received the impression that there was general agreement on the need for further cost/benefit studies. Should the studies prove negative after the Conference had taken a decision of principle, the Council would be in a very awkward situation.

2.25 The delegate of Poland said he would find it difficult to vote on the principle without knowing exactly what was involved. The delegate of the U.S.S.R., whose views were shared by the delegate of Italy, said he feared that the result of the vote was bound to affect the Council's attitude.

2.26 The Chairman put the motion to the vote by show of hands; the result was 36 in favour, 36 against and 4 abstentions.

2.27 The delegate of Sweden explained that he had voted against the motion because he did not think a firm decision could be taken at the present stage when the methods of work of regional offices, their usefulness and methods of financing were still unknown.

2.28 At the request of the delegate of Ethiopia, seconded by the delegates of Mexico and Argentina, and under the terms of Nos. 724 and 725 of the Rules of Procedure, the Chairman announced that a roll-call ballot would be held.

2.29 The delegate of Sri Lanka, supported by five delegations, requested a secret ballot.

2.30 The Chairman therefore put the above-mentioned motion to the vote. The delegations of Ethiopia, U.S.S.R. and Algeria were invited to provide the tellers.

2.31 The results of the secret ballot were as follows :

In favour	47
Against	42
Abstention	1

The motion was therefore carried.

2.32 The Chairman said that the decision would be reported to Plenary Meeting, it being understood that delegations could revert to the subject at that time.

The meeting rose at 1315 hours.

The Secretary :
H. RUUD

The Chairman :
M. BENABDELLAH

COMMITTEE 6

SUMMARY RECORD
OF THE
NINTH MEETING OF COMMITTEE 6

1. In paragraph 2.4 on page 5, replace the words "withdrew his amendment" by "accepted".
 2. In paragraph 3.22 on page 9, replace "Malawi" by "Malaysia".
 3. In paragraph 3.23 on page 9, replace "last two paragraphs" by "penultimate paragraph".
-

COMMITTEE 6

SUMMARY RECORD
OF THE
NINTH MEETING OF COMMITTEE 6
(TECHNICAL COOPERATION)

Wednesday, 10 October 1973, at 0930 hrs

Chairman : Mr. M. BENABDELLAH (Morocco)

Vice-Chairman : Mr. L. DVOŘÁČEK (Czechoslovakia)

Subjects discussed

Document No.

- | | |
|---|-------|
| 1. Recruitment of experts for technical cooperation projects | DT/34 |
| 2. Participation of the Union in the United Nations Development Programme | DT/36 |
| 3. Multinational projects financed by U.N.D.P. in the field of telecommunications | DT/49 |

1. Recruitment of experts for technical cooperation projects
(Document No. DT/34)

1.1 The Chairman drew attention to the draft resolution on recruitment of experts for technical cooperation projects contained in Document No. DT/34. The subject had already been discussed at length by the Committee, and the views expressed had been incorporated in the draft resolution. Since the draft resolution would be referred to Committee 9 before being submitted to the Plenary Meeting, he invited delegates to limit their comments to the substance of the text.

1.2 The delegate of Malawi proposed that the phrase "offered by the salaries, allowances and other services proposed in the United Nations Common System" should be replaced by "and conditions" in paragraph b) of the first preambular part of the draft resolution.

1.3 The delegate of the U.S.S.R. supported that proposal.

1.4 The delegates of Argentina and France said that they would be prepared to accept the Malawi amendment on condition that the phrase "in the United Nations Common System" was retained.

1.5 The delegate of Ireland, supported by the delegate of Sri Lanka, proposed that the whole of that paragraph after the word "recruitment" should be deleted.

1.6 The delegate of Malawi withdrew his amendment in favour of the Irish amendment.

1.7 The Irish amendment was adopted.

1.8 The delegate of the United Kingdom proposed the deletion of the words "to take the necessary steps to facilitate" from paragraph 2 of the first operative part of the draft resolution.

1.9 That proposal was adopted.

1.10 The delegate of Chile drew attention to his delegation's suggestions (Document No. 61), only some of which had been reproduced in the draft resolution. In particular, he considered that the ideas contained in sections 1 and 2.1 of Document No. 61 should be incorporated in the draft resolution,

by amending paragraph 4 of the second operative part along the following lines : "to establish and keep up to date a register of potential candidates for expert posts, with due emphasis on specialists who could be recruited to work on short-term missions; this list should be prepared on a regional and global basis".

1.11 The delegate of Mexico, supported by the delegate of Zaire, proposed that the beginning of the Chilean amendment should be amended to read : "to establish, keep up to date and distribute widely and in good time a register"

1.12 The delegate of Botswana remarked that it would not be easy for the General Secretariat to keep two separate lists up to date. A global list would, in his view, automatically include information of a regional nature. Neither was it clear exactly how the type of list referred to by the Chilean delegate would be compiled.

1.13 The delegate of Argentina supported the proposals by the delegates of Chile and Mexico, on the understanding that there would be one single list of experts available for short-term missions and that that list would form part of the global list.

1.14 Following a discussion on the implications of the last part of the Chilean amendment, the delegate of Chile agreed to withdraw the phrase : "this list should be drawn up on a regional and global basis".

1.15 The Secretary-General, referring to the Mexican sub-amendment, said that the General Secretariat would encounter considerable difficulties in distributing up-to-date information systematically to all Members. The aim of any list compiled and kept up to date by the Secretariat would be to enable the latter to respond more quickly to requests received by the developing countries. He therefore appealed to the Mexican delegate to consider the possibility of withdrawing his sub-amendment.

1.16 The delegate of Mexico said that the purpose of his sub-amendment was to reduce bureaucracy and red tape for the benefit of both the developing countries and the General Secretariat. The present procedure used for requesting experts was long and complicated. Matters would be considerably facilitated and much time would be saved if Administrations needing experts could immediately consult an up-to-date list which had been distributed to them by the Union.

1.17 The Secretary-General suggested, as a compromise solution, that the Secretariat might be instructed to compile and keep up to date a list of experts available for short-term missions, and to transmit the relevant part of that list to national Administrations at the latter's request.

1.18 The delegate of Sri Lanka supported the Secretary-General's suggestion.

1.19 The delegate of Mali, supported by the delegate of the U.S.S.R., considered that the idea of transmitting the list of experts for short-term missions to national Administrations at the latter's request should be included in the draft resolution.

1.20 The delegate of Mexico, replying to a question by the Chairman, said that he had proposed his sub-amendment in the interest of simplifying administrative procedure for the benefit of all concerned, particularly the developing countries.

1.21 The Chairman put the Mexican sub-amendment to the vote.

1.22 The sub-amendment was rejected by 17 votes to 37, with 6 abstentions.

1.23 The Chairman suggested that the following text, which took account of the Chilean amendment and the views expressed during the discussion, should be substituted for the text appearing in paragraph 4 of the second operative part of the draft resolution : "to establish and keep up to date a register of potential candidates for expert posts, with due emphasis on specialists available for short-term missions; this register will be sent to all Member countries on request".

1.24 It was so decided.

1.25 The draft resolution, as amended, was approved.

2. Participation of the Union in the United Nations Development Programme (Document No. DT/36)

2.1 The delegate of the Federal Republic of Germany said that it was impossible to include the administrative and operational costs referred to in paragraph 2 of the first operative part of Document No. DT/36 in the Union's regular budget, contributions to which came from different sources than did the funds for the Union's participation in U.N.D.P., whose figures might not be available in time for the necessary

calculations to be made. He proposed that the words "shall be included in the budget of the Union" should be replaced by the words "shall be included in a special budget of the Union" and that operative paragraph 3 should be deleted.

2.2 The Secretary confirmed that technical cooperation expenditure formed a separate section of the I.T.U. budget and was not taken into consideration in establishing contributions to the Union. There would appear to be no technical difficulty in accepting the proposal of the delegate of the Federal Republic of Germany.

2.3 The Chairman and the delegate of Lebanon pointed out that since the necessary distinction was made in a special section of the budget there was no need to provide for inclusion in a special budget. The French text of the paragraph was sufficiently clear.

2.4 The delegate of the Federal Republic of Germany withdrew his amendment on the understanding that the English text would be made equally clear.

2.5 The delegate of Ireland said that operative paragraph 3 might prove misleading. He therefore supported its deletion.

2.6 The paragraph was deleted.

2.7 Operative paragraph 4 was approved.

2.8 The Chairman suggested that the words "to guarantee", in operative paragraph 5, should be replaced by the words "to ensure".

2.9 It was so agreed.

2.10 Operative paragraph 5, as amended, was approved.

2.11 The Chairman suggested that the sections of the draft resolution under the headings "instructs the Administrative Council" and "instructs the Secretary-General" should be transposed.

2.12 It was so agreed.

2.13 The delegate of the U.S.S.R. suggested that the section under the heading "instructs the Secretary-General" should refer first to the recommendations to be submitted by the Secretary-General and secondly to the submission of the report.

2.14 The delegate of France opposed that amendment, since he considered the existing order more logical.

2.15 The delegate of the U.S.S.R. withdrew his proposal, while maintaining his view that it would have improved the text.

2.16 The draft resolution, as amended, was adopted, subject to the necessary drafting changes being made by the Drafting Committee.

3. Multinational projects financed by U.N.D.P. in the field of telecommunications (Document No. DT/49)

3.1 The delegate of the U.S.S.R., introducing the draft resolution in Document No. DT/49 at the request of the Chairman, said that the sponsors had made every effort to reflect the views of delegations as faithfully as possible. The draft resolution was self-explanatory.

3.2 The delegate of Australia suggested that, in order to avoid repetition of the words "to a large extent" in the first preambular paragraph, the beginning of that paragraph should be amended to read :

"emphasizing

that to a large extent the telecommunication services of an inter-country nature require the same degree of sophistication"

3.3 The Chairman said that the Drafting Committee would deal with that point.

3.4 The delegate of Malawi said that he would be reluctant to attempt to interfere with his country's policy with regard to the use of U.N.D.P. funds. He proposed that the last two paragraphs should be deleted.

3.5 The delegate of Argentina, supported by the delegate of Iraq, said that it was in order for members of the Plenipotentiary Conference, as delegates of countries, to support the proposals made in the draft resolution. It would be inconsistent if requests for increased indicative planning figures made by Government representatives in U.N.D.P. were not followed up by representatives of the same countries in other bodies.

3.6 The delegate of the United Kingdom agreed with the Malawi delegate's view. As representatives of the Telecommunication Administration of the United Kingdom, his delegation had no authority to intervene in the matter referred to in the last paragraph of the draft resolution.

3.7 The Secretary-General said that the U.N.D.P. Governing Council, which consisted of representatives of elected Governments, was the body responsible for defining U.N.D.P. technical cooperation policy and for establishing allocation percentages. The intention of the sponsors was that P.T.T. Administrations would invite representatives of their countries in the Governing Council to give their support to increased telecommunication allocations. The 18% figure has been achieved only with great difficulty and after prolonged debate. The Administrator of U.N.D.P. would like certain members of the Governing Council to review their policy with respect to multinational projects. Every effort should be made to influence the Governing Council in favour of multinational and regional telecommunications projects by explaining their importance to its members.

3.8 The Chairman, supported by the delegates of Ireland and Australia, suggested that the words "resolves to invite the U.N.D.P." should be replaced by the words "invites the U.N.D.P." and that the last two operative paragraphs should be deleted in view of the fact that their provisions were adequately covered by earlier paragraphs.

3.9 The delegate of Argentina said that the paragraphs should be retained for the reasons he had given earlier.

3.10 The delegate of the U.S.S.R. said that it was essential to provide for a direct approach to be made to the bodies responsible for the planning of technical assistance with a view to making them aware of the fact that insufficient attention was being paid to the importance of telecommunications in economic development. It should be brought home to governmental bodies that I.T.U. was prepared and competent to assist with projects in that field immediately the relevant national programmes had been approved. That was the intention of the penultimate paragraph and it was essential to retain it in substance, though some drafting amendments might be required to make it clearer.

3.11 The last paragraph should also be retained. If the member countries of the specialized agencies expressed a desire to raise the 18% level within the overall programmes, it might then be possible to secure the Governing Council's support for such a move.

3.12 The delegate of Lebanon asked whether a breakdown of the 18% allocation over the various projects was made by U.N.D.P. at the outset.

3.13 The Secretary-General confirmed that the breakdown among the sectors took place at U.N.D.P. level. Any increase granted for telecommunication projects would be within the overall 18%.

3.14 The delegate of Malawi said that his country's representative in U.N.D.P. would not wish to see its indicative planning figure reduced as a consequence of any action taken by the Plenipotentiary Conference. Any decision to make a greater allocation to telecommunication projects would have that effect in view of the fact that overall U.N.D.P. funds were limited. He repeated that he would like the last two paragraphs to be deleted.

3.15 The delegate of the United Kingdom said that he, too, would like to see the paragraphs deleted, but if that could not be done he would propose that the word "support" in the last paragraph should be replaced by the words "have regard to".

3.16 The delegate of Sri Lanka shared the views of the delegates of Malawi and the United Kingdom. He suggested as a compromise that the following words should be added at the end of the penultimate paragraph :

"to inform the governmental authorities responsible for coordinating external aid to their countries of this resolution and to stress the importance the Conference attaches to it so that such authorities may take due cognizance of this provision if they are represented in the Governing Council of the U.N.D.P.".

3.17 The delegate of Argentina said that the penultimate paragraph would place no additional restriction on governments, since in accepting the rest of the draft resolution they would implicitly accept the idea embodied in that paragraph. The retention of the last two operative paragraphs would be useful for some countries. He would, however, have no objection to the United Kingdom delegate's proposal to replace the word "support" by the words "have regard to".

3.18 The delegates of the U.S.S.R., the People's Democratic Republic of Yemen and Iraq said that they would accept the United Kingdom delegate's proposal for amendment of the last operative paragraph.

3.19 The delegate of Upper Volta said that he, too, supported that proposal. The penultimate paragraph, which was of particular interest to developing countries, should be retained. To appeal to governmental bodies responsible for coordinating external aid to consider telecommunication problems with greater understanding would constitute no interference with their prerogatives.

3.20 The delegate of the Congo supported the retention of the last two operative paragraphs.

3.21 The delegate of Mali, supporting the penultimate paragraph, said that his delegation would bring it to the notice of its appropriate governmental authority whether or not it were retained.

3.22 The delegate of Malawi pointed out that the word "invites" was not mandatory and there need be no interference with the policies of countries in relation to U.N.D.P. assistance. He supported the United Kingdom representative's proposal for amendment of the last operative paragraph and suggested that the difficulties of the representative of Malawi might be met by replacing the word "inform" in the penultimate paragraph by the words "draw the attention of".

3.23 The Chairman, having put to the vote the proposal of the delegate of Malawi to delete the last two paragraphs, noted that the proposal was not supported by any other delegation and was therefore rejected.

3.24 The proposal of the delegate of the United Kingdom to replace the word "support" in the last paragraph by the words "have regard to" was adopted.

3.25 The draft resolution, as amended, was adopted.

The meeting rose at 1255 hrs.

The Secretary :
H. RUUD

The Chairman :
M. BENABDELLAH

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 263-E

18 October 1973

Original : English

COMMITTEE 7

COMMITTEE 9

THIRD SERIES OF CHAPTERS OF THE GENERAL REGULATIONS

APPROVED BY COMMITTEE 7

(This document must be considered by Committee 7
before submission to Committee 9)

CHAPTER 5

International Frequency Registration Board

- NOC 289 1. (1) The members of the International Frequency Registration Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.
- MOD 290 (2) Moreover, for the more effective understanding of the problems coming before the Board under No. 70 of the Convention, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.
- MOD 291 2. (1) The election procedure shall be established by the conference responsible for the election as defined in No. 67 of the Convention.
- NOC 292 (2) At each election any serving member of the Board may be proposed again as a candidate by the country of which he is a national.



- MOD 293 (3) The members of the Board shall take up their duties on the date determined by the Plenipotentiary Conference which elected them. They shall normally remain in office until the date determined by the conference which elects their successors.
- MOD 294 (4) If in the interval between two Plenipotentiary Conferences which elect members of the Board, an elected member of the Board shall die, resign or abandon his duties, the Chairman of the Board shall request the Secretary-General to invite the countries, Members of the Union, of the region concerned to propose candidates for the election of a replacement at the next annual session of the Administrative Council. However, if the default of the member of the Board takes place more than ninety days before the session of the Administrative Council, the country of which the member concerned was a national shall designate, as soon as possible and within ninety days, a replacement who shall also be a national of that country and who will remain in office until the taking office of the new member elected by the Administrative Council. The replacement shall be eligible for election by the Administrative Council.
- SUP 295
- SUP 296
- SUP 297
- MOD 298 (8) In order to safeguard the efficient operation of the Board, any country a national of which has been elected to the Board, shall refrain, as far as possible, from recalling that person between two Plenipotentiary Conferences which elect members of the Board.
- NOC 299 3. (1) The working arrangements of the Board are defined in the Radio Regulations.
- NOC 300 (2) The members of the Board shall elect from their own numbers a Chairman and a Vice-Chairman, for a period of one year. Thereafter the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected.

- NOC 301 (3) The Board shall be assisted by a specialized secretariat.
- MOD 302 4. No member of the Board shall request or receive instructions relating to the exercise of his duties from any government or a member thereof, or from any public or private organization or person. Furthermore, each Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.

CHAPTER 7

Coordination Committee

- SUP 310
- NOC 311 The Committee shall examine the progress of the work of the Union in technical cooperation and submit recommendations, through the Secretary-General, to the Administrative Council.
- MOD 312
(Conv.) The Committee shall be responsible for ensuring coordination with all the international organizations mentioned in Articles 39 and 40 of the Convention as regards representation of the permanent organs of the Union at conferences of such organizations.
- NOC 313 The Committee shall, in particular, help the Secretary-General in the duties assigned to him under /282, 284, 285 and 286.7
- MOD 314 2. The Committee shall endeavour to reach conclusions unanimously. The Secretary-General may, however, take decisions even when he does not have the support of two or more other members of the Committee, provided he judges that decision of the matters in question cannot await the next session of the Administrative Council. In such circumstances he shall report promptly in writing on such matters to the members of the Administrative Council, setting forth his reasons for such action together with any other written views submitted by other members of the Committee.

- MOD 315 3. The Committee shall meet when convened by its Chairman and, normally, at least once a month.

PART III

General provisions regarding International Consultative Committees

CHAPTER 16

Conditions for Participation

- MOD 373 The members of the International Consultative Committees referred to in numbers 76 and 77 may participate in all the activities of the Consultative Committee concerned.
- MOD 374 The first request from a recognized private operating agency to take part in the work of a Consultative Committee shall be addressed to the Secretary-General who shall inform all the Members and the Director of the Consultative Committee concerned. The request from a recognized private operating agency must be approved by the Member recognizing it. The Director of the Consultative Committee concerned shall advise the recognized private operating agency of the action taken on its request.
- MOD 375 A recognized private operating agency may not act on behalf of the Member which has recognized it unless that Member informs the Consultative Committee concerned in each particular case that it is authorized to do so.
- MOD 376 2. (1) International organizations and regional telecommunication organizations mentioned in Article 32 which coordinate their work with the International Telecommunication Union and which have related activities may be admitted to participate in the work of the Consultative Committees in an advisory capacity.

- MOD 377 (2) The first request from an international organization or regional telecommunication organization mentioned in Article 32 to take part in the work of a Consultative Committee shall be addressed to the Secretary-General who shall inform by telegram all the Members and invite Members to say whether the request should be granted; the request shall be granted if the majority of the replies of the Members received within a period of one month are favourable. The Secretary-General shall inform all the Members and the Director of the Consultative Committee concerned of the result of the consultation.
- NOC 378 3. (1) Scientific or industrial organizations, which are engaged in the study of telecommunication problems or in the design or manufacture of equipment intended for telecommunication services, may be admitted to participate in an advisory capacity in meetings of the study groups of the Consultative Committees, provided that their participation has received the approval of the administrations of the countries concerned.
- MOD 379 (2) The first request from a scientific or industrial organization for admission to meetings of study groups of a Consultative Committee shall be addressed to the Secretary-General who shall inform all the Members and the Director of that Consultative Committee. The request must be approved by the Administration of the country concerned. The Director of the Consultative Committee shall advise the scientific or industrial organization of the action taken on its request.
- MOD 380 4. Any recognized private operating agency, international organization, regional telecommunication organization or scientific or industrial organization allowed to take part in the work of an International Consultative Committee has the right to denounce such participation by notifying the Secretary-General. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

CHAPTER 17

Duties of the Plenary Assembly

The Plenary Assembly shall :

- NOC 381 (a) consider the reports of study groups and approve, modify or reject the draft recommendations contained in these reports;
- MOD 382 (b) consider existing questions as to whether or not their study should be continued, and prepare a list of the new questions to be studied in conformity with No. 308. In formulating new questions it shall be borne in mind that, in principle, their consideration should be completed in the period which is twice the interval between two Plenary Assemblies;
- NEW 382A (b¹) approve the programme of work arising from the consideration in No. 382, determine the order of questions to be studied according to their importance, priority and urgency;
- MOD 383 (c) decide, in the light of the approved programme of work derived from No. 382 whether or not existing study groups should be maintained or dissolved and whether or not new study groups should be set up;
- NOC 384 (d) allocate to study groups the questions to be studied;
- NOC 385 (e) consider and approve the report of the Director on the activities of the Committee since the last meeting of the Plenary Assembly;
- MOD 386 (f) approve, as appropriate, for submission to the Administrative Council, the estimate of the financial needs of the Committee up to the next Plenary Assembly, as submitted by the Director in accordance with No. 411;

- NOC 387 (g) consider any other matters deemed necessary within the provisions of Article 11 of the Constitution and Part III of the present Regulations.

CHAPTER 18

Meetings of the Plenary Assembly

- MOD 388 1. The Plenary Assembly shall normally meet at a date and place fixed by the preceding Plenary Assembly.
- NOC 389 2. The date and place, or either, of the meeting of the Plenary Assembly may be changed with the approval of the majority of the Members of the Union replying to the Secretary-General's request for their opinion.
- NOC 390 3. At each of these meetings, the Plenary Assembly shall be presided over by the Head of the delegation of the country in which the meeting is held or, in the case of a meeting held at the seat of the Union, by a person elected by the Plenary Assembly itself; the Chairman shall be assisted by Vice-Chairmen elected by the Plenary Assembly.
- MOD 391 The Secretary-General shall be responsible for making the necessary arrangements, in agreement with the Director of the Consultative Committee concerned, for meetings of the Plenary Assembly and the Study Groups.

CHAPTER 20

Study Groups

- MOD 395 1. The Plenary Assembly shall set up and maintain as necessary study groups to deal with

questions to be studied. The administrations, recognized private operating agencies and international organizations admitted in accordance with /-376 and 377 / which wish to take part in the work of the study groups shall give in their names either at the meeting of the Plenary Assembly or, at later date, to the Director of the Consultative Committee concerned.

NOC 396 2. In addition, and subject to the provisions of 378 and 379, experts of scientific or industrial organizations may be admitted to take part in an advisory capacity in any meeting of any study group.

MOD 397 3. The Plenary Assembly shall normally appoint a Chairman and one Vice-Chairman of each study group. If the workload of any study group requires, the Plenary Assembly shall appoint such additional vice-chairmen as it feels necessary for such study group or groups. If, in the interval between two meetings of the Plenary Assembly, a group chairman is unable to carry out his duties and only one vice-chairman has been appointed, then such vice-chairman shall take the chairman's place. In the case of a study group for which the Plenary Assembly has appointed more than one vice-chairman, the study group at its next meeting shall elect a new chairman from among such vice-chairmen and, if necessary, a new vice-chairman from among the members of the study group. It shall likewise elect a new vice-chairman if one of the vice-chairmen is unable to carry out his duties during that period.

CHAPTER 21

Conduct of Business of Study Groups

NOC 398 1. Study groups shall conduct their work as far as possible by correspondence.

- NOC 399 2. (1) However, the Plenary Assembly may give directives concerning the convening of any meetings of the study groups that may appear necessary to deal with large groups of questions.
- NEW 399A (1A) As a general rule, study groups shall hold no more than two meetings between sessions of the Plenary Assembly, including the final meetings held before that Assembly.
- NEW 399B (1B) Where necessary, the Plenary Assembly of a Consultative Committee may set up joint working parties for the study of questions requiring the participation of experts from several study groups.
- NOC 400 (2) Moreover, if after a Plenary Assembly a Group Chairman considers it necessary for his study group to hold one or more meetings not provided for by the Plenary Assembly to discuss orally questions which could not be solved by correspondence, he may, with the approval of his administration and after consultation with the Director concerned and the members of his study group, suggest a meeting at a convenient place bearing in mind the need to keep expenses to a minimum.
- MOD 401 3. The Director of a Consultative Committee, after consultation with the Secretary-General, and in agreement with the Chairmen of the various study groups concerned, shall draw up the general plan of meetings of groups of study groups which are to meet in the same place during the same period.
- NOC 402 4. The Director shall send the final reports of the study groups to the participating administrations, to the recognized private operating agencies of the Consultative Committee and, as occasion may demand, to such international organizations as have participated. These shall be sent as soon as possible and, in any event, in time for them to be received at least one month before the date of the next meeting of the Plenary Assembly. This provision may be waived only when study group meetings are held immediately prior to the meeting of the Plenary Assembly. Questions which have not formed the subject of a report furnished in this way shall not appear on the agenda for the meeting of the Plenary Assembly.

CHAPTER 22

Duties of the Director. Specialized Secretariat

- NOC 403 1. (1) The Director of a Consultative Committee shall coordinate the work of the Plenary Assembly and study groups, and shall be responsible for the organization of the work of the Consultative Committee.
- MOD 404 (2) The Director shall be responsible for the documents of the Committee and arrange for their publication, in the working languages of the Union, with the Secretary-General.
- NOC 405 (3) The Director shall be assisted by a secretariat composed of a specialized staff to work under his direction and to aid him in the organization of the work of the Committee.
- MOD 406 (4) The staff of the specialized secretariats, laboratories and technical installations of the Consultative Committees shall be under the administrative control of the Secretary-General in accordance with the provisions of No. 268.
- NOC 407 2. The Director shall choose the technical and administrative members of the secretariat within the framework of the budget as approved by the Plenipotentiary Conference or the Administrative Council. The appointment of the technical and administrative personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.
- NOC 408 3. The Director shall participate as of right, but in an advisory capacity, in meetings of the Plenary Assembly and of the study groups. He shall make all necessary preparations for meetings of the Plenary Assembly and of the study groups.

- NOC 409 4. The Director shall submit to the Plenary Assembly a report on the activities of the Consultative Committee since the last meeting of the Plenary Assembly. After approval, this report shall be sent to the Secretary-General for transmission to the Administrative Council.
- MOD 410 5. The Director shall submit to the Administrative Council at its annual session a report on the activities of the Committee during the previous year for the information of the Council and of the Members of the Union.
- MOD 411 The Director after consultation with the Secretary-General shall submit for the approval of the Plenary Assembly an estimate of the financial needs of the Consultative Committee up to the next meeting of the Plenary Assembly; this estimate, after approval by the Plenary Assembly, shall be sent to the Secretary-General for submission to the Administrative Council.
- NOC 412 7. The Director shall prepare, for inclusion by the Secretary-General in the annual budget of the Union, an estimate of the expenses of the Committee for the following year, based on the estimate of the financial needs of the Committee approved by the Plenary Assembly.
- NOC 413 8. The Director shall participate as necessary in technical cooperation activities of the Union within the framework of the Constitution.
-

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 264-E(Rev.)
25 October 1973
Original : French

PLENARY MEETING

NOTE BY THE UNITED NATIONS CONCERNING THE DELETION OF
ARTICLE 47 FROM THE DRAFT CONVENTION

1. Committee 8 deleted Article 47 from the Draft Convention on the understanding that the United Nations would be given an opportunity to state its views on the matter before the Plenary Meeting.
2. The United Nations takes the view that this deletion is not desirable and that it would create insuperable difficulties, with regard not only to the trust territories whose existence is provided for in Article 75 of the United Nations Charter, but also to any territory or group of territories whose administration or international representation may be entrusted to the United Nations by decisions of the General Assembly or the Security Council, or territories administered by a State on behalf of the United Nations.
3. The United Nations also considers it desirable that Article 1 of the Convention on the composition of the Union should contain a clause to cover this point. It is sure that the Conference will do all within its power to safeguard the rights of the United Nations.

(signed)

P. RATON

Observer of the United Nations



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PLENARY MEETING

FINAL REPORT OF COMMITTEE 2

1. On 19 October the Committee examined the second report by its Working Group (Document No. 243). During the meeting credentials conferring full powers to the delegation of Uruguay were received.
2. The Committee considers that the credentials of the delegations listed in Annex 1 are now in order.
3. The credentials of the delegations of Albania (People's Republic of) and Jordan (Hashemite Kingdom of) are still not in order, since they indicate only the composition of the delegation. The Secretariat was requested a) to send a telegram to Albania reminding them that should their delegation return to the Conference it should be provided with credentials in conformity with Chapter 5 of the General Regulations, and b) to remind the delegation of Jordan that its credentials were not in order.
4. Should further credentials be received in respect to the delegations mentioned under paragraph 3 above, the Committee authorized its Chairman or Vice-Chairman to examine them and report directly to the Plenary Meeting.

E. EGBE TABI
Vice-Chairman
Committee 2

Annexes : 2



A N N E X 1

DELEGATIONS, THE CREDENTIALS OF WHICH ARE IN ORDER

Members

Afghanistan (Republic of)
Algeria (Algerian Democratic and
Popular Republic)
Germany (Federal Republic of)
Saudi Arabia (Kingdom of)
Argentine Republic
Australia (Commonwealth of)
Austria
Bangladesh (People's Republic of)
Barbados
Belgium
Byelorussian Soviet Socialist
Republic
Burma
Bolivia
Botswana (Republic of)
Brazil (Federative Republic of)
Bulgaria (People's Republic of)
Burundi (Republic of)
Cameroon (United Republic of)
Canada
Central African Republic
Chile
China (People's Republic of)
Cyprus (Republic of)
Vatican City State
Congo (People's Republic of the)
Korea (Republic of)
Costa Rica
Ivory Coast (Republic of the)
Cuba
Dahomey (Republic of)
Denmark
Dominican Republic
Egypt (Arab Republic of)
El Salvador (Republic of)
United Arab Emirates
Group of Territories represented
by the French Overseas Posts
and Telecommunication Agency

Members

Ecuador
Spain
United States of America
Ethiopia
Finland
France
Gabon Republic
Ghana
Greece
Guatemala
Guinea (Republic of)
Equatorial Guinea (Republic of)
Upper Volta
Hungarian People's Republic
India (Republic of)
Indonesia (Republic of)
Iran
Iraq (Republic of)
Ireland
Iceland
Israel (State of)
Italy
Jamaica
Japan
Kenya
Khmer Republic
Kuwait (State of)
Laos (Kingdom of)
Lesotho (Kingdom of)
Lebanon
Liberia (Republic of)
Libyan Arab Republic
Liechtenstein (Principality of)
Luxembourg
Malaysia
Malawi
Malagasy Republic
Mali (Republic)
Morocco (Kingdom of)
Mauritius
Mauritania (Islamic Republic of)
Mexico
Monaco
Mongolian People's Republic

Members

Nepal
Nicaragua
Niger (Republic of the)
Nigeria (Federal Republic of)
Norway
New Zealand
Oman (Sultanate of)
Uganda
Pakistan
Panama
Paraguay
Netherlands (Kingdom of the)
Peru
Philippines (Republic of the)
Poland (People's Republic of)
Syrian Arab Republic
German Democratic Republic
Ukrainian Soviet Socialist Republic
Roumania (Socialist Republic of)
United Kingdom of Great Britain
and Northern Ireland
Rwanda (Republic of)
Senegal (Republic of the)
Sierra Leone
Singapore (Republic of)
Somali Democratic Republic
Sudan (Democratic Republic of the)
Sri Lanka (Ceylon) (Republic of)
Sweden
Switzerland (Confederation of)
Swaziland (Kingdom of)
Tanzania (United Republic of)
Chad (Republic of the)
Czechoslovak Socialist Republic
Territories of the United States
of America
Overseas Territories for the international
relations of which the Government of the
United Kingdom of Great Britain and
Northern Ireland are responsible
Thailand
Togolese Republic
Trinidad and Tobago

Members

Tunisia
Turkey
Union of Soviet Socialist Republics
Uruguay (Oriental Republic of)

Venezuela (Republic of)
Viet-Nam (Republic of)
Yemen Arab Republic
Yemen (People's Democratic
Republic of)
Yugoslavia (Socialist Federal
Republic of)
Zaire (Republic of)
Zambia (Republic of)
(Total 129)

Associate Member

Papua-New Guinea

A N N E X 2

DELEGATIONS, THE CREDENTIALS OF WHICH ARE
NOT YET IN ORDER

<u>Members</u>	<u>Remarks</u>
Albania (People's Republic of)	Credentials indicate only composition of delegation
Jordan (Hashemite Kingdom of)	Credentials indicate only composition of delegation

(Total 2)

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 266-E

18 October 1973

Original : French

COMMITTEE 2

SUMMARY RECORD
OF THE
THIRD MEETING OF COMMITTEE 2

Thursday, 18 October 1973, at 1115 hrs

Chairman : Mr. J. JIPGUEP (Cameroon)

Subjects discussed

Document No.

1. Summary Record of the 2nd Meeting
2. Second Report by the Working Group
3. Draft Final Report to the Plenary Meeting

187

243

DT/77



1. Summary Record of the second meeting (Document No. 187)

The Summary Record of the second meeting was approved.

2. Second report by the Working Group (Document No. 243)

The second report by the Working Group was approved.

3. Draft final report

The delegate of the U.S.S.R. drew the attention of the Committee to the fact that Albania was not represented at the Conference at that moment. He suggested that the General Secretariat should send a telegram to Tirana as a reminder that if the delegation of Albania intended to return to the Conference, it would have to have credentials in accordance with the provisions of Chapter 5 of the General Regulations.

With regard to Uruguay, he considered that the Credentials Committee could recommend acceptance of the credentials deposited.

Finally, in view of the present situation in the Middle East, it would probably be difficult for the delegation of Jordan to obtain fresh credentials and he also recommended acceptance of those already deposited.

The Secretary of the Committee considered that it would be difficult for the Credentials Committee to recommend acceptance of credentials not in conformity with the provisions of Chapter 5 of the General Regulations.

The delegate of the United States also thought that some other solution would have to be found. Full credentials for the delegation of Uruguay were then deposited and accepted by the Committee.

The Secretary of the Committee suggested that, instead of including a recommendation on Albania and Jordan in the Report to the Plenary Meeting, the Chairman of the Committee when presenting the Report might draw the attention of the Plenary Meeting to the discussion which had taken place and which would be reflected in the Summary Record of the meeting.

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Document No. 267-E
18 October 1973

PLENARY MEETING

B.11

11th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C4	221	Resolution No. S
C8	Draft Charter	Articles 33 and 54
C8	idem	Chapter 25 : Rules 15, 21 and 23
C8	idem	Chapters 26, 29, 31, 32 and 33
C8	idem	Annex B (Chapter 30)
C8	idem	Add. Prot. C
C8	idem	Resolution No. AA
C8	idem	Resolution No. Z
C8	idem	Resolution No. BB
C8	idem	Resolution No. CC

Albert CHASSIGNOL

Chairman of
Committee 9

Annex : Pages
B.11/1 to B.11/ 25



RESOLUTION S

SETTLEMENT OF ACCOUNTS IN ARREAR

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

in view of

- a) the report of the Administrative Council to the Plenipotentiary Conference together with the documents and information provided by the Secretary-General;
- b) the requests submitted by Members of the Union with substantial accounts in arrear;

considering

that it is in the interests of all Members to place the finances of the Union on a sound footing;

resolves

- 1. that as from 1 January 1973 no interest shall be charged on the accounts in arrear of Bolivia, Chile, Costa Rica, the Dominican Republic, El Salvador, Haiti, Peru, Uruguay and Yemen;
- 2. that the interest on the arrears due from these countries on 31 December 1972 i.e. 3,074,398.63 Swiss francs, shall be transferred to a special interest on arrears account and paid by all the Members of the Union in the manner specified in 5 below;
- 3. that the balance of the accounts in arrear due from these countries and representing 6,302,918.23 Swiss francs for contributions in arrear and 259,703.70 Swiss francs for publications supplied, i.e. 6,562,621.93 Swiss francs in all, shall be transferred to a special account bearing no interest; however, this measure shall not release these nine countries from the obligation to settle their arrears in respect of contributions and publications;

4. that, in order to lighten as far as possible the burden of the debts of these countries, their contributions for the years 1973 and 1974 shall, by an exceptional departure from 218 of the Montreux Convention (1965), be calculated on the basis of the new classes of contribution they have chosen, i.e. :

Bolivia	1/2 unit
Chile	1 unit
Costa Rica	1/2 unit
Dominican Republic	1/2 unit
El Salvador	1/2 unit
Haiti	1/2 unit
Peru	1 unit
Uruguay	1/2 unit
Yemen	1/2 unit

which will entail, for 1973 and 1974, a loss of income of 12 contributory units, or 811,200.- Swiss francs for 1973 and 906,000.- Swiss francs for 1974 on the basis of the provisional budget adopted by the Administrative Council at its 28th session, 1973.

4.1 For 1973 this loss of income could be partly offset by savings on the budgetary credits allocated, or by a withdrawal from the I.T.U. Reserve Account.

4.2 For 1974 the loss of income shall be offset by an increase in the definitive contributory unit which shall be fixed by the Administrative Council after thorough consideration of all the possibilities for reducing Union expenditure;

5. that the special interest on arrears account shall be amortized by the inclusion of credits in the ordinary budgets for the years 1974 to 1978, as follows :

1974	674,398.63 Swiss francs, and for each of the years
1975 to 1978	600,000.- Swiss francs;

6. that these exceptional arrangements made with regard to the nine countries in question shall under no circumstances be taken as a precedent;

instructs the Secretary-General

1. to negotiate immediately with the competent authorities of the countries concerned the terms for the staggered payment of their debts taking into account their economic possibilities and special circumstances as well as the interests of the Union;
2. to report annually to the Administrative Council on the progress made by these countries towards repaying their debts;

invites the Administrative Council

1. to adopt appropriate measures for the application of this Resolution;
2. to report to the next Plenipotentiary Conference on the results obtained by the above-mentioned arrangements.

CHAPTER III

Special provisions for radio

ARTICLE 33

MOD Rational use of the radio frequency spectrum
and of the geostationary satellite orbit

MOD 133 Members shall endeavour to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services. To that end they shall endeavour to apply the latest technical advances as soon as possible.

ADD 133A In using frequency bands for space radio services Members shall bear in mind that radio frequencies and the geostationary satellite orbit are limited natural resources, that they must be used efficiently and economically so that countries or groups of countries may have equitable access to both according to their needs and the technical facilities at their disposal, in accordance with the provisions of the Radio Regulations.

ARTICLE 54

Settlement of disputes

(MOD) 181 1. Members may settle their disputes on questions relating to the interpretation or application of this Convention or of the Regulations contemplated in Article 41, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.

(MOD) 182 2. If none of these methods of settlement is adopted, any Member party to a dispute may submit the dispute to arbitration in accordance with the procedure defined in the General Regulations or in the Optional Additional Protocol, as the case may be.

PART IVRULES OF PROCEDURE OF CONFERENCES
AND OTHER MEETINGS

CHAPTER 25

Rules of procedure of conferences and other meetings

RULE 15

Voting

NOC 480 1. Definition of a majority

(1) A majority shall consist of more than half the delegations present and voting.

NOC 481 (2) In computing a majority, delegations abstaining shall not be taken into account.

NOC 482 (3) In case of a tie, a proposal or amendment shall be considered rejected.

NOC 483 (4) For the purpose of these Rules of Procedure, a "delegation present and voting" shall be a delegation voting for or against a proposal.

NOC 484 2. Non-participation in voting

Delegations which are present but do not take part in a particular vote or expressly state they do not wish to take part shall be considered neither as absent, for the purpose of determining a quorum as defined in 457, nor as abstaining for the purpose of 486.

SUP 485

NOC 486 4. Abstentions of more than fifty per cent

When the number of abstentions exceeds half the number of votes cast (for, against, abstentions), consideration of the matter under discussion shall be postponed to a later meeting, at which time abstentions shall not be taken into account.

NOC 487 5. Voting procedures

(1) The following voting procedures shall be adopted except in the case provided for in 490.

(a) by a show of hands, as a general rule;

NOC 488 (b) by roll call, if the above-mentioned procedure shows no clear majority or if so requested by at least two delegations,

NOC 489 (2) Votes by roll call shall be taken in the alphabetical order of the French names of the Members represented.

NOC 490 6. Secret ballot

Voting shall be by secret ballot when at least five of the delegations present and entitled to vote so request. In such cases, the secretariat shall at once take steps to ensure the secrecy of the vote.

NOC 491 7. Prohibition of interruptions during votes

No delegation may interrupt once a vote has begun, unless to raise a point of order in connection with the way in which the vote is being taken.

NOC 492 8. Reasons for votes

The Chairman shall authorize any delegations which so request to give the reasons for their vote, after the vote has been taken.

NOC 493 9. Voting on parts of a proposal

(1) When the author of a proposal so requests, or when the Meeting thinks fit, or when the Chairman, with the approval of the author, so proposes, that proposal shall be sub-divided and its various sections put to the vote separately. The parts of the proposal which have been adopted shall than be put to the vote as a whole.

NOC 494 (2) If all the sections of a proposal are rejected the proposal shall be regarded as rejected as a whole.

NOC 495 10. Order of voting on concurrent proposals

(1) When there are two or more proposals on any one matter, they shall be put to the vote in the order in which they were presented, unless the Meeting decides to the contrary.

NOC 496 (2) After each vote, the Meeting shall decide whether or not the following proposal shall be voted on.

NOC 497 11. Amendments

(1) Any proposal for modification consisting only of a deletion from, an addition to, or a change in, a part of the original proposal shall be considered an amendment.

NOC 498 (2) Any amendment to a proposal accepted by the delegation submitting the proposal shall at once be embodied in the original proposal.

NOC 499 (3) No proposal for modification shall be regarded as an amendment if the Meeting considers it to be incompatible with the original proposal.

NOC 500 12. Voting on amendments

(1) When an amendment to a proposal is submitted, a vote shall first be taken on the amendment.

- NOC 501 (2) When two or more amendments to a proposal are submitted, the amendment furthest from the original text shall be put to the vote first; of the remainder, that furthest from the proposal shall then be put to the vote and the same procedure shall be followed until all the amendments submitted have been considered.
- NOC 502 (3) If one or more amendments are adopted, the proposal thus amended shall then be put to the vote.
- NOC 503 (4) If no amendment is adopted, the original proposal shall be put to the vote.
-

RULE 21

Editorial Committee

- MOD 522 1. The texts of the Final Acts, which shall be worded as far as practicable in their definitive form by the various committees, taking account of the views expressed, shall be submitted to an editorial committee charged with perfecting their form without altering the sense and, where appropriate, with combining them with those parts of former texts which have not been altered.
- NOC 523 2. The texts shall be submitted by the editorial committee to the Plenary Meeting, which shall approve them, or refer them back to the appropriate committee for further examination.
-

RULE 23

Final approval

- MOD 526 The texts of the Final Acts shall be considered final when they have been approved at the second reading in Plenary Meeting.
-

PART V

OTHER PROVISIONS

CHAPTER 26

Languages

- (MOD) 530 1. (1) At conferences of the Union and at meetings of its permanent organs and of the Administrative Council, languages other than those mentioned in 102 and 108 of the Convention may be used :
- (MOD) 531 (a) if an application is made to the Secretary-General or to the Head of the permanent organ concerned to provide for the use of an additional language or languages, oral or written, provided that the additional cost so incurred shall be borne by those Members which have made or supported the application;
- (MOD) 532 (b) if any delegation itself makes arrangements at its own expense for oral translation from its own language into any one of the languages referred to in 108 of the Convention.
- (MOD) 533 (2) In the case provided for in 531, the Secretary-General or the Head of the permanent organ concerned shall comply to the extent practicable with the application, having first obtained from the Members concerned an undertaking that the cost incurred will be duly repaid by them to the Union.
- (MOD) 534 (3) In the case provided for in 532, the delegation concerned may, furthermore, if it wishes, arrange at its own expense for oral translation into its own language from one of the languages referred to in 108 of the Convention.

- NOC 561 6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in 559 and 560, by each of the two groups of parties having a common position in the dispute.
- NOC 562 7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations must fulfil the conditions indicated in 558, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary-General shall then draw lots in order to select the third arbitrator.
- NOC 563 8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary-General to draw lots to decide which of the persons so nominated is to act as the single arbitrator.
- NOC 564 9. The arbitrator or arbitrators shall be free to decide upon the procedure to be followed.
- NOC 565 10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.
- NOC 566 11. Each party shall bear the expense it shall have incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.
- NOC 567 12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need.

CHAPTER 30

Definition of certain Terms used in the
Convention and the Regulations
of the International
Telecommunication Union

- (MOD) 568 Administration : Any governmental department or service responsible for discharging the obligations undertaken in the Convention of the International Telecommunication Union and the Regulations.
- NOC 569 Private Operating Agency : Any individual or company or corporation, other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.
- (MOD) 570 Recognized Private Operating Agency : Any private operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 43 of the Convention are imposed by the Member in whose territory the head office of the agency is situated, or by the Member which has authorized this operating agency to establish and operate a telecommunication service on its territory.
- (MOD) 571 Delegate : A person sent by the government of a Member of the Union to a Plenipotentiary Conference, or a person representing a government or an administration of a Member of the Union at an administrative conference, or at a meeting of an International Consultative Committee.
- NOC 572 Representative : A person sent by a recognized private operating agency to an administrative conference, or to a meeting of an International Consultative Committee.

NOC 573 Expert : A person sent by a national scientific or industrial organization which is authorized by the government of the administration of its country to attend meetings of study groups of an International Consultative Committee.

(MOD) 574 Observer : A person sent by :

- the United Nations in accordance with Article 39 of the Convention;
- one of the international organizations invited or admitted in accordance with the provisions of the present Regulations to participate in the work of a conference;
- the government of a Member of the Union participating in a non-voting capacity in a regional administrative conference held under the terms of Article 7 of the Convention and Chapter 2 of the present Regulations.

(MOD) 575 Delegation : The totality of the delegates and, should the case arise, any representatives, advisers, attachés, or interpreters sent by the same country.

Each Member shall be free to make up its delegation as it wishes. In particular, it may include in its delegation in the capacity of delegates, advisers or attachés, persons belonging to private operating agencies which it recognizes or persons belonging to other private enterprises interested in telecommunications.

NOC 576 Telecommunication : Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence or any nature by wire, radio, optical or other electromagnetic systems.

- NOC 577 Telegraphy : A system of telecommunications which is concerned in the process providing transmission and reproduction at a distance of documentary matter, such as written or printed matter or fixed images, or the reproduction at a distance of any kind of information in such a form. For the purposes of the Radio Regulations, however, unless otherwise specified therein, telegraphy shall mean "A system of telecommunications for the transmission of written matter by the use of a signal code".
- NOC 578 Telephony : A system of telecommunications set up for the transmission of speech or, in some cases, other sounds.
- NOC 579 Radiocommunication : Telecommunication by means of radio waves.
- NOC 580 Radio : A general term applied to the use of radio waves.
- NOC 581 Harmful interference : Any emission, radiation or induction which endangers the functioning of a radionavigation service or of any other safety services,¹⁾ or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.
- NOC 582 International Service : A telecommunication service between telecommunication offices or stations of any nature which are in or belong to different countries.
- NOC 583 Mobile Service : A service of radiocommunication between mobile and land stations, or between mobile stations.
- NOC 584 Broadcasting Service : A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

1) Any radiocommunication service used permanently or temporarily for the safeguarding of human life and property

- NOC 585 Public Correspondence : Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.
- NOC 586 Telegram : Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.
- 587 [pending]
- NOC 588 Replies to government telegrams as defined herein shall also be regarded as government telegrams.
- NOC 589 Service Telegrams : Telegrams exchanged between :
- (a) administrations;
 - (b) recognized private operating agencies;
 - (c) administrations and recognized private operating agencies;
 - (d) administrations and recognized private operating agencies, on the one hand, and the Secretary-General of the Union, on the other;
- and relating to public international telecommunication.
- NOC 590 Private Telegrams : Telegrams other than government or service telegrams.

SUP

CHAPTER 31

SUP 591

PART VII

ADMINISTRATIVE REGULATIONS

CHAPTER 32

Administrative Regulations

MOD 592 The provisions of the Convention are completed by the present Regulations and by the following Administrative Regulations :

Telegraph Regulations,

Telephone Regulations,

Radio Regulations,

Additional Radio Regulations.

SUP

CHAPTER 33

SUP 593

(MOD)

OPTIONAL ADDITIONAL PROTOCOL C
TO THE
INTERNATIONAL TELECOMMUNICATION CONVENTION
(Malaga-Torremolinos, 1973)

Compulsory Settlement of Disputes

At the time of signing the International Telecommunication Convention (Malaga-Torremolinos, 1973), the undersigned plenipotentiaries have also signed the following Optional Additional Protocol on the Compulsory Settlement of Disputes, which forms part of the Final Acts of the Plenipotentiary Conference (Malaga-Torremolinos, 1973).

The Members of the Union, parties to this Optional Protocol to the International Telecommunication Convention (Malaga-Torremolinos, 1973),

expressing the desire to resort to compulsory arbitration, so far as they are concerned, for the settlement of any disputes concerning the interpretation or application of the Convention or of the Regulations mentioned in Article 41 thereof,

have agreed upon the following provisions :

ARTICLE 1

Unless one of the methods of settlement listed in Article 54 of the Convention has been chosen by common agreement, disputes concerning the interpretation or application of the Convention or of the Regulations mentioned in Article 41 thereof shall, at the request of one of the parties to the dispute, be submitted for compulsory arbitration. The procedure to be followed is laid down in Chapter 29 of the General Regulations, paragraph 5 of which shall be amplified as follows :

"5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator. If one of the parties has not appointed an arbitrator within this time-limit, this appointment shall be made, at the request of the other party, by the Secretary-General who shall act in accordance with paragraphs 3 and 4 of Chapter 29 of the General Regulations.

ARTICLE 2

This Protocol shall be open to signature by the Members which sign the Convention. It shall be ratified in accordance with the procedure laid down for the Convention and any countries which become Members of the Union may accede to it.

ARTICLE 3

This Protocol shall come into force on the same day as the Convention, or on the thirtieth day after the day on which the second instrument of ratification or accession is deposited, but not earlier than the date upon which the Convention comes into force.

With respect to each Member which ratifies this Protocol or accedes to it after its entry into force, the Protocol shall come into force on the thirtieth day after the day on which the instrument of ratification or accession is deposited.

ARTICLE 4

The Secretary-General shall notify all Members :

- (a) of the signatures appended to this Protocol and of the deposit of instruments of ratification or accession;
- (b) of the date on which this Protocol shall come into force.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Protocol in each of the Chinese, English, French, Russian and Spanish languages, in a single copy in which, in case of dispute, the French text shall prevail, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Malaga-Torremolinos,

RESOLUTION AAUSE OF THE UNITED NATIONS TELECOMMUNICATION NETWORK FOR THE
TELEGRAPH TRAFFIC OF THE SPECIALIZED AGENCIES

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

in view of

Resolution No. 26 of the Plenipotentiary Conference
of the International Telecommunication Union of Buenos Aires
(1952) based on a request by the United Nations that the
International Telecommunication Union should sanction the carriage
of the traffic of the specialized agencies over the United Nations
point-to-point telecommunication network at a charge equal to the
pro rata proportion of the cost of operating, according to the
traffic carried;

noting

that as from 1 January 1954, the Secretary-General of
the United Nations withdrew the offer he had formerly made to
the specialized agencies to carry their traffic over the
United Nations network;

reaffirms

the views enunciated in the above-mentioned
Resolution No. 26, namely :

1. that, in normal circumstances, the United Nations
point-to-point telecommunication network should not be used
to carry the traffic of the specialized agencies in competition
with existing commercial telecommunication networks.
2. that the Union does not favour any departure from the
provisions of Article XVI of the Agreement between the United
Nations and the International Telecommunication Union;

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3. that the Union would nevertheless have no objection if, in cases of emergency, the traffic of the specialized agencies were carried over the United Nations point-to-point telecommunication network at a tariff composed as prescribed in C.C.I.T.T. Recommendation F.42, or free of charge; and

instructs the Secretary-General

to take appropriate action.

RESOLUTION ZPOSSIBLE REVISION OF ARTICLE IV, SECTION 11,
OF THE CONVENTION ON THE PRIVILEGES AND IMMUNITIES
OF THE SPECIALIZED AGENCIES

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

in view of

Resolution No. 28 of the Plenipotentiary Conference of
Buenos Aires, (1952), Resolution No. 31 of the Plenipotentiary
Conference of Geneva (1959); and Resolution No. 23 of the
Plenipotentiary Conference of Montreux (1965);

bearing in mind

Resolution No. 26 of the Plenipotentiary Conference
(Montreux, 1965);

considering

a) the seeming conflict between the definition of
Government Telegrams and Government Telephone Calls contained
in Annex 2 of the International Telecommunication Convention of
Atlantic City (1947) and the provisions of Article IV, Section 11,
of the Convention on the Privileges and Immunities of the
Specialized Agencies;

b) that the Convention on the Privileges and Immunities
of the Specialized Agencies has not been amended in the manner
requested by the Plenipotentiary Conferences of Buenos Aires
(1952), Geneva (1959), and Montreux (1965);

having examined

proposals, including a request by the Secretary-General
of the United Nations, to extend government telecommunication
privileges to the Heads of the specialized agencies;

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decides

to confirm the decisions of the Plenipotentiary Conferences of Buenos Aires (1952), Geneva (1959) and Montreux (1965), not to include, the Heads of the specialized agencies among the authorities entitled to send government telegrams or to request government telephone calls;

expresses the hope

that the United Nations will agree to reconsider the matter and, bearing in mind the above decision, will make the necessary amendment to Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies;

instructs the Administrative Council

to take the necessary steps with the appropriate organs of the United Nations with a view to reaching a satisfactory solution.

RESOLUTION CC

REQUESTS TO THE INTERNATIONAL COURT OF JUSTICE
FOR ADVISORY OPINIONS

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

in view of

- a) Article VII of the Agreement between the United Nations and the International Telecommunication Union which provides that requests for advisory opinions may be addressed to the International Court of Justice by the Plenipotentiary Conference, or by the Administrative Council acting in pursuance of an authorization by the Plenipotentiary Conference;
- b) the decision of the Administrative Council "to affiliate the Union to the Administrative Tribunal of the International Labour Organisation", and the declaration recognizing the jurisdiction of the Tribunal which was made by the Secretary-General pursuant to that decision;
- c) the provisions in the Annex to the Statute of the Administrative Tribunal of the International Labour Organisation under which that Statute applies in its entirety to any international governmental organization which has recognized the jurisdiction of the Tribunal in accordance with paragraph 5 of Article II of the Statute of the Tribunal;
- d) Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation under which, in consequence of the above-mentioned declaration, the Administrative Council of the International Telecommunication Union may submit to the International Court of Justice the question of the validity of a decision given by the Tribunal;

notes

that the Administrative Council is authorized to request advisory opinions from the International Court of Justice as provided under Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation.

RESOLUTION BB

TELEGRAMS AND TELEPHONE CALLS OF THE SPECIALIZED AGENCIES

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

considering

- a) that the Heads of the specialized agencies are not mentioned in the definition of Government Telegrams and Government Telephone Calls, which appears in 1;
b) that there may be circumstances in which the urgency or importance of the telecommunications of the specialized agencies warrants special treatment for their telegrams or telephone calls;

resolves

that if a specialized agency wishing to obtain special privileges for its telecommunications informs the Administrative Council, justifying the particular cases in which special treatment is necessary, the Administrative Council :

1. shall inform Members of the Union of the requests which, in its opinion, should be accepted;
2. shall take a final decision on these requests, bearing in mind the opinion of the majority of Members;

instructs the Secretary-General

to notify Members of any decisions taken by the Council.

COMMITTEE 7

SUMMARY RECORD
OF THE
14th MEETING OF COMMITTEE 7
(STRUCTURE OF THE UNION)

Wednesday, 10 October 1973, at 1100 hrs

Chairman : Mr. Evan SAWKINS (Australia)

Vice-Chairman : Mr. L. KATONA KIS (Hungarian People's Republic)

Subjects discussed :

Document No.

- | | |
|--|----------------------------|
| 1. Revised text of Nos. 202 to 206 | DT/48 |
| 2. Article 10 - I.F.R.B. | E/12, BEL/26, I/47;
175 |
| 3. Reports of drafting groups | DT/51, 53 |
| 4. Article 11 - International
Consultative
Committees | URS/15 |
| 5. Article 13 - Elected Officials
and Staff of the
Union | TCH/10, KWT/37 |



1. Revised text of Nos. 202 to 206 (Document No. DT/48)

1.1 The delegate of India proposed that No. 202 should be incorporated in No. 34, the opening paragraph of Article 6, as it was a basic provision.

1.2 It was so agreed.

1.3 The revised text of Nos. 202 to 206, as amended, was approved.

2. Article 10 - International Frequency Registration Board
(Documents Nos. E/12, BEL/26, I/47, 175)

2.1 The Chairman pointed out that a Drafting Group was to report shortly on a text for No. 67 and drew attention to the Belgian proposal for a new No. 68A (BEL/26).

2.2 The delegate of Belgium withdrew his proposal in view of lack of adequate support.

2.3 The Chairman drew attention to the French and Australian proposal (Document No. 175) to amend Nos. 69, 70 and 71, in favour of which a number of delegations had withdrawn their proposals.

2.4 The delegates of France and Australia introduced their proposal, pointing out that the text was intended to incorporate the essence of the decisions of the 1971 Space Conference in the Convention and to stress that the efficient use of the geostationary satellite orbit should be ensured by the I.T.U. rather than any other body.

2.5 The delegate of the United States of America said that, although his delegation believed that reference to a specific kind of assignment would tend to weaken the Convention, it could support the French and Australian proposal in view of the general wish to include the provision.

2.6 The delegate of Spain said that he could support the content of the French and Australian proposal, but considered that it would be covered by a general paragraph along the lines of the Spanish proposal (E/12/17) for a new No. 66A.

2.7 The delegate of Nigeria suggested that the first part of the French and Australian proposal for No. 71 should be amended to read "To perform any additional duties, concerned

with the assignment and utilization of frequencies in satellite communications for the public services, in accordance with the procedure ...".

The meeting was suspended at 1240 hours and resumed at 1540 hours.

2.8 The delegate of Italy said he fully supported the French and Australian proposal, together with the general paragraph proposed by the Spanish delegation.

2.9 The delegate of Brazil said that he too could support the French and Australian proposal. With regard to the general principle involved, he drew attention to a text submitted by a Working Party to Committee 8 for possible inclusion in Article 4 (Document No. DT/50). Clearly, space techniques should be referred to specifically, especially in the provisions dealing with the I.F.R.B.

2.10 The delegate of Japan suggested that the words "assigned to" should be deleted from the proposed No. 69, since orbital data were recorded as a consequence of frequency assignments.

2.11 The delegate of India supported that amendment and suggested that the words "and technical characteristics" should be inserted after the word "positions".

2.12 The delegate of Nigeria withdrew his amendment in favour of the Japanese and Indian amendments.

2.13 The delegate of Algeria suggested that No. 70 of the proposal should be amended to read "... may occur, and with a view to the effective, equitable and economical use of the geostationary satellite orbit".

2.14 The delegate of the United Kingdom said he thought that the detailed provisions of the proposal belonged in the General Regulations and therefore supported the Spanish proposal for a single general paragraph on the functions of the I.F.R.B.

2.15 The delegate of the United States of America said he could support the Japanese amendment, but not the Indian suggestion.

2.16 The delegate of France said that he could not accept any of the proposed amendments, since they tended to upset the balance between divergent views that had been reached with difficulty in drafting the proposal.

2.17 The delegates of Belgium and Italy introduced their proposals concerning Article 10 (BEL/26, I/47).

2.18 The Chairman suggested that the delegate of France should convene a Working Group on Article 10, consisting of the delegates of Australia, the United States of America, India, Japan, Nigeria, Italy, Spain, the United Kingdom, Canada, Israel and Belgium.

2.19 It was so decided.

3. Reports of Drafting Groups (Documents Nos. DT/51, DT/53)
Revision of Nos. 37 and 38

3.1 In the absence of the Chairman of the Working Group, the delegate of Australia introduced the report of the Working Group on the revision of Nos. 37 and 38 (Document No. DT/51).

3.2 The delegate of Brazil asked whether it was within the competence of the Plenipotentiary Conference to provide general directives dealing with staffing. At present, unless a specific instruction regarding the staff was embodied in a resolution of the Montreux Convention, responsibility lay with the Administrative Council, but the new formulation would be limitative of the Council's authority.

3.3 After explanations by the delegates of Australia, U.S.A. and U.S.S.R. and the Committee Secretary, the Brazilian delegate said that he could only accept the amendment to No. 38 if the words "if necessary" were inserted before the word "provide".

3.4 It was so agreed.

3.5 The amendments to No. 37 and No. 38 (Document No. DT/51), were adopted.

Revised text of No. 67

3.6 The Indian delegate introduced the revised text of No. 67 (Document No. DT/53), which was a modification of the Indian proposal upon which consensus had been reached in the Working Group.

3.7 He pointed out that each Article adopted had a corresponding provision in the General Regulations and it had been the view of the Working Group that there should be a general note in the Articles to the effect that they must be read in conjunction with the corresponding chapters of the General Regulations.

3.8 The revised text of No. 67 (Document No. DT/53) was adopted.

4. Article 11 - International Consultative Committees, Nos. 73-82
(Document No. 15)

No. 74

4.1 The delegate of Italy, supported by the delegates of Spain and Lebanon, said that No. 74 did not fully cover all the present activities of the C.C.I.T.T., such as telex, data transmission and videophone studies. He proposed that it should be made more general by amending it to read "... technical, operating and tariff questions relating to the public telecommunication network..."

4.2 The Australian delegate said that "telegraphy" and "telephony" were well defined in Nos. 410 and 411 of the Convention and he thought those definitions were sufficient to cover all the C.C.I.T.T.'s activities. He therefore opposed the proposed amendment.

4.3 After consultations between the delegates of Italy, Netherlands, the People's Republic of Hungary and the United Kingdom and the Director of the C.C.I.T.T., the Director of the C.C.I.T.T. announced that it had been agreed that any formulation which might suggest encroachment by the C.C.I.T.T. on the work of the C.C.I.R. must be avoided. The word "public" in the Italian proposal would, however, restrict the C.C.I.T.T.'s work. It had therefore been felt that it would be better to retain the existing drafting of No. 74 but that the Conference might request the C.C.I.T.T. to try to evolve a better definition for consideration by the next Plenipotentiary Conference. In consultation with the delegate of Italy, he would submit a draft resolution on the subject to the Committee.

No. 75

4.4 The Chairman announced that the Canadian amendment to No. 75 (Document No. 24) had been withdrawn.

No. 76

4.5 The U.S.S.R. delegate introduced his proposal (URS/15/7) for the amendment of No. 76.

4.6 The delegate of the German Democratic Republic supported the U.S.S.R. proposal saying that in the interests of the development of international cooperation, his delegation believed that the International Consultative Committees should have permanent contact with the telecommunication administrations of countries not members of the Union.

4.7 The delegates of Australia, the United States of America, New Zealand and the United Kingdom opposed the U.S.S.R. proposal as being at variance with the spirit of Article 53. It would establish the unusual concept whereby non-member countries would be able to enjoy the benefits of I.T.U.'s work, but would not be bound by the Treaty and would not share in operational costs.

4.8 The U.S.S.R. delegate withdrew his proposal.

4.9 The Chairman announced that that concluded consideration of the parts of Article 11 which the Committee was in a position to deal with at that meeting.

5. Article 13 - Elected officials and staff of the Union,
Nos. 86-90 (Documents Nos. 10, 37)

No. 89

5.1 The Chairman invited the Committee to consider first the Czechoslovakian proposal (TCH/10/33) and the Kuwait proposal (KWT/37/18).

5.2 The delegate of Czechoslovakia introduced his delegation's proposal which was endorsed by the delegates of Bangladesh and Kuwait.

5.3 The French delegate said that past Conventions had drawn a distinction between two groups of elected officials : on the one hand, there were the Secretary-General, the Deputy Secretary-General and the Directors of the International Consultative Committees, who were administrative officials and who had always been of different nationalities; on the other hand, there were the members of the I.F.R.B., who acted in a technical capacity. The two categories of officials were not comparable. Equitable geographical distribution was an excellent principle but consideration must also be given to the technical competence of the people concerned. He therefore preferred to maintain No. 89 unchanged.

5.4 The Australian delegate endorsed those views, saying that the paramount consideration, as indicated in No. 90, was to secure for the Union the highest standards of efficiency, competence and integrity.

5.5 The United States delegate also endorsed that view, pointing out that the matter would solve itself if, during voting for the election of members of the I.F.R.B., all delegates took into account both technical competence and efficiency and the principle of appropriate geographical representation.

5.6 The United Kingdom delegate associated himself with the views expressed by previous speakers. Obviously, due regard must be paid to the importance of recruiting staff on as wide a geographical basis as possible, but the governing factor was the efficiency of operation of the Union. The two concepts were not in any way incompatible.

5.7 The Delegates of Brazil and Peru supported the proposed amendment to No. 89 saying that the concepts both of efficiency and of equitable geographical distribution should apply to all categories of officials including members of the I.F.R.B.

5.8 The U.S.S.R. delegate, supported by the Mexican delegate, strongly supported the proposed amendment which would not, in his view, remove the difference, to which the French delegate had referred, between the two categories of elected officials. He disagreed with the view that the principle of geographical distribution should be secondary in importance to that of competence, and said that if No. 90 was understood in that sense, it required amendment. The situation might have been different in the past, but at the present time all five regions of the world could provide staff qualified to work in the highest capacity in any branch of the Union. Moreover, specialists were most familiar with the problems pertaining to their own particular regions and hence an international body composed of specialists from as many different regions as possible would be the one in which world problems could be dealt with most efficiently.

5.9 After a further exchange of views the Chairman proposed as a compromise solution the insertion of the words "and desirably also the members of the I.F.R.B." after the words "International Consultative Committees" in No. 89.

5.10 It was so agreed.

The meeting rose at 1850 hours.

Secretary :

M. BARDOUX

Chairman :

EVAN SAWKINS

COMMITTEE 7

SUMMARY RECORD
OF THE
FIFTEENTH MEETING OF COMMITTEE 7

1. Add the following to paragraph 2.2 on page 2 :
"...provision and suggested an amendment to place
the phrase last."
 2. Amend paragraph 2.4 to read :
"....DT/52 was approved as amended for
incorporation...."
-

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 269-E
18 October 1973
Original : English

COMMITTEE 7

SUMMARY RECORD
OF THE
FIFTEENTH MEETING OF COMMITTEE 7
(STRUCTURE OF THE UNION)

Thursday, 11 October 1973, at 1535 hrs

Chairman : Mr. EVAN SAWKINS (Australia)

Vice-Chairman : Mr. L. KATONA KIS (Hungarian People's Republic)

<u>Subjects discussed</u> :	<u>Document No.</u>
1. Approval of Summary Records of the Ninth and Tenth meetings	185, 186
2. Report of Drafting Group	DT/152
3. Consideration of No. 65	179
4. Article 13 - Elected Officials and Staff of the Union - Nos. 86 to 90	HNG/7, BUL/11, F/29, ARG/67, MEX/69
5. First series of Articles of the Convention examined by Committee 7 (Articles 5 to 8)	DT/55
6. Consideration of No. 81	66



1. Approval of the Summary Records of the ninth and tenth meetings
(Documents Nos. 185, 186)

1.1 Approved.

2. Report of Working Group (Document No. DT/52)

2.1 The delegate of the Federal Republic of Germany, introducing the document as Chairman of the Working Group, said that the Group had decided to propose no change in the substance of Nos. 84 and 85. With regard to No. 83, the Group had considered four proposals, from Canada, the Federal Republic of Germany, India and France. The first two were diametrically opposed and the Group had approved the Indian proposal, with a drafting change submitted by France. Finally, the Group had decided against any reference to the Coordination Committee in Article 9.

2.2 The delegate of the United States of America asked whether the new text inserted in No. 83 had been deliberately placed so that external relations and public information should be excluded from that provision.

2.3 The Deputy Secretary-General said he would appreciate being able to ascertain the views of the Secretary-General on that point.

2.4 With that proviso, Document No. DT/52 was approved for incorporation in Article 12.

3. Consideration of No. 65 (Article 9) (Document No. 179)

3.1 The delegate of the Philippines, introducing Document No. 179, said that his delegation's proposal had been motivated by the obvious need for the Secretary-General, as the legal representative of the Union, to be empowered to extend legal assistance to the permanent organs, in view of the number of occasions on which legal opinions had already been sought.

3.2 The delegate of the Federal Republic of Germany said that, in his delegation's opinion, No. 65 would be weakened, rather than strengthened, by adoption of the Philippine proposal.

3.3 The Chairman observed that the Philippine proposal had not been supported and suggested that No. 65 should remain unchanged.

3.4 It was so decided.

4. Article 13 - Elected officials and staff of the Union
(Documents Nos. HNG/7, BUL/11, F/29, MEX/69)

4.1 The delegate of Hungary submitted to the Committee his delegation's proposal for an addition to No. 90. The delegate of Bulgaria supported the proposal.

4.2 The delegate of the United States of America pointed out that the increasing complexity of telecommunication techniques was making it more and more essential to ensure that equally satisfactory technical conditions prevailed at both ends of any given circuit. Consequently, it was essential for the Union to be staffed with devoted, highly competent officials, whose tenure must be preserved.

4.3 The delegate of Saudi Arabia supported that view.

4.4 The Secretary, speaking as Chief of the Personnel Department drew attention to Resolution No. 8 of the Montreux Conference and to a similar Resolution adopted that very morning by the current Conference (Document No. 170). In applying the Resolutions in question, the Secretary-General could exercise some discretion with regard to filling certain highly technical posts; the personal circumstances of candidates could also be taken into account. The proportion of fixed-term appointments in the Union was approximately 20%, although many of the posts held by officials with fixed-term contracts were permanent.

4.5 The delegate of Australia observed that the Resolution just adopted in the Plenary meeting also provided that reasonable promotion possibilities should be provided for staff already employed by the Union.

4.6 The delegate of Hungary withdrew his delegation's proposal.

4.7 The delegate of Mexico withdrew her delegation's proposal in connection with No. 86.

4.8 The Chairman observed that there was no support for the Mexican proposals for a new 87A and an amended No. 88.

4.9 The delegate of France, supported by the delegates of the Federal Republic of Germany and Spain, suggested, in connection with No. 89, that a standard formula should be adopted for all references to equitable distribution amongst regions.

4.10 It was so agreed.

4.11 The delegate of Bulgaria introduced his delegation's amendment to No. 89.

4.12 The delegate of Guinea supported the Bulgarian amendment.

4.13 The delegate of the Federal Republic of Germany pointed out that the five regions could not be expected always to be able to provide candidates for the posts of elected officials.

4.14 The delegate of the United States of America observed that strict adherence to regional role could lead to absurdities of representation : for example, Lebanon and Egypt could serve in the Union together, whereas Saudi Arabia and Japan could not do so. Flexibility was essential.

4.15 The delegate of Bulgaria withdrew his delegation's proposal.

4.16 The Chairman announced that the Committee had concluded its work on Article 13.

5. First series of Articles of the Convention examined by Committee 7 (Articles 5 to 8) (Document No. DT/55)

5.1 In connection with Article 5, it was decided to refer to Committee 9 the linguistic question of the use of the French and Spanish terms "organes" and "organismes" or "organismos" to translate the English word "organs".

5.2 The delegate of Australia pointed out that references to the "Constitution" should be amended to "Convention" throughout the text.

5.3 The delegate of Singapore, referring to No. 39, asked whether the Conference could indeed approve the accounts of the Union only when that was appropriate.

5.4 The delegate of Argentina said that in the Spanish text it was perfectly clear that the accounts would be approved only after they had been found satisfactory.

5.5 After a long discussion it was decided to refer No. 39 to Committee 9, on the understanding that the words "where appropriate" could be replaced by some wording along the lines of "when found satisfactory".

5.6 The delegate of Canada drew attention to the fact that, whereas the words "Constitution and General Regulations" had been replaced by "Convention" in No. 48, the same adjustment had not been made in No. 58.

5.7 The United States delegate suggested that Article 6 (h) should perhaps contain a reference to the fact that the next election of I.F.R.B. members would be made by the Maritime W.A.R.C.

5.8 The Chairman said that that was unnecessary because the text of Article 6 would not come into force until after the next Plenipotentiary Conference.

5.9 The Peruvian delegate asked whether, since members of the I.F.R.B. were elected as individuals, they should not be referred to by another term to avoid confusion with Members of the Administrative Council who were countries.

5.10 The Chairman, supported by the French delegate and the Chairman of the I.F.R.B., said it was customary in Conventions to refer to Member States with a capital M and to individual members with a small m and the text would be amended accordingly.

5.11 The delegate of Spain submitted a drafting amendment affecting only the Spanish text of Article 8, No. 53.

5.12 The delegate of the Republic of Guinea said that he had asked that the word "thirty-six" in No. 53 should be put in brackets, but in the absence of support from other delegates he would accept the text as it stood.

5.13 On the proposal of the delegates of the Republic of Guinea and Nigeria, supported by Saudi Arabia, it was agreed to delete the words "the new or" in Article 8, No. 60.

5.14 The text of the articles contained in Document DT/65, as amended, was adopted.

6. Consideration of No. 81 (Document No. 66)

6.1 The Indian delegate introduced his delegation's proposals for the amendment of No. 81 (IND/66/40, 41 and 42).

6.2 The delegate of Malaysia supported the proposed amendments.

6.3 On the proposal of the delegates of Nigeria and Australia, who said the provisions of IND/66/41 were more suitable for inclusion in the General Regulations than in the Convention, it was agreed to retain No. 81 unchanged, except for the adoption of the Indian amendment (IND/66/40) to the second sentence, which was supported by the United Kingdom delegate as a more elegant formulation.

6.4 After the Director of the C.C.I.T.T. had explained the periodicity of World Plan Committee meetings and the present procedure whereby reports to the Administrative Council on world plan activities were submitted through him, the Indian delegate withdrew his amendment IND/66/41.

The meeting rose at 6.35 p.m.

Secretary :
M. BARDOUX

Chairman :
EVAN SAWKINS

COMMITTEE 8

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 8

(RIGHTS AND OBLIGATIONS)

Thursday, 11 October 1973, at 1545 hrs

Chairman : Mr. GABRIEL TEDROS (Ethiopia)

Vice-Chairman : Mr. G. José J. HERNANDEZ (Mexico)

Subjects discussed

Document No.

1. Summary Record of the Seventh Meeting

193

2. Texts :

Chapter I - Article 4

DT/50

Article 16

37(37/19),
190

1. Summary Record of the Seventh Meeting (Document No. 193)

1.1 The delegate of Gabon thought that there had been some difficulty with the text of the Committee's first report to be submitted to the Plenary Meeting and asked the Chairman to clarify the position.

1.2 The Chairman said that the report had been approved by the Committee and submitted to the Plenary Meeting.

1.3 The Summary Record of the Seventh Meeting was approved.

2. Texts : Chapter I - Article 4 (Document No. DT/50)
Article 16 (Documents Nos. 37(37/19) and 190)

Article 4

2.1 The Chairman recalled that the delegate of Spain had earlier chaired a working party established to discuss the possible introduction of a text into Article 4, specifying the Union's role in the field of space telecommunications; Document No. DT/50 was the result.

2.2 The delegate of Spain said that the working group had comprised, inter alia, Israel, Mexico, Spain and the U.S.S.R.; those countries had submitted proposals on the question and the proposed text "A" reproduced in Document No. DT/50, represented a compromise between them. Other delegations represented on the working group had wished to expand that text, resulting in the alternative text "B" also reproduced in that document.

2.3 The Chairman thought that the Committee needed to decide two issues; firstly, which of the two texts, if any, needed to be adopted and, secondly, whether or not it was necessary to adopt a Resolution as proposed in Document No. DT/50.

2.4 There ensued a long discussion in which the delegates of Australia, Belgium, Brazil, Canada, the Congo, Denmark, France, the German Democratic Republic, Jamaica, Japan, Mongolia, Poland, Spain, Trinidad, Turkey, United Kingdom, U.S.A. and U.S.S.R. took part, from which it emerged that 13 countries favoured, or were prepared to adopt, text "A" whilst 5 (German Democratic Republic, Mongolia, Poland, United Kingdom and the U.S.S.R.) favoured text "B". There was a consensus that a decision to insert text "A" would require the subsequent adoption of a Resolution expressing the desirability and the need for cooperation and collaboration with other international organizations, in the field of space communications, possibly based on Montreux Resolution 24.

2.5 Proposed text "A" was adopted.

2.6 The Chairman invited delegations to indicate willingness to serve on a working group to be convened by the delegate of Spain, to draft such a Resolution; a group comprising the delegates of Australia, Canada, France, Spain, the United States of America and the U.S.S.R. was established.

Article 16 (Documents Nos. 37(37/19) and 190)

2.7 The Chairman indicated that there were two proposals on the subject of languages - one from Kuwait and the other from the Federal Republic of Germany. He invited those delegates to introduce their proposals.

2.8 The delegate of Kuwait said that his delegation had proposed the use of Arabic as an official language of the Union because many countries used and understood that language which was already used officially by UNESCO, I.L.O. and the U.P.U. However, he did not wish the adoption of Arabic by the Union to constitute a burden on it financially and for that reason he sought at the present time to have Arabic used only, for purposes of interpretation at Plenipotentiary Conferences and World Administrative Conferences.

2.9 The delegate of Kuwait was supported by the delegate of Iraq who considered adoption of Arabic in this fashion to be the least the Union could do to foster more effective participation of Arab countries in its work.

2.10 The delegate of the Federal Republic of Germany, introducing Document No. 190 which he indicated was largely self-explanatory, remarked that similar reasons to those just given vis-à-vis Arabic could also be advanced for recommending the adoption of the German language by the Union, particularly since 120 million people throughout the world could either speak, or make themselves understood in, German. In addition, his delegation considered that participation in conferences and meetings of the Union by delegates from German-speaking countries would be enhanced if they were able to work in their own language.

2 11 The delegate of Switzerland, speaking on behalf of the delegation of Liechtenstein, said he could express support for the proposal of the Federal Republic of Germany since Liechtenstein, being situated between Switzerland and Austria, was essentially German in language and culture. As delegate of Switzerland, however, he said that although Switzerland had an interest in,

and appreciation for, the proposal because German was spoken by the majority of her population, her situation was somewhat different; French was also an official language in Switzerland and so she had no difficulty in participating in the work and conferences of the United Nations specialized agencies and particularly of the I.T.U. Acceptance of the Federal German proposal would mean that two of the I.T.U.'s official languages would also be official languages of Switzerland, which would create such a privileged situation compared with other countries that he very much hesitated, despite the clear interest of the Swiss delegation in the proposal, to give it overt support. This position was in keeping with the Swiss delegation's anxiety not to increase the financial burden of the I.T.U. by its attitude.

2.12 The delegate of Italy said that additional languages could not be accepted unless the cost was borne by the countries concerned.

2.13 The delegate of the United States of America said that since the forties the United Nations had been using five languages. The financial implications of the Kuwait proposal would be significant. His Administration had consistently resisted the upward spiral of administrative costs in the belief that available funds should, as far as possible, be used to finance the Union's operations. The staffing implications of the proposal had been glossed over during the discussion.

2.14 The argument based on the size of a population speaking a particular language to justify a request for its use in the Union was not sound and might produce great difficulties in the future.

2.15 He did not know precisely what solution was being reviewed in the Fifth Committee of the General Assembly concerning the request for the use of Arabic in certain United Nations proceedings but consideration was being given to alternative means of financing languages. In any event his Administration considered that the Kuwait proposal must be given careful study in an attempt to meet the requirements of certain Member countries without imposing an excessive financial burden on the Union. He therefore proposed that the Committee recommend to the Plenary the adoption of a resolution requesting the Administrative Council to carry out a careful study of all the financial, technical, operational and precedential implications of the proposals for the use of additional languages in the Union taking account of the discussions and decisions at the Plenipotentiary Conference as well as developments within the United Nations and to submit a comprehensive report to the next Plenipotentiary Conference.

2.16 The delegates of the Netherlands, Japan, Belgium, the United Kingdom and Italy supported the United States proposal.

2.17 The delegate of Somalia said that financial considerations alone should not be decisive. Arabic must be added to the other languages used in the Union because it was the mother tongue of 18 Member countries, was widely spoken and would enable representatives to participate more effectively in the discussions.

2.18 The Deputy Secretary-General said that as he had already indicated the estimated cost of adding Arabic as an official language would be 1.3 million Swiss francs a year for 2 years and subsequently 520,000 Swiss francs but those figures did not include publication costs. The provision of interpretation for Arabic for the present Plenipotentiary Conference would have cost some 175,000 Swiss francs and the cost for the Maritime Conference in 1974 was estimated at some 280,856 Swiss francs. He understood that interpretation from and into Arabic was provided at major I.L.O. Conferences and at UNESCO but not in W.H.O. He had no information on the progress of discussions on the subject within the United Nations.

2.19 The new I.T.U. building with a room for about 250 delegates could not furnish accommodation for major World Conferences, it being planned to use the new Swiss International Conference Centre for this purpose. The new I.T.U. building could only provide Committee rooms in which an additional interpreter's booth would require further wiring as would be the case in the Administrative Council's meeting room which at present was only wired for five languages.

2.20 The delegate of Kuwait said that the benefit of providing interpretation services in Arabic to the 18 Member countries concerned would offset the marginal cost involved.

2.21 The delegate of Morocco pointed out that there were radio electrical systems which would not require the wiring of additional interpreters' booths. The rate of demographic growth of Arab speaking populations more than justified the Kuwait proposal and since Arab-speaking countries were already contributing to services in other languages he failed to see why their needs should not be financed in their turn by Members. A separate vote must be taken on the Kuwait proposal.

2.22 As the agenda for the Administrative Council's session to be held during the Conference had not yet been drawn up the Kuwait proposal could be added to it so as to obtain the Council's view on the matter without delay.

2.23 The delegate of Italy observed that the Administrative Council would only be meeting to elect its officers and it would certainly have no time to consider in detail the Kuwait proposal.

2.24 The delegate of Brazil failed to understand the technical difficulties that were alleged to exist in providing an additional interpreter's booth in the headquarters building. After all interpretation facilities into Italian had been provided at the last session of the Administrative Council.

2.25 The delegate of Italy explained that the entire cost of providing those facilities had been borne by the Italian Government.

2.26 The Chairman wondered whether the supporters of the Kuwait proposal could agree to its being studied by the Administrative Council. There would only be one or two major conferences before the next Plenipotentiary. He hoped that the Committee would be able to reach a decision without further substantive discussion.

2.27 The delegate of Kuwait said that he must consult the other interested delegations during the interval before the next meeting.

2.28 The delegate of Argentina said that a decision must not be rushed on a vitally important issue. Arab-speaking delegates were being handicapped by lack of interpretation facilities. Technical difficulties had been exaggerated: advantage must be taken of new developments in electronics. Evidently the planners of the new headquarters building had failed to make adequate provisions for interpretation. A full document on the financial implications both of the Kuwait and the Federal Republic's proposal must be circulated before his delegation would be in a position to vote.

2.29 The Chairman agreed with the previous speaker that the implications of both proposals needed careful study and it would take time for the Secretariat to prepare the document on financial implications.

2.30 The delegate of Lebanon agreed with the delegate of Argentina.

2.31 The delegate of the United States of America said that he had never suggested that technical difficulties were insuperable but had emphasized that there was no escaping the financial

consequences of adopting the two proposals. It would be unfortunate to force the issue to a vote when many delegations might wish to consult their Governments. The present provisions concerning language services were flexible and did not preclude delegations from asking for certain services and that flexibility should be maintained.

2.32 The delegate of Ireland said that in the time available it would be impossible for the Secretariat to prepare a detailed report on the implications of adopting additional working languages. The matter must be carefully studied without haste in the Administrative Council.

2.33 The Deputy Secretary-General, referring to the observations made about the accommodation in the new headquarters building, said that the decisions had been taken by the Administrative Council itself. Certain items of equipment had been the gift of one Administration and were certainly not substandard.

2.34 The Chairman said that the Committee would decide on the procedure to be followed with respect to the two proposals at the following meeting.

The meeting rose at 1850 hrs.

The Secretaries :

A. DAVID
R. MACHERET

The Chairman :

GABRIEL TEDROS

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 271-E
18 October 1973
Original : English

PLENARY MEETING

Final Protocol

FOR THE KINGDOM OF LESOTHO

The Lesotho Delegation hereby declares on behalf of
the Lesotho Government :

- a) that it will not accept any consequences resulting
from any reservation made by any country, and reserves
the right to take any action it deems fit;
 - b) that it reserves the right to take such action as it
may consider necessary to protect its interests,
should any other country not observe the provisions
of this Convention (Malaga-Torremolinos, 1973).
-



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 272-E

18 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR THE REPUBLIC OF LIBERIA

The Delegation of the Republic of Liberia reserves the right of its Government to take any action it may deem necessary to safeguard its interests should Members in any way fail to comply with the provisions of the International Telecommunication Convention (Malaga-Torremolinos, 1973), its Annexes or Protocols attached thereto, or should reservations by other countries jeopardize the telecommunication services of the Republic of Liberia or lead to an increase in its share towards defraying the expenses of the Union.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 273-E

18 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR THE REPUBLIC OF MALAWI

The Delegation of the Republic of Malawi reserves the right of its Government to take such action as it may consider necessary to safeguard its interests, should certain Members not share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973) or its Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize its telecommunication services.



PLENARY MEETING

Final Protocol

FOR THE REPUBLIC OF RWANDA

The Delegation of the Republic of Rwanda reserves for its Government the right :

1. not to accept any financial measure which might lead to an increase in its contributory share in defraying the expenses of the Union;
 2. to take such action as it may deem necessary to protect its interests, should Members fail to observe in any way the provisions of the International Telecommunication Convention (Malaga-Torremolinos, 1973), or should the reservations made by other countries jeopardize the proper operation of its telecommunication services.
-



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 275-E

18 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR THE REPUBLIC OF SINGAPORE

The Delegation of the Republic of Singapore reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any country fail in any way to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973) or should reservations by any country jeopardize its telecommunication services or lead to an increase in its share towards defraying the expenses of the Union.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 276-E

18 October 1973

Original : Russian

PLENARY MEETING

Final Protocol

FOR THE BYELORUSSIAN SOVIET SOCIALIST REPUBLIC,
THE PEOPLE'S REPUBLIC OF BULGARIA, THE HUNGARIAN
PEOPLE'S REPUBLIC, THE GERMAN DEMOCRATIC REPUBLIC,
THE REPUBLIC OF CUBA, THE MONGOLIAN PEOPLE'S REPUBLIC,
THE PEOPLE'S REPUBLIC OF POLAND, THE UKRAINIAN SOVIET
SOCIALIST REPUBLIC, THE CZECHOSLOVAK SOCIALIST REPUBLIC
AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The Delegations of the above-mentioned countries
state as follows on behalf of their respective Governments :

- inasmuch as there are two zones and two
administrations in South Viet-Nam (the Provisional
Revolutionary Government of South Viet-Nam and the
Saigon Administration), signature of the Convention and
of other Final Acts of the Plenipotentiary Conference
by the delegates of the Saigon Administration cannot
be considered to be a signature in the name of South
Viet-Nam;
- the South Korean authorities do not represent the
whole of Korea and cannot sign the Convention and
other Final Acts of the Plenipotentiary Conference in
the name of Korea.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 277-E

18 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR BARBADOS

The Delegation of Barbados reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any Member or Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973) or its Annexes or the Protocols attached thereto, or should reservations by other Members jeopardize the telecommunication services of Barbados.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 278-E
18 October 1973
Original : English

PLENARY MEETING

Final Protocol

FOR THE PEOPLE'S REPUBLIC OF BANGLADESH

Upon signing the Final Protocol of the International Telecommunication Convention (Malaga-Torremolinos, 1973), the Delegation of the People's Republic of Bangladesh reserves the right for its Government not to accept any financial consequences which might lead to an increase in its contributory share to defray the expenses of the Union that might arise as a result of reservations made by other Governments taking part in the Plenipotentiary Conference (Malaga-Torremolinos, 1973).

It also reserves for its Government the right to take any action it deems necessary to safeguard its interest, should any Member in any way fail to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973), its Annexes or Protocols attached thereto, or should reservations made by other Governments jeopardize the proper operation of its own telecommunication services.

It further reserves for its Government the right to adhere to all or to some of the provisions of the Telegraph, Telephone, Radio and Additional Radio Regulations referred to in Chapter 32 of the General Regulations.



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 279-E

18 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR MALAYSIA

The Delegation of Malaysia hereby :

1. reserves the right of its Government to take any action it deems necessary to safeguard its interests should Members in any way fail to comply with the provisions of the International Telecommunications Convention (Malaga-Torremolinos, 1973) or should reservations by other countries jeopardize its telecommunications services;
 2. declares that the signature, and possible subsequent ratification by the Government of Malaysia to the said Convention above is not valid with respect to the Member appearing in Annex I under the name of Israel and in no way implies its recognition.
-



Document No. 280-E
18 October 1973

PLENARY MEETING

B.12

12th SERIES OF TEXTS SUBMITTED BY THE
EDITORIAL COMMITTEE TO THE PLENARY MEETING

The following texts are submitted to the Plenary
Meeting for first reading :

<u>Source</u>	<u>Document No.</u>	<u>Title</u>
C7	245	Chapters 1, 2 and 3
C7	253	Chapters 4 and 6
C7	Draft Charter	Chapter 28
C4	DT/84	Add. Prot. E
C4	DT/85	Resolution No. DD

Albert CHASSIGNOL
Chairman of
Committee 9

Annex : Pages

B.12/1 to B.12/18



PART I

FUNCTIONING OF THE UNION

CHAPTER I

Plenipotentiary Conference

- | | | |
|-------|------|--|
| MOD | 202 | 1. (1) The Plenipotentiary Conference shall be convened at regular intervals and normally every five years. |
| ADD | 202A | (2) If practicable, the date and place of a Plenipotentiary Conference shall be set by the preceding Plenipotentiary Conference; failing this, they shall be fixed by the Administrative Council with the concurrence of the majority of the Members of the Union. |
| NOC | 203 | 2. (1) The date and place of the next Plenipotentiary Conference, or either one of these, may be changed: |
| (MOD) | 204 | (a) when at least one-quarter of the Members of the Union have individually proposed a change to the Secretary-General, or |

NOC 205 (b) on a proposal of the
Administrative Council.

NOC 206 (2) In either case a new date or place
or both shall be fixed with the concurrence
of a majority of the Members of the Union.

CHAPTER 2

Administrative Conferences

NOC 207 1. (1) The agenda of an administrative
conference shall be established by the Administrative
Council with the concurrence of a majority of the
Members of the Union in the case of a world
administrative conference, or of a majority of the
Members belonging to the region concerned in the
case of a regional administrative conference,
subject to the provisions of 227.

NOC 208 (2) This agenda shall include any
question which a Plenipotentiary Conference has
directed to be placed on the agenda.

MOD 209 (3) A world administrative conference
dealing with radiocommunication may also include
in its agenda an item concerning instructions to the
International Frequency Registration Board regarding its
activities and a review of those activities.

SUP 210

NOC 211 2. (1) A world administrative conference
shall be convened:

(a) by a decision of a Pleni-
potentiary Conference which may fix the date and
place of its meeting;

MOD 212 (b) on the recommendation of a
previous world administrative conference if approved
by the Administrative Council;

- MOD 213 (c) at the request of at least one-quarter of the Members of the Union, who shall individually address their requests to the Secretary-General; or
- NOC 214 (d) on a proposal of the Administrative Council.
- NOC 215 (2) In the cases specified in 212, 213 and 214 and, if necessary, in the case specified in 211, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union, subject to the provisions of 227.
- NOC 216 3. (1) A regional administrative conference shall be convened:
- (a) by a decision of a Plenary Conference;
- MOD 217 (b) on the recommendation of a previous world or regional administrative conference if approved by the Administrative Council;
- MOD 218 (c) at the request of at least one-quarter of the Members belonging to the region concerned, who shall individually address their requests to the Secretary-General; or
- NOC 219 (d) on a proposal of the Administrative Council.
- NOC 220 (2) In the cases specified in 217, 218 and 219 and, if necessary, in the case specified in 216, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union belonging to the region concerned, subject to the provisions of 227.

- MOD 221 4. (1) The agenda or date or place of an administrative conference may be changed :
- (a) at the request of at least one-quarter of the Members of the Union, in the case of a world administrative conference, or of a least one-quarter of the Members of the Union belonging to the region concerned in the case of a regional administrative conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Administrative Council for approval; or
- NOC 222 (b) on a proposal of the Administrative Council.
- NOC 223 (2) In cases specified in 221 and 222 the changes proposed shall not be finally adopted until accepted by a majority of the Members of the Union, in the case of a world administrative conference, or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional administrative conference, subject to the provisions of 227 .
- NOC 224 5. (1) The Administrative Council may deem it advisable for the main session of an administrative conference to be preceded by a preparatory meeting to draw up proposals for the technical bases of the work of the conference.
- NOC 225 (2) The convening of such a preparatory meeting and its agenda must be approved by a majority of the Members of the Union in the case of a world administrative conference, or by a majority of the Members of the Union belonging to the region concerned in the case of a regional administrative conference, subject to the provisions of 227 .
- NOC 226 (3) Unless the Plenary Meeting of a preparatory session of an administrative conference decides otherwise, the texts finally approved by it will be assembled in a report which will also be approved by a Plenary Meeting and signed by the Chairman.

MOD 227 6. In the consultations referred to in 207, 215, 220, 223 and 225 Members of the Union who have not replied within the time limits specified by the Administrative Council shall be regarded as not participating in the consultations, and in consequence shall not be taken into account in computing the majority. If the number of replies does not exceed one-half of the Members consulted, a further consultation shall take place the results of which shall be decisive regardless of the number of votes cast.

CHAPTER 3

Administrative Council

NOC 228 1. (1) The Administrative Council is composed of Members of the Union elected by the Plenipotentiary Conference.

NOC 229 (2) If between two Plenipotentiary Conferences a seat becomes vacant on the Administrative Council, it shall pass by right to the Member of the Union from the same region as the Member whose seat is vacated, which had obtained at the previous election the largest number of votes among those not elected.

NOC 230 (3) A seat on the Administrative Council shall be considered vacant :

(a) when a Council Member does not have a representative in attendance at two consecutive annual sessions of the Administrative Council;

NOC 231 (b) when a Member of the Union resigns its membership on the Council.

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| NOC | 232 | 2. The person appointed to serve on the Council by a Member of the Administrative Council shall, so far as possible, be an official serving in, or directly responsible to, or for, their telecommunications administration and qualified in the field of telecommunication services. |
| NOC | 233 | 3. The Administrative Council shall elect its own Chairman and Vice-Chairman at the beginning of each annual session. They shall serve until the opening of the next annual session and shall be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter. |
| NOC | 234 | 4. (1) The Administrative Council shall hold an annual session at the seat of the Union. |
| NOC | 235 | (2) During this session it may decide to hold, exceptionally, an additional session. |
| MOD | 236 | (3) Between ordinary sessions, it may be convened, as a general rule at the seat of the Union, by its Chairman at the request of a majority of its Members or at the call of the Chairman under the conditions provided for in 257. |
| NOC | 237 | 5. The Secretary-General and the Deputy Secretary-General, the Chairman and the Vice-Chairman of the International Frequency Registration Board and the Directors of the International Consultative Committees may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to its own members. |
| NOC | 238 | 6. The Secretary-General shall act as Secretary of the Administrative Council. |

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| MOD | 239 | 7. The Administrative Council shall make decisions only in session. |
| NOC | 240 | 8. The representative of each Member of the Administrative Council shall have the right to attend, as an observer, all meetings of the permanent organs of the Union mentioned in 31, 32 and 33 of the Constitution. |
| NOC | 241 | 9. Only the travelling and subsistence expenses incurred by the representative of each Member of the Administrative Council in this capacity at Council sessions shall be borne by the Union. |
| (MOD) | 242 | 10. In the discharge of its duties prescribed in the Convention, the Administrative Council shall in particular :

(a) in the interval between Plenipotentiary Conferences, be responsible for effecting the coordination with all international organizations referred to in Articles 39 and 40 of the Convention and to this end, shall conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 40 of the Convention, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the next Plenipotentiary Conference in accordance with 44 of the Convention; |
| NOC | 243 | (b) decide on the numbers and grading of the staff of the General Secretariat and of the specialized secretariats of the permanent organs of the Union, taking into account the general directives given by the Plenipotentiary Conference; |
| NOC | 244 | (c) draw up such regulations as it may consider necessary for the administrative and financial activities of the Union; and also the administrative regulations to take account of current practice of the United Nations and of the specialized agencies applying the Common System of pay, allowances and pensions; |
| NOC | 245 | (d) supervise the administrative functions of the Union. |

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| NOC | 246 | (e) review and approve the annual budget of the Union, taking account of the limits for expenditure set by the Plenipotentiary Conference and ensuring the strictest possible economy but mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible through Conferences and the work programmes of the permanent organs; in so doing, the Council shall also take into account the work plans mentioned in 284 A and any cost-benefit analyses mentioned in 284 B; |
| MOD | 247 | (f) arrange for the annual audit of the accounts of the Union prepared by the Secretary-General and approve them, if appropriate, for submission to the next Plenipotentiary Conference; |
| NOC | 248 | (g) adjust as necessary :

1. the basic salary scales for staff in the professional categories and above, excluding the salaries for posts filled by election, to accord with any changes in the basic salary scales adopted by the United Nations for the corresponding Common System categories; |
| NOC | 249 | 2. the basic salary scales for staff in the general service categories to accord with changes in the rates applied by the United Nations and the specialized agencies at the seat of the Union; |
| NOC | 250 | 3. the post adjustment for professional categories and above, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union; |
| NOC | 251 | 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations Common System; |

NOC	252	5. the contributions payable by the Union and the staff to the United Nations Joint Staff Pension Fund, in accordance with the decisions of the United Nations Joint Staff Pension Board;
NOC	253	6. the cost-of-living allowances granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of practice in the United Nations.
NOC	254	(h) arrange for the convening of plenipotentiary and administrative conferences of the Union in accordance with Chapters 1 and 2 of these Regulations.
NOC	255	(i) offer to the Plenipotentiary Conference of the Union any recommendations deemed useful;
MOD	256	(j) review and coordinate the work programmes as well as their progress and the working arrangements, including the meeting schedules, of the permanent organs of the Union and take such action as it deems appropriate.
MOD	257	(k) provide for the filling of any vacancy in the office of Secretary-General and/or Deputy Secretary-General in the situation described in 64a), 64b) at a regular meeting, if held within 90 days after a vacancy occurs, or at a meeting convened by the Chairman within the time periods specified in 64a) or 64b).
MOD	258	(l) provide for the filling of any vacancy in the office of Director of either of the International Consultative Committees at the next regular meeting following the occurrence of such a vacancy. Directors so selected shall serve until the next Plenary Assembly as provided for in No. 305 and shall be eligible for election to such posts.
ADD	258A	Provide for the filling of vacancies for members of the International Frequency Registration Board in accordance with the procedure in 294.

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| MOD | 259 | (m) perform the other functions prescribed for it in the Convention and, within the framework of the Convention and the Regulations, any functions deemed necessary for the proper administration of the Union or its permanent organs taken individually; |
| (MOD) | 260 | (n) take the necessary steps, with the agreement of a majority of the Members of the Union, provisionally to resolve questions not covered by the Convention, the Regulations and their Annexes and which cannot await the next competent conference for settlement; |
| MOD | 261 | (o) submit a report on the activities of all the organs of the Union since the previous Plenipotentiary Conference; |
| (MOD) | 262 | (p) send to Members of the Union, as soon as possible after each of its sessions, summary reports on the activities of the Administrative Council and other documents deemed useful. |

CHAPTER 4

General Secretariat

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| MOD | 263 | 1. The Secretary-General shall : |
| | | (a) coordinate the activities of the different permanent organs with the advice and assistance of the Coordination Committee referred to in No. 83 of the Convention with a view to assuring the most effective and economical use of personnel and of the financial and other resources of the Union; |
| NOC | 264 | (b) organize the work of the General Secretariat and appoint the staff of that Secretariat in accordance with the directives of the Plenipotentiary Conference and the rules established by the Administrative Council; |

- NOC 265 (c) undertake administrative arrangements for the specialized secretariats of the permanent organs of the Union and appoint the staff of those secretariats in agreement with the Head of each permanent organ; the appointments shall be made on the basis of the latter's choice, but the final decision for appointment or dismissal shall rest with the Secretary-General;
- NOC 266 (d) report to the Administrative Council any decisions taken by the United Nations and the specialized agencies which affect Common System conditions of service, allowances and pensions;
- NOC 267 (e) ensure the application of the financial and administrative regulations approved by the Administrative Council;
- ADD 267A (e bis) provide legal advice to the organs of the Union;
- MOD 268 (f) supervise, for administrative management purposes, the staff of the Headquarters of the Union with a view to assuring the most effective use of personnel and the application of the Union. The staff appointed to assist directly the Directors of the Consultative Committees and the International Frequency Registration Board shall work under the direct orders of those senior officials concerned but in accordance with general administrative directives of the Administrative Council and of the Secretary-General;

- ADD 268A (f bis) in the interest of the Union as a whole and in consultation with the Chairman of the International Frequency Registration Board or the Director of the Consultative Committee concerned, temporarily reassign staff members from their appointed position as necessary to meet fluctuating work requirements at Headquarters. The Secretary-General shall report such temporary reassignments including the financial implications thereof, to the Administrative Council.
- NOC 269 (g) undertake secretarial work preparatory to, and following conferences of the Union;
- MOD 270 (h) provide, where appropriate in cooperation with the inviting government, the secretariat of conferences of the Union, and provide the facilities and services for meetings of the permanent organs of the Union in collaboration with their respective Heads; drawing from the Union's staff as he deems necessary in accordance with 268A. The Secretary-General may also when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;
- NOC 271 (i) keep up to date the official lists, compiled from data supplied for this purpose by the permanent organs of the Union or by Administrations, with the exception of the master registers and such other essential records as may be related to the duties of the International Frequency Registration Board;
- MOD 272 (j) publish the principal reports of the permanent organs of the Union, the recommendations and the operating instructions derived from such recommendations for use in the international telecommunication services;

- NOC 273 (k) publish international and regional telecommunication agreements communicated to him by the parties thereto, and keep up-to-date records of these agreements;
- NOC 274 (l) publish the technical standards of the International Frequency Registration Board, as well as such other data concerning the assignment and utilization of frequencies as are prepared by the Board in the discharge of its duties;
- NOC 275 (m) prepare, publish and keep up to date with the assistance, where appropriate, of the other permanent organs of the Union :
- NOC 276 1. a record of the composition and structure of the Union;
- NOC 277 2. the general statistics and the official service documents of the Union as prescribed by the Administrative Regulations;
- NOC 278 3. such other documents as conferences or the Administrative Council may direct
- NOC 279 (n) collect and publish, in suitable form, data, both national and international, regarding telecommunication throughout the world;
- NOC 280 (o) assemble and publish, in cooperation with the other permanent organs of the Union, both technical and administrative information that might be specially useful to new or developing countries in order to help them to improve their telecommunication networks. Their attention shall also be drawn to the possibilities offered by the international programmes under the auspices of the United Nations;
- (MOD) 281 (p) collect and publish such information as would be of assistance to Members regarding the development of technical methods with a view to achieving the most efficient operation of telecommunication services and especially the best possible use of radio frequencies so as to diminish interference;

- NOC 282 (q) publish periodically, with the help of information put at his disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;
- ADD 282A (q bis) determine, in consultation with the Director of the International Consultative Committee concerned or, as appropriate, the Chairman of the International Frequency Registration Board, the form and presentation of all publications of the Union, taking into account the nature and the contents as well as the most suitable and economical means of publication;
- MOD 283 (r) arrange the timely distribution of the published documents;
- MOD 284 (s) after having made what economies are possible, prepare and submit to the Administrative Council annual budget estimates which, after approval by the Council, shall be transmitted for information to all Members of the Union;
- ADD 284A (s bis) prepare and submit to the Administrative Council future work plans comprising the main activities at the Headquarters of the Union according to directives of the Administrative Council;
- ADD 284B (s ter) to the extent the Administrative Council finds it appropriate, prepare and submit to the Administrative Council cost-benefit analyses of the main activities at the Headquarters of the Union;
- (MOD) 285 (t) prepare a financial operating report and accounts to be submitted annually to the Administrative Council and recapitulative accounts immediately preceding each Plenipotentiary Conference; these accounts, after audit and approval by the Administrative Council, shall be circulated to the Members and be submitted to the next Plenipotentiary Conference for examination and final approval;

(MOD) 286 (u) prepare an annual report on the activities of the Union which, after approval by the Administrative Council, shall be transmitted to all Members;

NOC 287 (v) perform all other secretarial functions of the Union.

NOC 288 2. The Secretary-General or the Deputy Secretary-General may participate, in a consultative capacity, in Plenary Assemblies of the International Consultative Committees and in all conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union; their participation in the meetings of the Administrative Council is governed by 237.

CHAPTER 6

International Consultative Committees

MOD 303 1. Each International Consultative Committee shall work through the medium of :

(a) the Plenary Assembly, preferably meeting every three years. When a corresponding world administrative conference has been convened, the Plenary Assembly should meet, if possible, at least eight months before this conference;

NOC 304 (b) study groups, which shall be set up by the Plenary Assembly to deal with questions to be examined;

NOC 305 (c) a Director elected by the Plenary Assembly initially for a period equal to twice the interval between two consecutive Plenary Assemblies, i.e. normally for six years. He shall be eligible for re-election at each subsequent Plenary Assembly and if re-elected shall then remain in office until the date of the next Plenary Assembly, normally for three years. When the position becomes unexpectedly vacant, the following Plenary Assembly shall elect the new Director;

- NOC 306 (d) a specialized secretariat, which assists the Director,
- NOC 307 (e) laboratories or technical installations set up by the Union.
- (MOD) 308 2. (1) The questions studied by each International Consultative Committee, on which it shall issue recommendations, shall be those referred to it by the Plenipotentiary Conference, by an administrative conference, by the Administrative Council, by the other Consultative Committee, or by the International Frequency Registration Board, in addition to those decided upon by the Plenary Assembly of the Consultative Committee itself, or, in the interval between its Plenary Assemblies, when requested or approved by correspondence by at least twenty Members of the Union.
- NOC 309 (2) At the request of the countries concerned, each Consultative Committee may also study and offer advice concerning their national telecommunication problems. The study of such problems should be in accordance with 308.

CHAPTER 28

Rendering and Settlement of Accounts

- (MOD) 554 1. Administrations of Members and recognized private operating agencies will operate international telecommunication services, shall come to an agreement with regard to the amount of their credits and debits.
- NOC 555 2. The statements of accounts with respect to debits and credits referred to in 554 shall be drawn up in accordance with the provisions of the Administrative Regulations, unless special arrangements have been concluded between the parties concerned.

ADDITIONAL PROTOCOL E

Procedure to be followed by Members
in choosing their Contributory Class

1. Every Member shall inform the Secretary-General before 1 July 1974 of the class of contribution it has chosen from the table of classes of contributions shown in ... of the International Telecommunication Convention (Malaga-Torremolinos, 1973).
2. Members who have failed to make known their decision before 1 July 1974 in accordance with the requirements of paragraph 1 above will be required to contribute the same number of units as they contributed under the Montreux Convention (1965).

RESOLUTION DD

UNION BUILDING

The Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973),

having considered:

the Report of the Administrative Council relating to the project for a third construction phase in the extension of the headquarters building of the Union;

resolves

not to undertake, for the moment, the third phase in the extension of the headquarters building of the Union;

instructs the Administrative Council

to study the problem of the pathway between the underground garage and the International Conference Centre with a view to arriving at a rational solution.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 281-E

19 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Delegation of the United Kingdom of Great Britain and Northern Ireland reserve for their Government the right to take such action as they may consider necessary to safeguard their interests should certain Members not share in defraying the expenses of the Union, or should any Members fail in any other way to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973) or its Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize their telecommunication services.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 282-E

19 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR TURKEY

The Delegation of the Government of Turkey to the Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973) reserves the right of its Government to take any action it may deem necessary to protect its interests if reservations made by other Members of the Union lead to an increase in its contributory share in defraying the expenses of the Union.



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 283-E(Rev.)

19 October 1973

Original : EnglishPLENARY MEETINGARABIC LANGUAGE INTERPRETATION AT CONFERENCES

Committee 8 decided to transmit to the Plenary Meeting the consideration of the proposal to introduce Arabic as an interpretation language in Plenipotentiary and Administrative Conferences (Proposal KWT/37/19, Corrigendum to Document No. 37). The Committee asked for a statement of estimated expenditure in regard to this proposition.

From the viewpoint of personnel costs, the following estimates in regard to specific types of conferences are provided as a guide:

Type of conference	Budget millions Swiss francs	Arabic interpreters Swiss francs
Plenipotentiary Conference 1973	2.966	174,255
*)World Administrative Radio Conference (Maritime) 1974	3.318	218,856
*)Regional Administrative LF/MF Planning Conference 1974	.804	104,484

- *) If the proposal were adopted it would not apply to the Conferences organised under the Montreux Convention.



Further Administrative Conferences are foreseen in the Financial Protocol (Committee 4) during 1975 to 1979 and the following estimates are provided:

Administrative Conferences	Estimate Millions Swiss francs	Additional Arabic Interpreters Swiss francs
12 GHz Planning Conference 1976/77	3.000	200,000
Aeronautical Services 1976/77	1.800	150,000
General Conference 1979	4.500	300,000

In 1975, there will be the principal session of the Regional Administrative LF/MF Conference to be paid for by the Members in Regions 1 and 3. As the duration has not been determined it is not possible therefore to estimate expenditures.

As regards technical facilities, Administrative Conferences would normally be held in the International Conference Centre, Geneva (adjoining the I.T.U.) with the I.T.U. facilities used for Committee and Working Parties' meetings.

The International Conference Centre (I.C.C.) has booth facilities for additional interpretation language(s) as a permanent fixture. In the I.T.U. it would not be practicable to provide identical booth facilities as exist for the 5 official languages when two meetings were being held simultaneously. However, special booths and associated wiring could be constructed for a cost of about 30,000 Sw. frs.

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 283-E

19 October 1973

Original: English

PLENARY MEETINGARABIC LANGUAGE INTERPRETATION AT CONFERENCES

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INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 284-E

19 October 1973

Original : French

PLENARY MEETING

Memorandum by the Secretary-General

PROXY FOR THE KHMER REPUBLIC

I have the honour to transmit to the Conference the text of a letter from the head of the delegation of the Khmer Republic.

M. MILI

Secretary-General

Annex : 1



A N N E X

Torremolinos-Malaga, 19 October 1973

The Head of the Delegation
of the Khmer Republic

to the Chairman of the I.T.U.
Plenipotentiary Conference

Dear Sir,

As I have to leave the Conference earlier than anticipated, I have asked the French delegation, which has agreed to represent my delegation, particularly during voting. This proxy will take effect as from 22 October 1973.

Yours faithfully,

CHUM SIRATH

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 285-E
23 October 1973
Original : French/
Spanish

COMMITTEE 6

SUMMARY RECORD
OF THE
10th MEETING OF COMMITTEE 6

1. Paragraph 3.3 on page 3, delete the second sentence, the paragraph thus ending "...Secretary-General."
2. Insert new paragraph 3.14 bis on page 5 as follows :
"3.14 bis. The Chairman confirmed that the draft resolution did not cover the seminars organized by the I.F.R.B."



PLENIPOTENTIARY CONFERENCE

MALAGA -TORREMOLINOS 1973

Document No. 285-E
19 October 1973
Original: English

COMMITTEE 6

SUMMARY RECORD
OF THE
TENTH MEETING OF COMMITTEE 6
(TECHNICAL COOPERATION)

Thursday, 11 October 1973, at 1535 hrs

Chairman: Mr. M. BENABDELLAH (Morocco)

Vice-Chairman: Mr. L. DVORÁČEK (Czechoslovakia)

Subjects discussed:

Document No.

1. Summary Records of the 5th and
6th meetings

188, 189

2. World Telecommunication Day

Report:
section: 2.5.14
DT/37

3. Seminars

DT/45

4. Vocational training standards

DT/46



1. Summary Records of the 5th and 6th meetings
(Documents Nos. 188 and 189)

1.1 Approved (subject to amendments to the Summary Record of the fifth meeting (Document No. 188)) submitted by the Chairman of the I.F.R.B. and by the delegates of the German Democratic Republic, Malawi, Malaysia, Mexico and the United States of America.

2. World Telecommunication Day (Administrative Council Report, section 2.5.14, Document No. DT/37)

2.1 The Secretary-General said that for the past five years about 100 countries had celebrated World Telecommunication Day, which had given a valuable service to telecommunication administrations in drawing the attention of national authorities and public opinion to the importance of telecommunications in economic and social development. That was particularly important for developing countries, which were now responsible for establishing their own programmes within the total allocations made to them by U.N.D.P. Telecommunications had, until recently, been accorded low priority because their significance and the benefits they offered had been insufficiently understood. The Administrative Council had therefore suggested that World Telecommunication Day should henceforth be celebrated annually on 17 May. The topic suggested by the Council had so far generally been followed by Governments, which were nevertheless at liberty to use other topics if they so desired.

2.2 Although the United Nations General Assembly and the Economic and Social Council had expressed concern about the proliferation of the celebration of World Years or Days, they had given their approval to the continued celebration of World Telecommunication Day.

2.3 The delegate of Mexico said that it might be inappropriate for the limited membership of the Conference represented in the Committee to take a decision on the item under consideration. Explaining the background to the subject, he said that the Secretary-General, at the Fourth Plenary Meeting of C.C.I.T.T., had taken steps to initiate a World Telecommunication Day on 17 May 1969. He personally had felt that a more appropriate date would have been the one on which the first telegraphic communication had been made between Washington and Baltimore in 1845. Since, however, it had become customary to hold the celebration on 17 May, he would not oppose the practice.

2.4 Consideration should be given to the fact that the telecommunication services of some countries were only in the early stages of their development and they might find it more appropriate to celebrate the Day less frequently than once a year.

2.5 The delegate of the U.S.S.R., supported by the delegates of the United States of America, Ireland and the United Kingdom said that the Committee was not competent to deal with the draft resolution, which should accordingly be referred to Plenary.

2.6 It was so agreed.

3. Seminars (Document No. DT/45)

3.1 The delegate of Mexico, Chairman of the ad hoc Working Group, introducing the draft resolution prepared by the Group set up by Committee 6 on 2 October 1973 (Document No. DT/45), said that the important question of analysis of information was dealt with in paragraph a) of the first set of instructions to the Secretary-General. Emphasis had been placed by the Group on the steps necessary to remedy existing shortcomings, such as the fact that seminars had, in the past, been mainly of a theoretical nature and should henceforth cover more practical work. A further defect had been that information had not been furnished to participants sufficiently in advance of the seminars. It had been possible to remedy those shortcomings in the case of the seminar held recently in Mexico City.

3.2 The instructions to the Administrative Council were designed to ensure that there was no duplication and that seminars were properly directed in a common plan for all participating countries.

3.3 The delegate of Spain said that he would welcome some clarification on paragraph a) of the first set of instructions to the Secretary-General. He would have thought that the subjects referred to would already have been selected and would not call for the action requested.

3.4 There appeared to be no need to establish basic rules as provided for in paragraph c) of the second set of instructions to the Secretary-General. Paragraphs d) and e) of the same section could appropriately be combined in a single paragraph.

3.5 The delegate of the U.S.S.R. asked whether it would not be possible similarly to combine the two sets of instructions to the Secretary-General.

3.6 The delegate of Mexico, replying to the Spanish delegate's question on paragraph a) of the first set of instructions to the Secretary-General, said that any seminar covered a broad scope of activities. It was necessary first to know the requirements and problems of the developing countries and for that purpose consultation and dissemination of information were required. The views of the administrations concerned then had to be taken into account and their approval secured for the formal convening of the seminar. An effort had been made to convey those ideas briefly in paragraph a).

3.7 Referring to the Spanish delegate's comment on paragraph (c) of the second set of instructions to the Secretary-General, he said that any activity, to be effective, had to be guided by certain basic rules. For the smooth running of seminars, participants had to be furnished with as much advance information on lectures as possible. That had not always been done in the past and clearly-established rules for the purpose would be helpful.

3.8 He agreed that paragraphs d) and e) could usefully be combined.

3.9 Referring to the U.S.S.R. representative's suggestion that the two sets of instructions to the Secretary-General might also be combined, he said that that would be inappropriate since in each case they were linked with the paragraphs preceding them.

3.10 The Secretary-General said that he would be happy to fulfil the many instructions given to him but could do so only if the necessary financial resources were made available. He had already explained that the continued existence of the Training Division would depend on a budgetary allocation being made for the purpose as from 1974. The only other means at his disposal for the organization of seminars was an annual or biennial allocation for them in the regular budget. The instructions given to him in the draft resolution would have considerable financial implications. The first set, for example, would involve translation and reproduction in the three working languages between the processes of assembly and dissemination of information.

3.11 The Mexican delegate had rightly observed, in connection with the second set of instructions, that basic documentation had not always reached participants in good time. In that case, too, the information, which frequently arrived rather late at I.T.U., had to be translated into the other two languages before its circulation, thus adding to an already heavy translation workload.

3.12 All the financial implications would have to be carefully assessed and provided for within the budgetary ceiling, together with the financial implications of other resolutions, before the Administrative Council could consider or take decisions on the proposal.

3.13 The first step was to ascertain the precise wishes of the Conference to enable the financial services to make as accurate a calculation as possible of the financial implications. The Conference could then decide whether it was practicable to retain the provisions of the draft resolution as they stood or whether some curtailment would be necessary.

3.14 The Chairman of I.F.R.B., recalling his statement at an earlier meeting on the technical cooperation activities of I.F.R.B. and on the seminars it had organized biennially over the past ten years on management and use of the frequency spectrum, said that their success was demonstrated by the fact that the latest seminar had been attended by over 100 participants and a similar attendance was expected at the forthcoming seminar. The practice was for the Administrative Council to approve a biennial allocation of some 40,000 to 45,000 Swiss francs for the purpose in the regular budget, in accordance with resolution 34 of the Montreux Plenipotentiary Conference. He feared that the more mandatory terms of the draft resolution under discussion might cause the Administrative Council to withdraw its support for the biennial seminars, which had proved valuable for the Union.

3.15 The delegate of Lebanon said that the quality of seminars might suffer if attendance was restricted to participants from the new or developing countries. The presence of participants from all groups of countries would make possible a useful exchange of ideas and would enlarge the scope of the seminars.

3.16 The delegate of the U.S.S.R. supported the Lebanese delegate's comments. If it was desired to hold different types of seminar for different categories of participants, the fact should be stated clearly in the draft resolution.

3.17 The draft resolution might usefully have made provision for the spacing out of the proposed seminars at suitable intervals with those already being held.

3.18 Referring to the Secretary-General's comment concerning the financing of the Training Division as from 1974, he said that he would appreciate some information on the possibility of financing from U.N.D.P. funds.

3.19 The United States delegate said that it was not clear what action was called for by the draft resolution beyond that already provided for in Resolution 34 of the Montreux Conference. He would welcome some clarification from the Mexican delegate on that point. The additional expenditure required could not be justified in the absence of a clear indication of the benefits that could be expected to result.

3.20 Some reference might have been made in the draft resolution to possible U.N.D.P. assistance to seminars in general. The Secretary-General might be able to throw some light on that point.

3.21 He would also have liked to see some reference to technical assistance in kind.

3.22 The Secretary-General said that, as an executing agency for U.N.D.P. projects, I.T.U. was given an allocation, generally of about 13% of the cost of the project, to cover administrative expenditure. Over three-quarters of such projects were for vocational training and in particular for the establishment of vocational training centres or institutes. By careful management it had hitherto been possible to finance the recruitment of some specialists for the Training Division out of the funds made available for administrative expenditure, thus contributing to the implementation of Resolutions 31 and 34 of the Montreux Plenipotentiary Conference. In view of the difficult financial situation, priorities had had to be established and U.N.D.P. had now rules that allocations to the agencies must be used solely for administering its projects. The Training Division had, in the past two years, begun to concentrate on the application of Resolution 31 of the Montreux Conference rather than on Resolution 34 under which it had formerly organized seminars. If it was desired to continue to apply those two resolutions the necessary funds would have to be made available to enable the Division to continue its work, and that could henceforth be done only from the regular budget. A choice would otherwise have to be made between the dismissal of some of the experts responsible for carrying out U.N.D.P. projects or the discontinuance of the Training Division.

3.23 Assistance provided to the seminars by U.N.D.P. consisted of the award of fellowships whenever possible. In the absence of an increase on the 18% level it would be impossible to meet requirements with regard to seminars.

3.24 The Chairman of the Working Group, referring to comments made by the United States delegate, said that the draft resolution did not mean a large increase in expenditure as the words "by all means at his disposal" in paragraph a) of the further instructions to the Secretary-General ensured that only the resources that were available would be used. His administration was willing, and no doubt others were too, to take some of the financial burden off the General Secretariat by undertaking to multiply and despatch the documents prepared by the I.T.U. to seminar participants. The draft resolution included all the basic points made in Resolution No. 34 and had merely developed them in greater detail.

3.25 Referring to the comments of the delegates of Lebanon and the U.S.S.R., he said that the draft resolution was principally aimed at helping the developing countries. No provision had been made in it for seminars at an advanced level for developed countries as no need had been felt for that in the past.

3.26 The Chairman said that there appeared to be a general feeling that the very explicit directives given by the draft resolution to the Secretary-General and the Administrative Council would tie their hands too much with regard to the organization of seminars. In addition, some delegates considered that it would be satisfactory to retain Resolution No. 34 as it was with some minor up-dating amendments. In view of those facts, he suggested that another working party be set up to draw up a further draft resolution, using Document No. 34 as a basis and incorporating in it the key ideas of Document No. DT/45.

3.27 The delegates of the United Kingdom and the Congo supported the Chairman's suggestion.

3.28 The delegate of Iraq supported the draft resolution as it stood as he considered it was necessary for the details relating to the organization of seminars to be explicitly stated.

3.29 The delegate of the U.S.S.R. suggested that an acceptable compromise that the Working Party might like to consider would be to keep the text of Resolution No. 34 but to add to it a further instruction to the Secretary-General to bear in mind, when making his recommendations to the Administrative

Council on how activities relating to seminars might be improved, the discussions which had taken place in Committee 6, the decisions taken therein and the human and financial resources available. That would avoid the need for the draft resolution to contain detailed directives to the Secretary-General.

3.30 In the light of the discussion, it was decided to set up a working party comprising the delegates of the United Kingdom, the Congo and Malaysia, together with Mr. Autelli, regional expert, as I.T.U. representative, under the chairmanship of the delegate of France, to reconsider the draft resolution.

3.31 In spite of the Chairman's assurance to the contrary, the delegate of Mexico felt that the decision of the Committee implied a lack of confidence in his work as Chairman of the previous Working Party and he declined the invitation to join the new one.

4. Vocational Training Standards (Document No. DT/46)

4.1 Introducing Document No. DT/46, the Chairman of the Working Party explained the changes that had been considered necessary to up-date and fill in the gaps in Resolution No. 31 and which had been embodied in the draft resolution.

4.2 In reply to the delegate of Botswana, who requested clarification of the intention of paragraphs i) and ii), page 1, and paragraph 2 a), page 2, of the draft resolution, the Secretary-General said that the main aim of work on training standards was eventually to make standard instruction texts available for each level of training and so facilitate the work of experts on mission at vocational training centres, who had, up to the present, been writing their own instruction manuals. A step towards that goal had already been made by assembling information at I.T.U. Headquarters on existing manuals as a preliminary to aligning them. That work would in a number of years enable the I.T.U. to make basic documents available that could be used in all training centres. Another problem to be tackled was the fact that criteria for the same level of training varied widely at present between countries and between training centres. Methods for dealing with that had been discussed at the Evian seminar on modern training methods, with the result that a Study Group on Training Matters had been set up on the lines of a C.C.I. Study Group to discuss all the problems of standardization and to find solutions to them.

4.3 The delegate of Lebanon expressed concern about the vastness of the task to be tackled if each of the many different types of training required was to be standardized in that way. He felt the aims of the draft resolution should be more modest and therefore more attainable.

4.4 The Secretary-General said that the points raised by the delegate of Lebanon were the very ones under discussion in the Study Group on Training Matters which would recommend specific solutions. It was thus preferable for the resolution to remain unspecific and merely outline the general direction standardization should take. Standardization was a very long-term task and progress could only be made gradually.

4.5 Further discussion of the draft resolution was postponed to the following meeting of Committee 6.

The meeting rose at 1840 hrs.

The Secretary:

H. RUUD

The Chairman:

M. BENABDELLAH

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 286-E

19 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

The Delegation of the Socialist Federal Republic of Yugoslavia states on behalf of its Government that :

(a) since two Regions and two Administrations exist in South Viet-Nam, the Provisional Revolutionary Government of the Republic of South Viet-Nam and the Saigon régime, the Convention and other Acts of the Plenipotentiary Conference (Malaga-Torremolinos, 1973), signed by the representatives of the Saigon régime, cannot be considered as signed on behalf of South Viet-Nam;

(b) the representatives of South Korea have no right to sign the Convention and other Acts of the Plenipotentiary Conference (Malaga-Torremolinos, 1973) on behalf of the whole of Korea.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 287-E

19 October 1973

Original : French

PLENARY MEETING

Final Protocol

FOR THE SOCIALIST REPUBLIC OF ROUMANIA

The Delegation of the Socialist Republic of Roumania reserves for its Government the right to take any action it considers necessary to safeguard its interests and to accept or not to accept the financial consequences of any reservations made by other countries.



PLENARY MEETING

Final Protocol

FOR THE SOCIALIST REPUBLIC OF ROUMANIA

The delegation of the Socialist Republic of Roumania declares, on behalf of its Government, that :

1. it considers the claims of the representatives of South Korea to speak on behalf of the whole of Korea within the International Telecommunication Union to be without foundation and completely devoid of legal validity, since the Seoul regime does not and cannot represent the Korean people;
2. the Saigon Administration cannot unilaterally represent South Viet-Nam.

The delegation of the Socialist Republic of Roumania considers that the sole legal representative of Cambodia is the Royal Government of National Union of Cambodia.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 289-E

20 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR MALAYSIA

The Delegation of Malaysia reserves for its Government the right to take such action as it may deem necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 290-E

19 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR THAILAND

The Delegation of Thailand reserves the right of its Government to take any action that it deems necessary to safeguard its interests should any country fail, in any way, to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973), or should reservations made by any country jeopardize its telecommunication services or lead to an increase in its share towards defraying the expenses of the Union.



INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 291-E
19 October 1973
Original : French

PLENARY MEETING

Final Protocol

FOR THE MALAGASY REPUBLIC

The delegation of the Malagasy Republic reserves for its Government the right to take any action it deems necessary to safeguard its interests should Members of the Union fail in any way to observe the provisions of the International Telecommunication Convention (Málaga-Torremolinos, 1973) or should reservations by other countries jeopardize its own telecommunication services.

It also reserves for its Government the right not to accept any financial consequences of reservations made by other Governments taking part in the present Conference.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 292-L

19 October 1973

Original : Spanish

PLENARY MEETING

Final Protocol

FOR THE REPUBLIC OF GUATEMALA

The Delegation of the Government of the Republic of Guatemala to the Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973) reserves for its Government the right not to accept any financial measure which might lead to an increase in its contributory share in defraying the expenses of the Union; it also reserves the right in connection with the payment of the sums owed by Members of the Union whatever the amount.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 293-E

19 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR TRINIDAD AND TOBAGO

The delegation of the Government of Trinidad and Tobago reserves, on behalf of its Government, the right not to accept any financial measures which might lead to an increase in its contributory share and to take such action as it may consider necessary to safeguard its interests, should certain Members not share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973), or its Annexes or the Protocols attached thereto or should reservations by other countries jeopardize its telecommunication services.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 294-E

19 October 1973

Original : French

PLENARY MEETING

Final Protocol

FOR THE ISLAMIC REPUBLIC OF MAURITANIA

The Delegation of the Government of the Islamic Republic of Mauritania to the I.T.U. Plenipotentiary Conference (Málaga-Torremolinos, 1973) reserves for its Government the right not to accept any financial measure which might lead to an increase in its contributory share in defraying the Union expenses and to take any measures it deems necessary to protect its telecommunication services if any Members do not observe the terms of the International Telecommunication Convention (Málaga-Torremolinos, 1973).



PLENARY MEETING

FINAL REPORT
OF THE CHAIRMAN OF COMMITTEE 6

1. The Committee held 17 meetings, the first on 19 September and the 17th on 19 October 1973.
2. Twelve draft resolutions were prepared (see attached list).
3. In its first report the Committee submitted a proposal to the Plenary Meeting concerning the reports on missions of experts (ref. Documents Nos. DT/27 and 167).
4. The second report gives the Committee's conclusions on the proposal to set up a Permanent International Committee for Technical Cooperation (ref. Documents Nos. DT/31 (Rev.), 67, 93 and 168).
5. The third report refers the question of World Telecommunications Day to the Plenary Meeting (ref. Documents Nos. DT/37 and 232).
6. In its fourth report the Committee proposes to the Conference the expression of an opinion on the recruitment of experts (ref. Document No. 247).
7. The Committee also discussed a proposal for measures designed to facilitate the participation of new or developing countries in the meetings of the C.C.I. Study Groups, and accordingly prepared Document No. 246 for Committee 4 (ref. Document No. 199).

M. BENABDELLAH
Chairman of Committee 6

Annex : 1



A N N E X

Title	Working document	Editorial Committee reference
Participation of the Union in the United Nations Development Programme	DT/36, 196	218/Res. K
Recruitment of experts for Technical Cooperation projects	DT/34, 195	218/Res. L
Inter-Country projects financed by the U.N.D.P. in the field of telecommunications	DT/49, 197	218/Res. M
Application of science and telecommunication technology in the interests of developing countries	DT/60	229/Res. U
Regional offices	DT/54	229/Res. V
Training standards	DT/46	230/Res. W
Seminars	DT/45(Rev.)	252/Res. Y
Improvement of Union facilities for providing information and advice to developing countries	DT/65	
Supplementary financial resources for the Union's Technical Cooperation activities	DT/81, 7, 82, 89, 103(Rev.)	
Special measures for the least developed among the developing countries	240	
Joint Inspection Unit	DT/82	
Implementation of various Resolutions of the United Nations General Assembly		

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 296-E

19 October 1973

Original : English

PLENARY MEETING

Memorandum by the Secretary-General

PLENIPOTENTIARY CONFERENCE VENUE

I hereby transmit to the Conference a letter from the
Head of the Delegation of Kenya.

M. MILI

Secretary-General

Annex : 1



A N N E X

18 October 1973

The Chairman
International Telecommunication
Union
Plenipotentiary Conference
Torremolinos
SPAIN

Subject : PLENIPOTENTIARY CONFERENCE VENUE

Dear Sir,

The Government and People of Kenya, in reaffirming their confidence in the work of the Union, have much pleasure in conveying their humble greetings to the 1973 Plenipotentiary Conference on the occasion of Kenyatta Day, which is remembered annually on 20th October.

The Republic of Kenya wishes to see a strengthening of the universality of the International Telecommunication Union and favours a view that Plenipotentiary Conferences should also take place in the Developing Countries. This would enhance awareness by the world organization of the aspirations, efforts and achievements in telecommunications as well as in other fields of development.

With the foregoing suggestion in mind, the Government of Kenya formally takes this early opportunity to invite the Conference to consider honouring her with the opportunity of hosting the next Plenipotentiary Conference in Nairobi.

In this respect it is confirmed that facilities exist at the Nairobi Kenyatta Conference Centre to cater for the needs of the Plenipotentiary Conference. There are also adequate hotel

of the Plenipotentiary Conference. There are also adequate hotel rooms in Nairobi to accommodate the requirements.

In conclusion the Government of Kenya will be greatly honoured if this request would meet with the approval of the Conference.

Yours faithfully,

J.S. ODANGA

Deputy Leader of Kenya Delegation

PLENARY MEETING

FINAL REPORT OF THE BUDGET CONTROL COMMITTEE

This Report follows on from the Interim Statement which the Budget Control Committee submitted to the Plenary Meeting in Document No. 215, and is the Report to be presented to the Plenary Meeting by Committee 3 in accordance with Rule 5 of the General Regulations annexed to the Montreux Convention, 1967.

Position of the accounts of the Conference on 18 October 1973

As may be seen in the annex to this Report, the total expenditure to be borne by the Union is estimated at 2,564,450 Swiss francs, as compared with the budget estimate of 2,691,600, thus leaving a margin of 127,150 Swiss francs unused credits. In this connection, it should be pointed out that the sum of 2,691,600 Swiss francs takes account of the reduction of 100,000 Swiss francs made after the change in the daily subsistence allowance paid to staff members seconded to Torremolinos. Accordingly, by comparison with the budget approved by the Administrative Council, the margin is estimated at 227,150 Swiss francs.

According to the provisions of item 4.2b of the Agreement between the Spanish Government and the Secretary-General of the I.T.U., the host administration has to defray the additional expenditure involved in holding the Conference at Torremolinos instead of at Geneva. This expenditure, which was estimated at 275,000 Swiss francs when the budget was prepared, is now estimated to be 255,600 Swiss francs, i.e., 19,400 Swiss francs less than was expected.



In accordance with the provisions of the General Regulations annexed to the Montreux Convention, Rule 5, No. 677, after consideration and approval by the Plenary Meeting, this Report is to be transmitted to the Secretary-General for submission to the Administrative Council at its next annual session.

M.K. BASU
Chairman

Annex : 1

ANNEX

Heading	Approved budget	Credit transfers		Available credits	Expenditure at 18 October 1973			Total Expenditure	Difference + / -	Difference to be borne by Spanish Administration
		Item to Item	Sub-head to Sub-head		actual	committed	estimated			
1	2	3	4	5	6	7	8	9	10	11
<u>SUB-HEAD I - Staff</u>										
<u>Item 7101 Subsistence allowance</u>					2,250	512,750	-	515,000		
- Staff					3,269	31,731	-	35,000	-	
- Private contr. staff										
	500,000	+ 50,000	-	550,000	5,519	544,481	-	550,000	-	500,000
<u>Item 7102 Salaries and related expenditure</u>										
- Salaries					279,082	920,918	-	1,200,000		
- Overtime, etc.					1,810	42,400	62,790	107,000		
- Private contr. staff					55,380	64,050	4,770	125,000		
- Overtime of contr. staff					16,895	-	25,105	42,000		
	1,763,600	- 100,000	- 130,000	1,524,600	353,167	1,028,168	92,665	1,474,000	+ 50,600	-
<u>Item 7103 Travel</u>										
- Travel	154,000	+ 50,000	-	204,000	122,588	65,544	15,868	204,000	-	130,000
<u>Item 7104 Insurance</u>										
- Accident					-	19,000	-	19,000		
- Sickness					11,531	7,469	-	19,000		
- Luggage					-	10,000	-	10,000	-	10,000
	39,000	+ 9,000	-	48,000	11,531	36,469	-	48,000	-	
<u>TOTAL SUB-HEAD I</u>	2,456,600	-	- 130,000	2,326,600	492,805	1,647,662	108,533	2,276,000	+ 50,600	640,600

Heading	Approved budget	Credit transfers		Available credits	Expenditure at 18 October 1973			Total Expenditure	Difference + / -	Difference to be borne by Spanish Administration
		Item to Item	Sub-head to Sub-head		actual	committed	estimated			
1	2	3	4	5	6	7	8	9	10	11
<u>SUB-HEAD 11 - Premises and equipment</u>										
<u>Item 7201 Premises, furniture and machines</u>										
- Premises					-	-	-	-		- 300,000
- Hire of furniture					-	-	-	-		- 20,000
- Hire of machines					21,902	23,565	4,533	50,000	-	
	20,000	-	+ 30,000	50,000	21,902	23,565	4,533	50,000	-	- 320,000
<u>Item 7202 Document Prod.</u>										
- Document Production	130,000	-	+ 70,000	200,000	59,220	123,000	17,780	200,000	-	-
<u>Item 7203 Office supplies and overheads</u>										
- Supplies and equipment					42,136	2,500	364	45,000		
- Transp. of premises					999	-	1,091	2,000		
- Transp. of equipment to and from Geneva					5,850	35,150	-	41,000		+ 41,000
- Sundry					8,455	4,545	-	13,000		
	93,000	-	+ 8,000	101,000	57,350	42,195	1,455	101,000	-	+ 41,000
<u>Item 7204 Postage, telephone, telegrams</u>										
- Postage					32,084	8,448	20,468	61,000		
- Telephone					-	-	-	-		
- Telegrams					291	-	706	1,000		
- Sundry					-	-	-	-		
	40,000	-	+ 22,000	62,000	32,375	8,448	21,174	62,000	-	
<u>Item 7205 Technical installations</u>										
- Technical installations	8,000	-	-	8,000	1,138	4,862	-	6,000	+ 2,000	

Heading	Approved budget	Credit transfers		Available credits	Expenditure at 18 October 1973			Total Expenditure	Difference + / -	Difference to be borne by Sports Administration
		Item to Item	Sub-head to Sub-head		actual	committed	estimated			
1	2	3	4	5	6	7	8	9	10	11
Item 7206 Sundry and unforeseen										
- Sundry and unforeseen	19,000				7,046	2,150	9,804	19,000	-	- 8,000
<u>TOTAL SUB-HEAD II</u>	310,000	-	+ 130,000	440,000	179,031	204,220	54,749	438,000	+ 2,000	- 287,000
<u>SUB-HEAD III - Other expenses</u>										
Item 7301 Final Acts of the Conference										
- Printing						25,041	34,959	60,000		98,000
- Translation into Russian							20,000	20,000		
- Translation into Chinese							20,000	20,000		
	160,000	-	-	160,000		25,041	74,959	100,000	+ 60,000	- 98,000
Item 7302 Report of the Administrative Council to the Plenipotentiary Conference										
- Printing	40,000	-	-	40,000	6,050		-	6,050	+ 33,950	
<u>TOTAL SUB-HEAD III</u>	200,000	-	-	200,000	6,050	25,041	74,959	106,050	+ 93,950	- 98,000
<u>GRAND TOTAL a)</u>	2,966,600			2,966,600	677,886	1,903,923	238,241	2,820,050	146,550	+ 255,600
Expenditure borne by host Administration	275,000			275,000				255,600	- 19,400	
<u>GRAND TOTAL b)</u>	2,691,600	-	-	2,691,600				2,564,450	127,150	255,600

PLENARY MEETING

Australia and Ethiopia

PROPOSAL FOR THE WORK OF THE CONFERENCE

Commentary on the Convention

1. The Universal Postal Union publishes the basic acts of the U.P.U. with a commentary in the form of footnotes which in certain cases explain the historical background of the texts, trace their evolution, comment on steps taken in connection with various provisions and cite interpretations given by the competent organs of the U.P.U.

The footnotes have no official standing and the edition which contains them is not used officially by the Postal Congress when it considers proposals for changes to its basic acts. Nevertheless, according to the Secretary-General of the U.P.U., nearly all delegations in fact work with the commentary, which they find most useful.

The notes are brought up to date after each Postal Congress.

2. Since the I.T.U. is a regulatory body, comparable to the U.P.U., it is important that, as far as possible, the meaning of the texts of its basic instruments should be unequivocally clear. Furthermore, due to the long intervals between Plenipotentiary Conferences and the great increase in Membership it is clear that the proportion of officials attending Plenipotentiary Conferences, or concerned with the preparation of proposals, with a prior knowledge of the Union and of the history of its basic texts is becoming smaller than in the past. In many cases, also, Administrations do not possess the archives of I.T.U. documentation which would permit adequate research into the historical provenance of texts and thus the background necessary for the formulation of proposals for changes.



3. It is proposed, therefore, that the Secretary-General be instructed to prepare a commentary to the Convention (and General Regulations) along the lines of that prepared for the basic instruments of the U.P.U., and publish as a sales document an edition of those texts with the commentary in time for the next Plenipotentiary Conference, after prior approval by the Administrative Council.
4. It is felt, in brief, that the advantages of the commentary would be :
 - 1) while not having an official status it would be most valuable to Members in the construing of the texts of the Convention as required and particularly in any cases of dispute;
 - 2) it would be most useful to Administrations preparing their proposals for the next Plenipotentiary Conference and would avoid much time spent in research. It would be particularly helpful for the next Plenipotentiary Conference itself, which has to consider the adoption of a Constitution;
 - 3) once prepared, it could readily be kept up to date and would thus constitute a standing historical record of the provenance and meaning of the basic instruments of the I.T.U.
5. As the work of the preparation of the commentary, which it is thought might take about two to three years to accomplish, would not fall within the day-to-day tasks of the Union and could not, in the opinion of the Secretary-General, be undertaken within the existing resources of the Secretariat, it is proposed that a special credit be voted for this purpose outside the normal budgetary ceiling, to enable the Secretary-General to employ for this task expert assistance on a temporary basis.
6. The Plenary Meeting is invited to adopt the attached draft Resolution.

A N N E X

RESOLUTION ...

PREPARATION OF AN ANNOTATED EDITION OF THE
CONVENTION AND GENERAL REGULATIONS

The Plenipotentiary Conference of the International
Telecommunication Union (Málaga-Torremolinos, 1973),

considering

the usefulness of an annotated edition of the
Convention, comparable to the annotated edition of the Acts of
the Universal Postal Union, providing information on the origin
and evolution of its provisions and citing where applicable
explanations of texts made during Plenipotentiary Conferences;

that such a task would not fall within the day-to-day
tasks of the Secretariat but that once completed the edition
could be brought up to date after each Plenipotentiary
Conference by it by the use of existing resources;

instructs the Secretary-General

1. to undertake the preparation and publication at
least a year before the next Plenipotentiary Conference of an
annotated edition of the Final Acts of the Plenipotentiary
Conference of Málaga-Torremolinos in the working languages of
the Union;
2. to engage on a temporary basis such qualified staff
as may be necessary for the performance of this task and for
this purpose to spend a sum not exceeding 120,000 Swiss francs;
3. to submit the texts of the notes to the Administrative
Council for its approval before publication.

PLENARY MEETING

DRAFT RESOLUTION

JOINT INSPECTION UNIT

The Plenipotentiary Conference of the International
Telecommunication Union (Malaga-Torremolinos, 1973),

having noted

a) the Report of the Administrative Council (Part II,
section 2.5.3);

b) United Nations General Assembly Resolutions 2150 (XXI),
2360 (XXII) and 2924 (XXVII);

considering

the useful role played by the Joint Inspection Unit
as an independent service of the United Nations;

instructs the Secretary-General

to continue to cooperate with the Joint Inspection
Unit and to submit the appropriate reports to the Administrative
Council;

instructs the Administrative Council

to study the reports submitted by the Secretary-
General and to take any necessary action.

M. BENABDELLAH

Chairman of Committee 6



PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 300-E
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PLENARY MEETING

Final Protocol

FOR SOMALI DEMOCRATIC REPUBLIC

The delegation of Somalia declares that the Government of Somali Democratic Republic cannot accept any financial consequences that might arise as a result of reservations made by other Governments taking part in the Plenipotentiary Conference (Malaga-Torremolinos, 1973).

It also reserves for its Government the right to take any action it deems necessary to safeguard its interest, should Members in any way fail to comply with the requirements of the International Telecommunication Convention (Malaga-Torremolinos, 1973) or should reservations by other countries jeopardize its telecommunication services.

