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

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- This PDF includes Document No. 401-449
- 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

Document No. 401-E
23 October 1973
Original : French

PLENARY MEETING

Final Protocol

FOR MONACO

The Delegation of Monaco reserves for its Government 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 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 the smooth and efficient operation of its telecommunication services.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 402-E

23 October 1973

Original : French

PLENARY MEETING

Final Protocol

FOR AUSTRIA, LUXEMBOURG AND
THE KINGDOM OF THE NETHERLANDS

The Delegations of the above-mentioned countries reserve for their Governments the right to take any action which they may consider necessary to safeguard their 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 be liable to cause an increase in their contributory shares in defraying Union expenses, or, finally, should reservations by other countries jeopardize their telecommunication services.



PLENARY MEETING

Final Protocol

FOR THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

The Delegation of the Socialist Federal Republic of Yugoslavia reserves for its Government the right :

1. to take any action that it deems necessary to safeguard the interests of its telecommunications should certain Members fail to comply with the provisions of this Convention, or should reservations by other countries jeopardize its telecommunication services;
 2. to take any action it may consider necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union, or should any reservations by other countries be liable to cause an increase in its contributory share in defraying Union expenses.
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INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 404-E
23 October 1973
Original : French

PLENARY MEETING

Final Protocol

FOR THE CONFEDERATION OF SWITZERLAND AND
THE PRINCIPALITY OF LIECHTENSTEIN

The Delegations of the above-mentioned countries reserve for their Governments the right to take the necessary action to safeguard their interests should any reservations made or other measures adopted have the effect of jeopardizing their telecommunication services or lead to an increase in their contributory shares in defraying Union expenses.



PLENARY MEETING

4th AND LAST REPORT OF COMMITTEE 4
TO THE PLENARY MEETING

1. At its 13th, 14th and 15th meetings the Finance Committee studied and finalized the data for Additional Protocols I and II to the new Convention, dealing with :

1.1 Additional Protocol I : Union expenditure for the period 1974 to 1979. The Committee set limits which the Administrative Council is not to exceed in preparing the budgets for the years 1974 to 1979, in connection with recurrent administrative expenditure and expenditure on conferences and meetings (see attached tables).

1.2 Additional Protocol II : the procedure to be followed by Members in choosing their class of contribution. The Committee proposes that the choice of class of contribution should be communicated to the Secretary-General by 1 July 1974; Members failing to disclose their choice by that date will have to contribute in accordance with the number of contributory units they selected under the Montreux Convention.

The texts of Additional Protocols I and II were transmitted to the Editorial Committee.

2. The Finance Committee also considered a Mexican proposal (Document No. 199) on helping new or developing countries to attend C.C.I. Study Group Meetings. The Mexican proposal had been approved by Committee 6, which had left it to Committee 4 to study the budgetary implications. The Finance Committee proposes that the Plenary Meeting should adopt the resolution on "Invitations to hold conferences or meetings away from Geneva" as submitted by Mexico.

The text of this resolution was transmitted to the Editorial Committee.

R. RÜTSCHI
Chairman

Annexes : 2



TABLE 1

Recurrent expenditure in the years 1974 to 1979

Data for determining the fiscal limit for Union expenditure in the years 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
1. Provisional budget for 1974 approved by the A.C. (Annex 11 to the Report of the A.C. to the P.C.)	31,723,100	31,723,100	31,723,100	31,723,100	31,723,100	31,723,100
2. Updating of the provisional budget (Document No. 34)	980,900	980,900	980,900	980,900	980,900	980,900
	32,704,000	32,704,000	32,704,000	32,704,000	32,704,000	32,704,000
3. Increase in the membership of the Administrative Council	61,000	61,000	61,000	61,000	61,000	61,000
4. Longer sessions of the Administrative Council (21 days instead of 19)	16,000	16,000	16,000	16,000	16,000	16,000
5. Introduction of Chinese as a language of interpretation at meetings of the Administrative Council		30,000	30,000	30,000	30,000	30,000

Data for determining the fiscal limit for Union expenditure for 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
10. In-service training of Union staff	10,000	25,000	25,000	30,000	30,000	30,000
11. Grading standards and classification of posts			- pro mem -			
12. Union building Annual instalments on old building	-	-	- 575,000	- 575,000	- 575,000	- 575,000
13. Union building Amortization of the cost of building the Tower	-	- 122,000	- 209,000	- 209,000	- 209,000	- 209,000
14. Union building 1. Maintenance fund (amount included in the 1974 budget : 1,000 Swiss francs pro mem)	119,000	119,000	119,000	119,000	119,000	119,000
2. Cleaning costs	50,000	50,000	50,000	70,000	70,000	100,000
15. Union building 1. Extension of the I.F.R.B. Compactus	-	100,000	-	-	-	-
2. Technical equipment for interpretation into Arabic	30,000					

Data for determining the fiscal limit for Union expenditure for 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
16. Conversion of computer programmes	-	-	- 2,500	- 200,000	- 200,000	- 200,000
17. Special credit for renewing typewriter stock	33,000	33,000	33,000	33,000	33,000	-
18. Repercussions of increase in cost of living on budget items other than staff, including computer rental	40,000	100,000	200,000	300,000	400,000	500,000
19. Group of T.C. engineers						
1. Transfer to ordinary budget	50,000	50,000	50,000	50,000	50,000	50,000
2. Recruitment of specialists on short-term contracts	100,000	200,000	200,000	200,000	200,000	200,000
3. Mission expenses	50,000	100,000	100,000	100,000	100,000	100,000
20. Training Division						
Transfer to ordinary budget	400,000	400,000	400,000	400,000	400,000	400,000
Equipment	20,000	20,000	20,000	20,000	20,000	20,000
21. Training standards (T.C.)						
			- pro mem -			

TABLE 2

CONFERENCES AND MEETINGS BUDGET FOR THE YEARS 1974 TO 1979

Data for determining the fiscal limit for Union expenditure in the years 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
1. <u>Plenipotentiary Conference</u>						
2. <u>Administrative conferences</u>						
2.1 World Administrative Maritime Radio Conference (7 weeks)	3 124 000					
2.2 World Administrative Radio Conference to prepare a plan for the Broadcasting-Satellite Service (6 weeks)			3 000 000			
2.3 World Administrative Radio Conference for the Mobile Aeronautical (R) Service (6 weeks)			1 800 000			
2.4 World Administrative Radio Conference to revise the Radio Regulations (10 weeks)						4 500 000
2.5 Interpretation into Chinese			(included)			(included)
2.6 Interpretation into Arabic			350 000			600 000

Data in determining the fiscal limit for Union expenditure in the years 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
3. <u>C.C.I.R. Meetings</u>						
3.1 Final meetings of Study Groups and XIIIth Plenary Assembly	1 682 000					
3.2 Sundry meetings		200 000				
3.3 Interim meetings of Study Groups			2 500 000			
3.4 Final meetings of Study Groups and XIVth Plenary Assembly				2 100 000		
3.5 Sundry meetings					250 000	
3.6 Interim meetings of Study Groups						2 850 000
3.7 Interpretation into Chinese		20 000	350 000	300 000	20 000	400 000

Data for determining the fiscal limit for Union expenditure for 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
4. <u>C.C.I.T.T. Meetings</u>						
4.1 Study Group meetings	1,983,000					
4.2 Study Group meetings		2,100,000				
4.3 Study Group meetings and Vith Plenary Assembly			2,400,000			
4.4 Study Group meetings				700,000	2,100,000	2,400,000
4.5 Interpretation into Chinese		350,000	350,000	100,000	350,000	350,000
5. 5.1 Expenditure in pursuance of Administrative Council Decision No. 358	730,000	-	-	-	-	-
5.2 Transfer of recurrent expenditure within the fiscal limit (see item 8.1)	-1,130,000					
6. I.F.R.B. seminars	50,000	-	50,000	-	50,000	-
7. Seminars organized by Members of the Union and by the Union within the framework of its technical cooperation activities	200,000	200,000	200,000	200,000	200,000	200,000
	6,639,000	2,870,000	11,000,000	3,400,000	2,970,000	14,800,000
	6,600,000	2,900,000	11,000,000	3,400,000	3,000,000	14,800,000

PLENARY MEETING

4th AND LAST REPORT OF COMMITTEE 4
TO THE PLENARY MEETING

1. At its 13th, 14th and 15th meetings the Finance Committee studied and finalized the data for Additional Protocols I and II to the new Convention, dealing with :
 - 1.1 Additional Protocol I : Union expenditure for the period 1974 to 1979. The Committee set limits which the Administrative Council is not to exceed in preparing the budgets for the years 1974 to 1979, in connection with recurrent administrative expenditure and expenditure on conferences and meetings (see attached tables).
 - 1.2 Additional Protocol II : the procedure to be followed by Members in choosing their class of contribution. The Committee proposes that the choice of class of contribution should be communicated to the Secretary-General by 1 July 1974; Members failing to disclose their choice by that date will have to contribute in accordance with the number of contributory units they selected under the Montreux Convention.

The texts of Additional Protocols I and II were transmitted to the Editorial Committee.

2. The Finance Committee also considered a Mexican proposal (Document No. 199) on helping new or developing countries to attend C.C.I. Study Group Meetings. The Mexican proposal had been approved by Committee 6, which had left it to Committee 4 to study the budgetary implications. The Finance Committee proposes that the Plenary Meeting should adopt the resolution on "Invitations to hold conferences or meetings away from Geneva" as submitted by Mexico.

The text of this resolution was transmitted to the Editorial Committee.

R. RÜTSCHI
Chairman

Annexes : 2



Data for determining the fiscal limit for Union expenditure for 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
6. Increase in representation allowances of elected officials	15,000	15,000	15,000	15,000	15,000	15,000
7. Step increases in salary scale in accordance with Staff Regulations and Rules	-	300,000	600,000	890,000	1,170,000	1,440,000
8. Established posts - creation of permanent posts for duties of a permanent nature	*) 1,130,000	1,160,000	1,190,000	1,220,000	1,250,000	1,280,000
9. Creation of new posts for the four permanent organs of the Union (Normal increase in Union duties, based on annual 3% increase in staff expenditure amounting to 25,978,900 Swiss francs)	130,000	1,280,000	1,560,000	2,340,000	3,120,000	3,900,000

*) At present these posts are carried on the conferences and meetings budget (see point 5.2 of Annex 2).

Data for determining the fiscal limit for Union expenditure for 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
	-			-	-	-
10. In-service training of Union staff	10,000	25,000	25,000	30,000	30,000	30,000
11. Grading standards and classification of posts			- pro mem -			
12. Union building Annual instalments on old building	-	-	- 575,000	- 575,000	- 575,000	- 575,000
13. Union building Amortization of the cost of building the Tower	-	- 122,000	- 209,000	- 209,000	- 209,000	- 209,000
14. Union building						
1. Maintenance fund (amount included in the 1974 budget : 1,000 Swiss francs pro mem)	119,000	119,000	119,000	119,000	119,000	119,000
2. Cleaning costs	50,000	50,000	50,000	70,000	70,000	100,000
15. Union building						
1. Extension of the I.F.R.B. Compactus	-	100,000	-	-	-	-
2. Technical equipment for interpretation into Arabic	30,000					

Data for determining the fiscal limit for Union expenditure for 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
16. Conversion of computer programmes	-	-	- 2,500	- 200,000	- 200,000	- 200,000
17. Special credit for renewing typewriter stock	33,000	33,000	33,000	33,000	33,000	-
18. Repercussions of increase in cost of living on budget items other than staff, including computer rental	40,000	100,000	200,000	300,000	400,000	500,000
19. Group of T.C. engineers						
1. Transfer to ordinary budget	50,000	50,000	50,000	50,000	50,000	50,000
2. Recruitment of specialists on short-term contracts	100,000	20,000	20,000	20,000	20,000	20,000
3. Mission expenses	50,000	100,000	100,000	100,000	100,000	100,000
20. Training Division						
Transfer to ordinary budget	400,000	400,000	400,000	400,000	400,000	400,000
Equipment	20,000	20,000	20,000	20,000	20,000	20,000
21. Training standards (T.C.)						
			- pro mem -			

TABLE 2

CONFERENCES AND MEETINGS BUDGET FOR THE YEARS 1974 TO 1979

Data for determining the fiscal limit for Union expenditure in the years 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
1. <u>Plenipotentiary Conference</u>						
2. <u>Administrative conferences</u>						
2.1 World Administrative Maritime Radio Conference (7 weeks)	3 124 000					
2.2 World Administrative Radio Conference to prepare a plan for the Broadcasting-Satellite Service (6 weeks)			3 000 000			
2.3 World Administrative Radio Conference for the Mobile Aeronautical (R) Service (6 weeks)			1 800 000			
2.4 World Administrative Radio Conference to revise the Radio Regulations (10 weeks)						4 500 000
2.5 Interpretation into Chinese			(included)			(included)
2.6 Interpretation into Arabic			350 000			600 000

Data in determining the fiscal limit for Union expenditure in the years 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
<u>C.C.I.R. Meetings</u>						
3.1 Final meetings of Study Groups and XIIIth Plenary Assembly	1 682 000					
3.2 Sundry meetings		200 000				
3.3 Interim meetings of Study Groups			2 500 000			
3.4 Final meetings of Study Groups and XIVth Plenary Assembly				2 100 000		
3.5 Sundry meetings					250 000	
3.6 Interim meetings of Study Groups						2 850 000
3.7 Interpretation into Chinese		20 000	350 000	300 000	20 000	400 000

Data for determining the fiscal limit for Union expenditure for 1974 to 1979						
Item	1974	1975	1976	1977	1978	1979
4. C.C.I.T.T. Meetings						
4.1 Study Group meetings	1,983,000					
4.2 Study Group meetings		2,100,000				
4.3 Study Group meetings and VIth Plenary Assembly			2,400,000			
4.4 Study Group meetings				700,000	2,100,000	2,400,000
4.5 Interpretation into Chinese		350,000	350,000	100,000	350,000	350,000
5 5.1 Expenditure in pursuance of Administrative Council Decision No. 356	730,000		-	-	-	-
5.2 Transfer of recurrent expenditure within the fiscal limit (see item 8.1)	-1,130,000					
6. I.F.R.B. seminars	50,000	-	50,000	-	50,000	-
7. Seminars organized by Members of the Union and by the Union within the framework of its technical cooperation activities	200,000		200,000	200,000	200,000	200,000
	6,639,000	2,450,000	11,000,000	3,400,000	2,970,000	14,800,000
	6,600,000	2,400,000	11,000,000	3,400,000	3,000,000	14,800,000

COMMITTEE 7

SUMMARY RECORD

OF THE

EIGHTEENTH MEETING OF COMMITTEE 7

Tuesday, 16 October 1973, at 1120 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 Record of the 11th meeting	211
2. Draft Resolution	DT/61(Rev.)
3. Proposal concerning No. 272	227
4. Reports of Working Groups	226, DT/66, DT/59(Rev.) DT/64
5. Chapter 6 - International Consultative Committees Nos. 303 to 309	CAN/24, DNK/41, MEX/70
6. Chapter 7 - Coordination Committee Nos. 310 to 315	URS/15, D/21, CAN/24, E/43, MEX/70

1. Approval of Summary Record of the 11th meeting (Document No. 211)

Approved.

2. Draft Resolution (Document No. DT/61(Rev.))

2.1 The Director of the C.C.I.T.T., introducing the Draft Resolution, said that a small Working Group had revised the draft to extend it to the C.C.I.R. as well as the C.C.I.T.T. and had taken into account a French proposal that that opportunity should be taken to recommend the preparation of a single definition of the term "telegraphy" by the Joint Committee on Vocabulary and the revision of the definitions of the terms "telegraphy" and "telephony" to cover new services such as data transmission and videophony.

2.2 He accepted the Chairman's suggestion that the first part of the title of the Draft Resolution should be deleted.

2.3 Approved, as amended.

3. Proposal concerning No. 272 (Document No. 227)

3.1 The delegate of Hungary, introducing the document, said that it incorporated the phrase "the instructions derived therefrom for use in international telecommunication services", which had been adopted at the recent Administrative Telegraph and Telephone Conference. The instructions in question were for the use of operators in the international service.

3.2 The delegate of Australia thought that it should be made clear that the instructions in question were only those relating to operational matters.

3.3 The delegate of the U.S.S.R. supported the Hungarian proposal, in view of the importance of providing operators with simple, uniform instructions.

3.4 The delegates of the Federal Republic of Germany and the United States of America said that it was not clear from the proposed insertion what instructions were meant and who produced them in the I.T.U. It seemed that undue importance was being attached to recommendations and instructions as opposed to the principal reports of the C.C.I.s.

3.5 The Deputy Secretary-General read out the relevant passages from Resolution No. 1 of the Telegraph and Telephone Conference, which provided that a manual of instructions should be derived from the recommendations of the C.C.I.T.T. and that instructions for operational services should be prepared as soon as possible. The Conference had taken a similar decision with regard to operational staff in the telephone service and had recommended administrations to apply the instructions as far as possible. After some discussion, it had been suggested that the Plenipotentiary Conference should authorize the Union to prepare instructions derived from the recommendations. The current version of the instructions for the international telegraph service would be updated at the next C.C.I.T.T. Plenary Assembly, just as the Vth Plenary Assembly had endorsed the instructions for the international telephone service, adjusted to the needs of operational staff.

3.6 The Director of the C.C.I.T.T. added that there were about 10 sets of instructions for the operational services, prepared by the competent bodies of the C.C.I.T.T. and revised and supplemented as the services evolved. Thus, the instructions were derived from the deliberations of C.C.I.T.T. Study Groups, but were adapted for use by operational services, rather than high-level technical experts.

3.7 In reply to the delegate of the United States of America, the Director of the C.C.I.R. said that the C.C.I.R. had never yet published any instructions for operators.

3.8 The Chairman suggested that the delegate of Hungary should convene a drafting group on the question, consisting of the delegates of the Federal Republic of Germany, the U.S.S.R. and the United States of America.

3.9 It was so agreed.

4. Reports of Working Groups (Documents Nos. 226, DT/66, DT/59(Rev.), DT/64)

4.1 The delegate of Sweden introduced Document No. DT/66, giving the background of its preparation and pointing out that the main points of the annexed Draft Resolution were that the proposed finance group would operate outside the Council's sessions, that its members' travel and subsistence expenses would be borne by the Union and that the Secretary-General would provide the members of the Council with the necessary documentation in good time before the opening of each session. If the principles of the draft were not accepted, the five Nordic delegations reserved the right to revert to their original proposal (DNK/41).

4.2 The delegates of the Federal Republic of Germany and Japan, introducing their proposal for an additional paragraph in Chapter 3 (Document No. 226), said that they had been unable to join the sponsors of the Draft Resolution because they believed that the General Regulations should provide for a group dealing with financial and possibly with other matters, so as to enable the Council to concentrate on important policy questions. If the costs of the group were borne by the Member countries, no increases in the Union budget would be involved, but if there was strong objection to that procedure the sponsors could agree that the Union should bear those expenses. Finally, the establishment of the group might result in shortening the Council's sessions.

4.3 The delegates of Saudi Arabia, Poland, France, Spain and India said that they could not support either of the proposals. Financial and other responsibility rested with all the members of the Council, not with a small group. The Council's rules of procedure gave it full latitude to set up any group it wished. The new No. 59, providing that the Council should exercise effective financial control, was meant to be applied by the Council itself, with full freedom to choose its own methods. It would be dangerous to set up new groups which would encumber the structure of the Union and would undermine the Council's responsibility. All the functions proposed for the groups could be performed at the Council's own discretion. The proposals ran counter to the trend towards enhancing the role of the Council by increasing its membership: new members must be allowed to learn how the Council exercised its financial control, whereas the members of small groups would tend to come from the rich, developed countries situated near I.T.U. Headquarters, since smaller countries could not afford to pay for their delegates' expenses.

4.4 The delegates of the United Kingdom, New Zealand and the United States of America said they agreed that the Council's responsibility should be preserved intact, that it should be free to decide whether or not to set up a finance group and that its rules of procedure already enabled it to do so. Nevertheless, the Draft Resolution covered all those points and, in addition, provided the Council with the necessary machinery for discharging its new obligations under No. 59. Of course, the establishment of an inter-sessional group paying for itself could undermine the Council's authority but if the expenses of the group were borne by the Union that danger would not arise; moreover, that course would tend to keep the group sessions short, with a view to economy. The fact that the new No. 59 had been approved showed that some Members doubted whether the Council was in fact able to exercise effective financial control. The wording of the Draft Resolution was in no way categorical or mandatory, but merely suggested a way in which the Council might wish to discharge its

new responsibility. Finally, it was suggested that under No. 241 the Council could not convene a group whose expenses would be borne by the Union, but that that point would be covered by the Draft Resolution.

4.5 The delegate of Saudi Arabia, speaking to the latter argument, said that Council itself decided on the length of its sessions and therefore could extend the period to accommodate the meetings of a group.

4.6 The delegate of Brazil said that he was in favour of the German and Japanese proposal, provided the expenses of the group were borne by the Union.

4.7 The Chairman invited the Committee to vote on the motion that there should be no provision in the General Regulations and no Resolution on the question of auxiliary groups of the Administrative Council.

4.8 The motion was carried by 39 votes to 17, with 3 abstentions.

4.9 The Chairman pointed out that that decision affected Nos. 233, 241 and 262 of Chapter 3, as well as No. 246, on which a Working Group was to report shortly.

4.10 No. 233 was approved.

4.11 The Chairman, supported by the delegates of Saudi Arabia and Sweden, suggested that some phrase along the lines of "or on other occasions authorized by the Council on activities of concern to it" might be added to No. 241, to give it greater flexibility.

4.12 The delegates of the U.S.S.R. and the United States of America said they could not agree to any such wording, which might have far-reaching implications.

4.13 The delegates of Saudi Arabia and Sweden withdrew their support for the suggestion.

4.14 No. 241 was approved.

4.15 No. 262 was approved, subject to the deletion of the reference to Associate Members.

The meeting was suspended at 1240 hours and resumed at 1530 hours.

- 4.16 The Chairman drew attention to the text prepared by the Working Group in respect of the proposed revision of provisions relating to succession in case of vacancies in the office of Secretary-General and/or Deputy Secretary-General (DT/59(Rev.)).
- 4.17 The delegate of Brazil considered that the final sentence of No. 64 as proposed by the Working Group, was not clear as it stood, at least in Spanish.
- 4.18 The Chairman suggested the addition of the words "to either post".
- 4.19 The delegate of France thought it would be preferable to delete that final sentence since no existing provision precluded the eligibility for election of the Deputy Secretary-General. The inclusion of such a sentence might also imply the necessity of making further specifically affirmative statements regarding eligibility elsewhere in the Charter.
- 4.20 the Chairman of the Working Group had no objection to the deletion of that sentence, providing it was placed on record that the deletion of that sentence in no way affected the eligibility of the Deputy Secretary-General for election.
- 4.21 The delegates of Nigeria and New Zealand supported the retention of the proposed No. 64 as it stood.
- 4.22 It was so agreed.
- 4.23 The delegates of Senegal and Brazil called attention to the need for making the French and Spanish texts of the proposed No. 64 reflect more closely the original English wording.
- 4.24 The delegate of Canada was somewhat concerned with the reference in the proposed No. 64b to a period not to exceed 90 days during which the Director of one of the International Consultative Committees would discharge the duties of Secretary-General, and wondered whether it would not be useful to provide for the convening of an extraordinary Session of the Administrative Council in 30 days so as to allow adequate time for a new Secretary-General to be able to take up his duties.
- 4.25 Following a query by the delegate of Nigeria as to the reason for specifying, in both proposed Nos. 64a and 64b, a period of 180 days, the delegate of the United States of America explained that, while it was generally recognized as imperative for the office of Secretary-General

to be filled as expeditiously as possible, the Working Group had seen some merit in the Indian view that quite a substantial period of time should be allowed for filling the post of Deputy Secretary-General so as to enable the selection to be made from as wide a range of candidates as possible; the period of 180 days had been arbitrarily arrived at as representing a substantial period.

4.26 The delegate of Senegal thought that the provisions called for further clarification regarding the time factors involved and so as to ensure there was no vacuum, taking into account all the various hypothetical situations.

4.27 The delegate of Nigeria, supported by the delegate of Cyprus, believed that proposed Nos. 64a and 64b called for more precise drafting, particularly with regard to convening an extraordinary session of the Administrative Council, in order to meet all contingencies.

4.28 The Chairman of the Drafting Group drew attention to proposed No. 257 of the General Regulations, which covered the situation. It was to be assumed that the Chairman of the Administrative Council would be fully aware of the exigencies of the situation. If the proposed text was insufficiently clear, the Working Group was at the disposal of the Committee. Possibly the desire for brevity had conflicted with the achievement of maximum clarity. However, it did seem to him that the proposed provisions covered every eventuality and that the timing stipulated was appropriate.

4.29 Following some further discussion, the Chairman suggested that the Committee should proceed to decide by means of a vote whether it accepted the proposed provisions in Document No. DT/59(Rev.) as it stood or whether they should be referred back to the Working Group, which could second delegates who had participated in the discussion to assist it, for further consideration.

4.30 It was so agreed.

4.31 The proposed revised provisions in Document DT/59(Rev.) were approved, 37 delegations having voted in favour, 21 delegations having voted to refer the proposals back to the Working Group and 4 abstaining.

4.32 The delegate of Nigeria said that, while he of course accepted the majority decision taken, he wished it to be placed on record that his delegation considered that the timing of the appointment of a Deputy Secretary-General had not been sufficiently clearly defined in proposed No. 64a.

4.33 The Deputy Secretary-General hoped that the new provisions would in no way affect any administrative arrangements which the Secretary-General and the Deputy Secretary-General might be required to make in the unlikely event of their both having to be absent from Headquarters simultaneously.

4.34 The delegate of the United States of America formally stated that it had been the clear understanding of the Working Group that the provisions they had proposed related only to vacancies in office and on no account affected a situation when the two incumbents had to make working arrangements for their absence.

4.35 The Chairman of the Working Group drew attention to a consequential change necessary in respect of No. 236 in view of the new provisions adopted. He suggested that No. 236 should be amplified by the addition at the end of the following words : "or at the call of the Chairman under the conditions provided for in 257."

4.36 The delegate of Australia supported that amendment.

4.37 No. 236, as amended, was approved.

4.38 The Chairman of the Working Group said that it would be necessary to amend No. 258 to conform with the new No. 257 just approved and he had a suggested form of wording, which he would submit to the Committee in writing.

4.39 The Chairman said that No. 258 would accordingly be held over for a final decision once that amendment had been submitted.

Document No. DT/64

4.40 The United States delegate, speaking as Chairman of the Working Group which had considered the amendments to No. 263, No. 268 and No. 270 introduced the new drafting proposed for those numbers (Document DT/64) on which he hoped there would be general agreement.

4.41 Document DT/64 was approved, subject to minor drafting changes to the French and English texts proposed by the delegates of France and the United Kingdom.

5. Chapter 6 - International Consultative Committees, Nos. 304-309

No. 304 (CAN/24)

5.1 The delegate of Canada withdrew her delegation's proposal in respect of No. 304.

5.2 No. 304 was approved.

No. 305 (CAN/24, MEX/70)

5.3 The delegate of Canada withdrew her delegation's proposal in respect of No. 305.

5.4 The Chairman noted that no support had been expressed for the Mexican proposal.

5.5 The delegate of Mexico accordingly withdrew his delegation's proposal in respect of No. 305.

5.6 No. 305 was approved.

No. 306 (CAN/24)

5.7 The delegate of Canada withdrew her delegation's proposal in respect of No. 306.

5.8 No. 306 was approved.

No. 307 (CAN/24, MEX/70)

5.9 The Chairman noted that no support had been expressed for the two amendments submitted.

5.10 No. 307 was approved.

No. 308 (CAN/24, DNK/41)

5.11 The delegate of Denmark said that the five Nordic countries would withdraw their proposal (DNK/41) in favour of the amendment proposed by Canada. Neither would they press the remainder of their proposal which dealt purely with redrafting.

5.12 The delegate of Israel supported the Canadian proposal.

5.13 The Director of the C.C.I.R. expressed the opinion that the existing provisions were satisfactory as they stood, particularly in view of the relatively small participation in many of the Study Groups which would mean that approval would have to be given by virtually the entire membership.

5.14 The delegates of Belgium and Austria supported the maintenance of existing No. 308.

5.15 The delegate of Denmark said that, in view of the lack of general support for the Canadian proposal, he would reintroduce his own.

5.16 The delegate of Canada withdrew her delegation's proposal in favour of the proposal of the Nordic countries.

5.17 The delegate of France said that he was strongly in favour of maintaining the present situation, which had given rise to no difficulties in the past.

5.18 The delegate of New Zealand agreed with that view.

5.19 The delegate of Israel said that he was in favour of an increase in the number of Members required to approve a question since it was right that all Members should have the opportunity of expressing their opinions and that that should not only be the prerogative of a small number able actively to participate.

5.20 The delegate of Australia was also in favour of increasing the number required for approval to thirty Members.

5.21 The Chairman requested the Committee to express, by voting, its wishes in respect of the alternatives before it.

5.22 The original text of No. 308 was approved by 30 votes, the Nordic amendment to increase the number required to thirty Members receiving 17 votes, and 5 Members of the Committee abstaining.

5.23 The Chairman noted that, in accordance with a previous decision, the words "Associate Members" should be deleted from the provision.

No. 309

5.24 The Spanish delegate withdrew his delegation's amendment (E/43/70) to No. 309.

5.25 No. 309 was approved without change.

6. Chapter 7 - Coordination Committee, Nos. 310-315

No. 310

6.1 The delegate of Canada withdrew her delegation's amendment to No. 310 (CAN/24).

6.2 The Chairman said that there remained proposals by the delegations of Mexico (MEX/70/23) and the German Democratic Republic of the deletion of No. 310.

6.3 It was agreed to delete No. 310.

No. 311

6.4 The U.S.S.R. delegate introduced his amendment (URS/15/19) pointing out that the present drafting of No. 311 gave the impression that the primary task of the Coordination Committee was technical cooperation. Important as that was, an even more basic function of the Committee was to advise the Secretary-General on complex administrative questions concerning the Union as a whole, particularly the recruitment of staff in the professional category and the most effective use of Union staff.

6.5 The delegates of Czechoslovakia and the Hungarian People's Republic supported the U.S.S.R. amendment.

6.6 The United States delegate said that the word "consider" was vague in English and required clarification. He did not believe it was a function of the Coordination Committee to act as a personnel agency; staff recruitment was a matter for the elected officials.

6.7 The Deputy Secretary-General said he had already, at a previous meeting, referred to the Staff Rules and Regulations established by the Administrative Council and explained the existing recruitment procedure. However, the U.S.S.R. proposal visualized that the Coordination Committee should act as a Promotions Board for staff in the professional category.

6.8 On the proposal of the Chairman, it was agreed to establish a drafting group consisting of the delegates of Lebanon, Hungarian People's Republic and United States of America under the chairmanship of the U.S.S.R. to produce a new text for No. 311 or an addition to it.

No. 312

6.9 The Mexican and Canadian delegates withdrew their proposed amendments to No. 312.

6.10 No. 312 was approved without change.

The meeting rose at 1750 hours.

Secretary :

M. BARDOUX

Chairman :

EVAN SAWKINS

COMMITTEE 7

SUMMARY RECORD
OF THE
NINETEENTH MEETING OF COMMITTEE 7
(STRUCTURE OF THE UNION)

Wednesday, 17 October 1973, at 0930 hrs

Chairman : Mr. EVAN SAWKINS (Australia)

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

Subjects discussed :

	<u>Document No.</u>
1. Chapter 7 - Coordination Committee, Nos. 314 - 315	7, 10, 21, 22 24, 29, 44
2. Chapter 16 - Conditions for participation Nos. 373 to 380	20, 24, 66
3. Chapter 17 - Duties of the Plenary Assembly Nos. 381 to 387	9, 21, 24, 64 66, 160
4. Chapter 18 - Meetings of the Plenary Assembly Nos. 388 to 391	9, 24, 64, 66
5. Chapter 20 - Study Groups Nos. 395 to 397	21, 24, 29, 48
6. Chapter 21 - Conduct of Business of Study Groups Nos. 398 to 402	15, 24, 66
7. Chapter 22 - Duties of the Director, Specialized Secretariat - No. 403	21, 24, 66
8. Reports by drafting groups	DT/72, DT/74

The Chairman, on behalf of Committee 7, congratulated the delegate of Nigeria on his election as Chairman of the Administrative Council and the delegate of Lebanon on his election as Vice-Chairman. The Committee agreed with acclamation.

He announced, in connection with the discussion on No. 277 at a previous meeting, that the Secretariat had discussed the point with the Swiss delegate and the latter had withdrawn his amendment.

1. Chapter 7 - Coordination Committee, Nos. 314 - 315 (Document Nos. 7, 10, 21, 22, 24, 29, 44)

No. 314

1.1 The delegate of the United States of America, with the support of the Australian delegate, introduced his amendment (USA/22/11) explaining, in reply to a question by the delegate of the Federal Republic of Germany, that if Administrative Council members were dissatisfied with action taken by the Secretary-General they could call a meeting with the consent of the Chairman and two other members to take the necessary corrective action.

1.2 The delegates of France, Czechoslovakia, Federal Republic of Germany and Hungarian People's Republic in turn introduced their proposals, the latter withdrawing his amendment following explanations by the Deputy Secretary-General regarding the volume of work of the Coordination Committee and the large proportion carried out by informal contacts, sub-group meetings and correspondence.

1.3 It was agreed that the above-mentioned delegates would meet informally to produce a consolidated text of the proposed amendments.

No. 315

1.4 The delegate of Kuwait said the amendment in KWT/37/31 had been withdrawn.

1.5 Following explanations given by the Deputy Secretary-General regarding the need for a certain flexibility to ensure that the Coordination Committee met only when it had business to deal with, and which were endorsed by the delegates of the United Kingdom and Saudi Arabia, the delegates of the United States of America and Australia withdrew their amendments.

1.6 On the suggestion of the delegate of Canada, supported by the delegates of France and Spain, it was agreed to say : "The Committee shall meet when convened by its Chairman and normally at least once a month".

1.7 The Chairman reminded the Committee that the question of circulation of the minutes of Coordination Committee meetings had been discussed at length in connection with Article 12 and it had been decided that they should not be distributed generally, although a confidential aide-mémoire would continue to be circulated to Members.

1.8 The United Kingdom delegate recalled his alternative proposal for submission of an annual report on Coordination Committee activities to the Administrative Council.

1.9 The delegates of France, Canada and Spain supported the proposal while those of Australia, Nigeria, New Zealand and Saudi Arabia were against it.

1.10 The Chairman put the United Kingdom proposal to the vote.

1.11 The proposal was rejected by 34 votes to 10, with 13 abstentions.

1.12 No. 315 was therefore approved with the introduction of the word "normally".

2. Chapter 16 - Conditions for participation, Nos. 373 to 380 (Document Nos. 20, 24, 66)

No. 373 and 374

2.1 The delegate of Canada introduced her amendment (CAN/24), which was supported by the delegate of the United Kingdom and opposed by the delegates of the United States of America and Nigeria. As certain drafting difficulties became apparent, it was agreed to defer discussion until the delegate of Canada was able to produce an alternative text.

No. 376 (COG/20)

2.2 After a brief discussion, the delegate of the Congo agreed to the addition of the words "and regional telecommunication organizations mentioned in Article 32" after "International organizations".

2.3 No. 376, as amended, was approved.

No. 379 (IND/66)

2.4 The delegate of India introduced the above proposal, which was supported by the delegates of Australia, Israel, the Philippines and the Ivory Coast.

2.5 The delegates of France, the Netherlands, the Federal Republic of Germany, Belgium, Poland and Denmark preferred to retain No. 379 unchanged.

2.6 After further discussion in which the delegates of the United States of America, Lebanon and the Director of the C.C.I.T.T. took part, the delegate of Lebanon was asked to convene a working group consisting of the delegates of Canada, France, India, the Philippines and the United States of America to consider the Indian proposal.

2.7 It was so agreed.

3. Chapter 17 - Duties of the Plenary Assembly - Nos. 381 to 387
(Document Nos. 9, 21, 24, 64, 66, 160)

3.1 The delegate of the United Kingdom introduced his delegation's amendments to Nos. 381, 382, 386 and 387 (G/9).

3.2 The delegate of the Federal Republic of Germany introduced a proposal in connection with No. 382(D/21).

3.3 The Deputy Secretary-General and the Director of the C.C.I.T.T. furnished explanations of the variations in financial estimates referred to by the delegate of the United Kingdom, in particular the decisions taken by the Administrative Council on the timing and duration of C.C.I. meetings, and the degree of common services available.

3.4 The delegates of the U.S.S.R., the Ivory Coast and Italy objected to the United Kingdom proposal to set up small advisory groups and felt the existing procedure need not be changed.

3.5 The delegate of Argentina said he could support those parts of the proposals which related to the organization of priorities and the establishment of time limits for the study of questions.

3.6 Observing that there was no support for the United Kingdom proposal to set up steering groups, the Chairman suggested that a working group be convened by the delegate of the Federal Republic of Germany, and consisting of the delegates of the United States of America, the United Kingdom, Australia, India, Pakistan, France and Italy, to examine Chapter 17 as a whole, together with Nos. 411 and 412 of Chapter 22 which dealt with related subjects.

The meeting was suspended at 1240 hrs and resumed at 1530 hrs.

4. Chapter 18 - Meetings of the Plenary Assembly - Nos. 388 to 391
(Document Nos. 9, 24, 64, 66)

No. 388 (G/9, IND/64)

4.1 The Chairman pointed out that the delegations presenting the proposals had agreed, subsequent to the decision on No. 303, to replace the words "normally meet every three years" by the word "meet".

4.2 No. 388, as amended, was approved.

Nos. 389 and 390

4.3 Approved.

No. 391 (CAN/24, IND/66)

4.4 The Chairman recalled that the Working Group which had prepared the revised texts 268 A and 270 had now presented the consequential change foreseen as a result of adoption of the texts concerned and consideration of the specific proposals for 391.

4.5 The Director of the C.C.I.T.T., speaking also on behalf of the Director of the C.C.I.R., said that so far as he knew the present procedures had not given rise to difficulties. The specialized secretariat, with the full cooperation of the other Consultative Committee and the I.F.R.B., had been able to service meetings without needing additional staff, with the exception of interpretation and translation services.

4.6 No. 391, as amended by the working group, was approved.

5. Chapter 20 - Study Groups - Nos. 395 to 397 (Document Nos. 21, 24, 29, 48)

No. 395 (D/21)

5.1 The delegates of Austria and India supported the proposal made by the Federal Republic of Germany.

5.2 The delegate of the United States of America had no objection to that proposal but suggested it might be more logical to say "maintained or dissolved" rather than "dissolved or maintained".

5.3 The Chairman requested the Secretariat to ensure the best wording to convey the intent of that provision.

5.4 No. 395, as amended, was approved.

No. 397 (CAN/24, F/29, POL/48)

5.5 The delegate of Canada withdrew her delegation's proposal in favour of the two others submitted.

5.6 The delegate of Poland introduced his proposal.

5.7 The delegate of France reflected that the French proposal reflected the current procedure but withdrew it in favour of the Polish proposal.

5.8 The Polish proposal was supported by the delegates of Nigeria, Saudi Arabia, United States of America, Israel and Philippines.

5.9 The delegate of Australia said that while he was not in favour of the principle he would not stand in the way of the proposal's acceptance if it was favoured by a number of delegations.

5.10 Following further discussion between the delegates of Nigeria, United States of America, Denmark, Brazil, India and the Director of the C.C.I.T.T., it was agreed to ask the delegates of the United States of America, Poland and Denmark to revise proposal POL/48 in the light of the observations made.

5.11 The delegate of the United States of America having read out a revised text, the delegates of Canada and Lebanon pointed out that certain elements seemed to have been left out. The Chairman requested those delegates who had drawn up the text to incorporate a final version in the Committee's report for the Editorial Committee, which could be considered by Committee 7 subsequently.

5.12 It was so decided.

6. Chapter 21 - Conduct of Business of Study Groups - Nos. 398 - 402
(Document Nos. 15, 24, 66)

No. 399

6.1 The Chairman indicated that the Committee had before it proposals for new paragraphs 399A and 399B.

6.2 The delegate of the U.S.S.R. introduced proposals URS/15/20 and URS/15/21.

6.3 The proposals were supported by the delegates of Argentina, Belgium and the Hungarian People's Republic.

6.4 The Directors of the C.C.I.R. and the C.C.I.T.T. expressed misgivings about the restrictions which would result on the establishment of Working Parties. Furthermore, the proposal by the United States of America to amend 399B to specify that Working Parties should always meet immediately before or after their corresponding Study Groups would increase pressure of work.

6.5 The delegates of the United Kingdom and Australia were in favour of the proposal for 399A which formalized existing procedure but could not support 399B.

6.6 The delegate of France suggested that proposed 399B be amended to refer only to Joint Working Parties.

6.7 The delegate of the U.S.S.R. said he was prepared to insert the words "where possible" before the word "concurrently" to allow some flexibility, but stressed that in the interests of economy Working Parties should be convened in connection with a corresponding Study Group meeting so far as possible.

6.8 After further discussion between the Chairman, and the delegates of Denmark, the United Kingdom, the United States of America and the U.S.S.R., it was agreed that the wording of 399B would be changed along the lines suggested by the French delegate and that the last sentence would be deleted.

No. 401

6.9 The Chairman referred to the proposals from Canada and India.

6.10 It was agreed that No. 401 would be amended to delete the first clause (according to the Indian proposal) and that the words "after consultation with the Secretary-General" would be included after "Committee" in the second line (according to the Canadian proposal).

No. 402

6.11 The delegate of Canada introduced a proposal which was supported by the delegate of India; the delegates of Belgium, Denmark, France and the U.S.S.R. were in favour of retaining the text as it was.

6.12 The delegate of Australia referred to a decision taken regarding the Secretary-General's responsibilities for distribution of documents. It was clear from the discussion that the reports of the C.C.I.s would be forwarded to Administrations by the Secretary-General. That understanding could be incorporated in the record of the meeting and no formal amendment would be required to paragraph 402.

6.13 It was agreed that No. 402 would remain unchanged.

7. Chapter 22 - Duties of the Director, Specialized Secretariat, No. 403
(Document Nos. 21, 24, 66)

No. 403

7.1 The Canadian proposal in Document No. 24 concerning collaboration with the Secretary-General by the Directors of the C.C.I.s was opposed by the delegates of the United States of America, France, Denmark and Poland and was therefore withdrawn.

7.2 No. 403 was therefore adopted without amendment.

8. Reports by drafting groups

8.1 The delegate of Lebanon, who had convened a group to prepare draft provisions related to proposals URS/15/17, URS/15/18, DNK/FNL/ISL/NOR/S Nos. 13, 14 and 15, presented the text of the group's proposals for Nos. 246, 284, 284A and 284B (DT/72).

8.2 The Chairman pointed out that the Committee had already adopted an amendment to No. 246 which should be incorporated in the text of DT/72.

8.3 Subject to that amendment, the texts in DT/72 were approved.

8.4 The delegate of the United States of America introduced Document DT/74.

8.5 No. 258, as drafted in DT/74, was approved.

8.6 The delegate of the Hungarian People's Republic stated that the working group he had chaired had agreed unanimously on a new text for No. 272 which also had the approval of the delegates of Australia and Jamaica as well as of the Deputy Secretary-General and the Director of the C.C.I.T.T. The text would read : "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".

8.7 The delegate of India suggested insertion of the words "and approved by the Plenary Assemblies" after "such recommendations" for the sake of clarity.

8.8 The delegate of Australia said he preferred the new version of No. 272 without that amendment.

8.9 The text proposed by the working group for No. 272 was approved.

8.10 The delegate of the United States of America said that the working group which had met to consider No. 314 had agreed unanimously to recommend to the Committee that it approve the text proposed in USA/22/11 as amended by the deletion of the words "on a timely basis" after "such matters" and by the inclusion of the word "promptly".

8.11 The text proposed by the working group for No. 314 was approved.

The meeting rose at 1900 hrs.

The Secretary :

M. BARDOUX

The Chairman :

EVAN SAWKINS

COMMITTEE 7

SUMMARY RECORD
OF THE
TWENTILETH MEETING OF COMMITTEE 7
(STRUCTURE OF THE UNION)

Thursday, 18 October 1973, at 0930 hrs

Chairman : Mr. EVAN SAWKINS (Australia)

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

Subjects discussed :

Document No.

- | | |
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| 1. First and second series of texts of General Regulations | 245
253 |
| 2. Chapter 22 - Duties of the Director, Specialized Secretariat, Nos. 403 to 413 | G/9, D/21, CAN/24,
IND/66, NIG/68, MEX/70 |
| 3. Reports of Working Groups | |
| Chapter 5 | DT/80 |
| Chapter 17 | DT/86 |



1. First and second series of texts of General Regulations (Documents Nos. 245, 253)

Document No. 245

1.1 In reply to the delegate of France, the Deputy Secretary-General said that a reference to the filling of the vacant posts of members of the I.F.R.B. would be inserted in the appropriate place in Chapter 3 if the Committee approved the Working Group's text of No. 294 (Document No. DT/80).

1.2 Document No. 245 was approved, subject to minor drafting changes.

Document No. 253

1.3 The Chairman of the I.F.R.B. reminded the Committee that he had asked for some clarification concerning 267 A, namely, whether the Board would have to apply to the General Secretariat for the advice it often needed to interpret C.C.I.R. Recommendations.

1.4 The delegate of the United States of America said that, in his delegation's understanding, the provision did not relate to legal advice with regard to the technical functions of the C.C.I.s and the I.F.R.B., but was merely intended to give the Secretary-General the same responsibility with respect to legal advice in administrative and managerial matters] as he already had in respect of financial questions. If the clause could be so read as to cover advice concerned with technical matters, the whole question should be reopened for discussion.

1.5 The Deputy Secretary-General added that, although the Secretary-General was not empowered to interpret the Convention for Members, he regarded the provision in the same light as the United States delegate. In any case, the advice concerned was not binding and there was no question of any decision being imposed in that regard.

1.6 After a brief discussion, it was decided not to alter the text of No. 267 A, which should be interpreted in the light of the two foregoing statements.

1.7 Document No. 253 was approved.

2. Chapter 22 - Duties of the Director, Specialized Secretariat, Nos. 403 to 413

No. 404 (CAN/24, IND/66)

2.1 The delegate of Canada withdrew her delegation's proposal in favour of that of India.

2.2 No. 404, as amended, was approved.

No. 405 (D/21, IND/66)

2.3 The delegate of the Federal Republic of Germany introduced his delegation's proposal, which was intended to emphasize the technical side of the work of the specialized secretariats.

2.4 The delegate of India said that his delegation proposed the deletion of No. 405 because its subject matter was covered by No. 306.

2.5 The delegate of Saudi Arabia supported the Indian proposal.

2.6 The delegates of France, Belgium and the United States of America considered that the existing text should be retained. It was unnecessary to go into details of the tasks involved, but No. 405 went further than No. 306 by stating that the secretariat worked under the direction of the Director.

2.7 The delegates of the Federal Republic of Germany and India withdrew their proposals.

2.8 No. 405 was approved.

2.9 The delegate of Canada withdrew her delegation's proposal to delete No. 406 and proposed that the text should be amended to read : "The technical installations set up by the Union shall be under the direct supervision of the Director concerned, but shall be administered in accordance with the administrative and financial directives of the Administrative Council and of the Secretary-General". That text was intended to clarify the division of responsibility between the Directors of the C.C.I.s and the Secretary-General.

2.10 The delegate of India said he maintained his delegation's proposal for the deletion of the paragraph, since its content was covered by No. 268 as amended in the Committee.

2.11 The Director of the C.C.I.T.T., referring to the Canadian proposal, said it would be inadvisable to omit reference to the C.C.I.T.T. Laboratory, which had been well known since its establishment in 1925.

2.12 The delegate of Belgium supported that view.

2.13 The delegates of Senegal, the United States of America and Australia considered that the paragraph should be retained in its existing form. Provisions relating to the specialized secretariats should be kept in Chapter 22; the Canadian proposal introduced a substantive change by eliminating the reference to the staffs of the specialized secretariats; and the existing text left no doubt concerning the relationship between the functions of the Secretary-General and of the Directors in the matter.

2.14 The Deputy Secretary-General suggested that the Indian delegate's point might be met by adding the words "in accordance with No. 268" at the end of the paragraph.

2.15 No. 406, as amended, was approved.

No. 407 (CAN/24, IND/66, NIG/68)

2.16 The Chairman observed that the points at issue had been discussed exhaustively in connection with No. 265, which had not been changed.

2.17 The delegate of Canada said that, in the light of earlier decisions, his delegation had decided to amend its proposal so that the opening words would read: "The Director shall make recommendations to the Secretary-General on the selection..." The purpose was to strengthen the wording in order to emphasize the Director's duties.

2.18 After a discussion during which the relative merits of the words "choose" and "select" were debated and the advisability of conformity with No. 265 was stressed, it was decided to approve No. 407 without any change.

No. 408 (IND/66)

2.19 The delegate of India said that his delegation's proposal was consequential to No. 270 A.

2.20 The Director of the C.C.I.T.T. pointed out that the preparation of Plenary Assembly and Study Group meetings involved technical tasks for which the Directors alone were responsible. It was self-evident that the material arrangements were seen to by the General Secretariat.

2.21 The delegate of France thought there might be a case for clarifying the respective duties of the Directors and of the Secretary-General in all the relevant provisions.

2.22 The Deputy Secretary-General said that No. 408 was adequate for that purpose in the light of earlier relevant decisions.

2.23 The delegates of the U.S.S.R., Spain, the United States of America and Saudi Arabia considered that No. 408 should not be changed.

2.24 No. 408 was approved.

No. 410 (G/9)

2.25 The delegate of the United Kingdom withdrew his delegation's proposal.

2.26 No. 410 was approved.

No. 413 (MEX/70)

2.27 The delegate of Mexico withdrew his delegation's proposal.

2.28 No. 413 was approved.

3. Reports of Working Groups

Chapter 5 (Document No. DT/80)

3.1 The delegate of Australia, introducing the Working Group's report, said that the only change of principle agreed upon was the provision in No. 294 that a country no longer automatically had the right to provide a replacement for a member of the I.F.R.B. vacating his post.

3.2 Document No. DT/80 was approved.

Chapter 17 (Document No. DT/86)

3.3 The delegate of the Federal Republic of Germany introduced the report of the Working Group, which had reached its decisions unanimously.

3.4 The Chairman suggested that No. 386 should be rearranged to read as follows : "(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 submitted by the Director in accordance with No. 411".

3.5 It was so agreed.

3.6 After a brief discussion following a request for clarification from the delegate of Malaysia concerning the words "two Plenary periods" in No. 382, it was decided to leave it to the Secretary to find suitable wording.

3.7 Document No. DT/86, as amended, was approved.

The meeting rose at 1110 hours.

The Secretary :

M. BARDOUX

The Chairman :

EVAN SAWKINS

COMMITTEE 7

SUMMARY RECORD
OF THE
21st AND LAST MEETING OF COMMITTEE 7
(STRUCTURE OF THE UNION)

Friday, 19 October 1973, at 0900 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. Articles 5 and 6 of the Draft Convention	
2. Third series of texts of General Regulations	263
3. Approval of Summary Records	241, 249, 268 and 269
4. Approval of Committee's Final Report	231

1. Articles 5 and 6 of the Draft Convention

1.1 The Chairman drew the Committee's attention to the point raised by the Peruvian delegate at the 17th Plenary Meeting to the effect that Article 5 of the Draft Convention, which the Committee had approved unchanged, was inconsistent with Article 6, No. 36. The best way to correct that inconsistency might be to delete from No. 36 the words "all the organs of".

1.2. The Peruvian delegate said that while the Chairman's suggestion would remove the inconsistency in question it did not retain the distinction drawn in Article 5 between the permanent organs of the Union and those listed in Nos. 27, 28 and 29. He would prefer to amend the beginning of Article 5 to read: "The Union shall comprise the following organs:". There would then be no need to change No. 36.

1.3. After some discussion in which the French delegate said that the French and Spanish versions of the proposed wording would be in line with that adopted by Committee 9 for No. 36, it was approved, and the Chairman said he would submit it to the next Plenary Meeting.

2. Third series of texts of General Regulations (Document No. 263)

2.1 The Chairman of the I.F.R.B. drew attention to a minor drafting change in the French text of No. 293.

2.2 The U.S.S.R. delegate, supported by the delegate of Canada, said that the first sentence of No. 294 should be amended to read: "... an elected member of the Board shall resign, abandon his duties or die ...".

2.3 It was so agreed.

2.4 The delegate of Israel said that he had been unable to attend the meetings of the working group which had drafted Document DT/80. He noted that while much of the substance of Nos. 86 and 87 was repeated in No. 302, that of No. 88 was not. His delegation's amendment (ISR/30/4) had been designed to ensure that No. 88 applied to members of the I.F.R.B. as well as to other elected officials, and he sought an assurance from the Committee that that was the case.

2.5 The delegate of Australia said that point had been fully discussed in the working group which had produced the text for Chapter 5 and the group's opinion had been that No. 88 did apply to I.F.R.B. members because they were elected officials.

2.6 The Deputy Secretary-General said as he understood it the Israeli delegate's concern could relate to persons who might be designated as interim replacements for members of the Board. It should be recorded in the minutes that No. 88 would apply to such persons filling the task until a new election although they were not strictly speaking elected officials.

2.7 The Chairman said it would be placed on record that No. 88 did apply to members of the I.F.R.B., recording also, on the suggestion of the United Kingdom delegate, a reference to Note No. 14, paragraph 1, of the Charter Study Group.

2.8 On the proposal of the U.S.S.R. delegate, it was agreed to change the order of Nos. 311, 312 and 313, so that No. 313 would come first, then 312 and finally 311, and on the proposal of the Spanish delegate it was agreed to delete the words "in particular" in No. 313.

2.9 In connection with No. 315, the U.S.S.R. delegate pointed out that No. 85 said that the Coordination Committee should be presided over by the Secretary-General and suggested, in order to tie in the General Regulations more closely with the Convention, that No. 315 should read: "The Committee shall meet, normally, at least once a month, under the chairmanship of the Secretary-General." After the Deputy Secretary-General and the delegates of the United States of America and Italy had explained that the main aspect of No. 315 was the convening rather than the presiding over of Coordination Committee meetings, and that that function could be fulfilled if necessary by the Deputy Secretary-General in the absence of the Secretary-General, the U.S.S.R. delegate withdrew his proposal.

2.10 The Canadian delegate suggested that No. 374 should be aligned to that of No. 379 and read in the fifth line: "... the Director of that Consultative Committee."; the word "concerned" should be deleted from the eighth line.

2.11 It was so agreed.

2.12 The Director of the C.C.I.R. pointed out, in connection with No. 374 et seq. that the present trend towards multi-national recognized private operating agencies and scientific or industrial organizations was posing for him problems which would continue to grow in magnitude. As matters stood, a recognized private operating agency or industrial organization might participate in the work of C.C.I.R. Study Groups if it was approved by the administration of the country in which its head office was situated. Difficulties could, however, arise in deciding whether to accept technical contributions to the Study Groups' work submitted by a branch of a multi-national agency or organization operating in a country other than that of the administration which had approved it, and in cases where the contribution might not necessarily be approved by the administration concerned. The Deputy Secretary-General indicated that the Convention distinguished between conditions for participation of the various organizations and contributions to the work. Contributions could be received from only recognised participants. It would be reasonable to ensure that they came from the office of the enterprise in the country which had supported the admission of the Organisation concerned. The Director of the C.C.I.T.T. indicated that there had been no such problems in the C.C.I.T.T.

2.13 After further discussion, it was agreed that the Director of the C.C.I.R. had raised an important point which required fuller study by all administrations pending the next Plenipotentiary Conference.

2.14 The United States delegate said his administration would no doubt submit proposals on the matter to the next Plenipotentiary Conference. In the meantime, it reserved the right to impose the conditions it saw fit on contributions to the work of the C.C.I.s made by the recognized private operating agencies and industrial concerns approved by it.

2.15 The director of the C.C.I.R. drew attention to possible divergencies of interpretation which might arise in connection with Nos. 319, 403, 408 and 270.

2.16 The French delegate, endorsed by the delegates of the Federal Republic of Germany and the Netherlands, proposed that No. 391 should read: "... the necessary administrative and financial arrangements...". That would allow for fulfilment of the provisions of No. 270, without detracting from the responsibility of the C.C.I. Directors for organizing the necessary technical work as indicated in Nos. 403 and 408.

2.17 There were some exchanges concerning the intention of the proposed amendment with the Deputy Secretary-General indicating that there had been points of concern in the Administrative Council from time to time but clarification would be facilitated if it were recorded as covering also location, staffing, duration and schedules in relation to resources and reflections of the spirit of decisions of the Administrative Council. The Canadian delegate supported these comments and requested that they be recorded in the minutes.

2.18 It was so agreed and the French amendment was then adopted.

2.19 The United States delegate, speaking as Chairman of the Working Group which had drafted No. 391, said that they had tried to draw a distinction between "arrangements" and "preparations". Since No. 391 had now been amended, he proposed that No. 408 should read: "... He shall, subject to the provisions of No. 391, make all necessary preparations...".

2.20 It was so agreed.

2.21 The delegate of the Federal Republic of Germany proposed an amendment to No. 395 but withdrew it in the light of the explanation by the Chairman that No. 395 had been reworded to take account of a comment by the United States delegate.

2.22 The delegate of Canada pointed out that "Constitution" should be replaced by "Convention" in No. 387. She recalled that No. 376 and No. 377 had been amended to include "regional telecommunication organizations", and proposed that "regional telecommunication organizations" should also be included in No. 395 and No. 402.

2.23 It was so agreed.

2.24 The Australian delegate drew attention to the need to change "Constitution" to "Convention" in No. 413.

2.25 The third series of texts of the General Regulations (Document No. 263), as thus amended, was approved.

3. Approval of Summary Records (Documents Nos. 241, 249, 268 and 269)

2.1 The Summary Records of the Twelfth (Document No. 241), Thirteenth (Document No. 249), Fourteenth (Document No. 268) and Fifteenth (Document No. 269) meetings of the Committee were approved subject to an amendment submitted by the United States delegate to Document No. 269, paragraphs 2.2 and 2.4.

4. Approval of Committee's Final Report (Document No. 231)

4.1 Approved.

4.2 The customary courtesies having been exchanged, the Chairman declared closed the twenty-first and last meeting of Committee 7.

The meeting rose at 1205 hours.

Secretary :

M. BARDOUX

Chairman :

EVAN SAWKINS

COMMITTEE 6

SUMMARY RECORD
OF THE
FIFTEENTH MEETING OF COMMITTEE 6
(TECHNICAL COOPERATION)

Wednesday, 17 October 1973, at 0930 hrs

Chairman : Mr. BEN ABDELLAH (Morocco)

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

Subjects discussed

Document Nos.

- | | |
|---|-----------------------|
| 1. Additional resources for technical cooperation activities | 7, 82, 89, 103 (Rev.) |
| 2. Improvement of I.T.U. facilities for providing technical assistance to the new or developing countries | DT/65 |

1. Additional resources for technical cooperation activities
(Document Nos. 7, 82, 89 and 103(Rev.)) (continued)

1.1 In response to a question by the Chairman on the voting procedure which the Committee wished to follow in deciding the issue before it, the U.S.S.R. delegate said that, while the need for establishing a fund to cater for the urgent requirements of developing countries was well recognized, the Committee should first vote on the principle of establishing such a fund without the use of any regular budgetary resources and should then decide on the sources from which the fund could be supplied.

1.2 The Mexican delegate, recalling his proposal that use should be made jointly of U.N.D.P., voluntary and regular budgetary funds, drew attention to the Argentine proposal (Document No. 224).

1.3 Any vote taken on principle should be confined to the issue of whether or not a special fund should be established : the decision on the sources from which it should or should not be supplied could be taken subsequently.

1.4 The fund referred to should not be merely an emergency fund but should also cater for cases in which it was desirable to use the services of experts in non-emergency situations. He therefore suggested that the fund should be known as "emergency or contingency fund".

1.5 The delegate of Ireland, speaking on a point of order, moved the closure of the debate and suggested that the Chairman should put the matter to the vote in the manner he considered most appropriate.

1.6 It was so agreed.

1.7 In reply to a question by the delegate of the Netherlands, the Chairman said that the proposed fund would be used first and foremost to meet urgent requests from developing countries. Its use would be at the discretion of the Administrative Council and the Secretary-General, who could meet the contingencies mentioned by the Mexican delegate as they considered appropriate.

1.8 The Chairman put to the vote the proposal on the principle of establishing a special fund.

1.9 The proposal was adopted by 45 votes to 9, with 11 abstentions.

- 1.10 The delegates of the U.S.S.R., Malawi and France explained that they had abstained in the vote because they were opposed to any increase in contributions to the regular budget for the purpose and it had not first been made clear that regular budgetary funds would not be used.
- 1.11 The delegates of the United Kingdom, Ireland, Canada and Italy said that they had been obliged to vote against the proposal for the same reason.
- 1.12 The Mexican delegate said that the principle of establishing the fund remained the same whatever sources of supply were used.
- 1.13 In reply to a point raised by the delegate of Sri Lanka, the Chairman said that the vote taken on principle had established that the Committee considered the creation of a special fund, financed from all possible sources, to be necessary. He proposed next to take a vote on the question of opposition to the use of any regular budgetary funds.
- 1.14 The U.S.S.R. representative said that either the record should state that the draft resolution submitted by the delegates of Nepal and Sri Lanka (Document No. 89) had been adopted unanimously, or the draft resolution should be put to the vote.
- 1.15 The Argentine delegate suggested that the Soviet Union proposal to the effect that the fund should be established without the use of any regular budgetary resources should be put to the vote first.
- 1.16 The United Kingdom delegate said that, since it was not clear what was referred to by the phrase "all possible sources", he would prefer a straight vote on whether any funds from the regular budget should be used.
- 1.17 The Chairman called for a vote on the proposal to furnish part of the resources of the fund from the regular budget.
- 1.18 The proposal was rejected by 40 votes to 19, with 9 abstentions.
- 1.19 The Chairman said that he would next put to the vote the proposal to supply the fund from all possible sources of voluntary contributions in cash or in kind.

1.20 In reply to a question by the Japanese delegate, the Chairman said that, in using the term "all possible sources", he had in mind voluntary contributions from Member administrations, private undertakings or charitable organizations or individuals.

1.21 The Japanese delegate said that in that case he would be unable to support the proposal, since voluntary contributions from private undertakings might violate the principle of neutrality of the international organizations.

1.22 The Argentine delegate pointed out that the Convention allowed for contributions to the Union's budget from certain recognized private undertakings.

1.23 The Chairman suggested that the reference should be to "... recognized private operating agencies and industrial and scientific undertakings which contribute to the work of the C.C.I.s."

1.24 The U.S.S.R. delegate said that he could agree with that proposal provided that it did not preclude contributions from suitable new contributors. He suggested that their acceptance should be placed at the discretion of the Administrative Council.

1.25 The Japanese delegate said that contributions from private bodies or individuals should be channeled through the administrations concerned.

1.26 The delegate of Sri Lanka said that it was regrettable that the Japanese delegate had raised the point at issue at the present late stage, when a vote on principle had been taken.

1.27 The Chairman said that the Japanese delegate was perfectly in order in raising the point after the vote on principle had been taken; that was the appropriate time for considering specific ways and means of financing. The provision might be drafted on the following lines :

"to create a special technical cooperation fund with voluntary contributions from Member States, recognized private operating agencies and industrial and scientific undertakings, contributions from the latter being made to the Union through the administration concerned."

1.28 The proposal was adopted by 35 votes to 5, with 29 abstentions.

1.29 The delegate of the Netherlands said that he had mistakenly voted in favour of the proposal. It was impossible for scientific organizations in his country to contribute through the administration and he was accordingly unable to support the proposal.

1.30 The Chairman said that that explanation would appear in the summary record. On a suggestion by the delegate of Argentina, he agreed that there should be no difficulty in interpreting the proposal to mean that the relevant administration should simply be informed of such contributions.

1.31 He suggested that a Working Group, under the chairmanship of the delegate of Sri Lanka and the delegates of Japan, Lesotho, Mauritius, Nepal and Thailand, should be established to produce a revised draft resolution on the lines of the one submitted by the delegations of Nepal and Sri Lanka (Document No. 89), taking the Committee's decisions into consideration.

1.32 It was so agreed.

2. Improvement of I.T.U. facilities for providing technical assistance to the new or developing countries (Document No. DT/65)

2.1 The delegate of Ethiopia, introducing the draft resolution submitted by the Working Group (Document No. DT/65) said that, while the Group had noted with satisfaction the extensive assistance rendered to new and developing countries by the four permanent organs of the Union in the forms referred to in the second preambular paragraph, it had felt the provisions in the operative part to be necessary in view of the considerations referred to in the other preambular paragraphs. The services of the outside specialists envisaged would be used to deal with certain matters beyond the competence of the regular specialists or to assist in dealing with heavy workloads resulting from requests from Administrations. The main objective of the draft resolution, which was generally in line with Resolutions 28 and 29 of the Montreux Conference, was to provide the qualified services necessary to deal with the expanding volume of technical cooperation activities. The Working Group, which considered that existing Union facilities were insufficient fully to meet the needs of the developing countries for information and advice in network planning, preparation of specifications and development of systems, commended the draft resolution for the Committee's adoption.

2.2 The Secretary-General said that steps had been taken to apply Resolutions 28 and 29 of the Montreux Conference. In accordance with Resolution 28, four engineers had been recruited, three of them paid for from the regular budget and the other from technical cooperation funds.

Experience had shown that the services of three of them - one specialized in switching techniques, one in radio transmission links and cables and one in space telecommunication - would have been sufficient. The services of the first had been most in demand and those of the second had also been widely used. A certain number of calls had also been made for assistance in setting up earth stations or in considering the advisability or otherwise of doing so.

2.3 Two types of difficulty had been encountered. First, experience had shown that, to be effective, the services of the engineers had to be provided on the spot rather than from headquarters at Geneva, which meant that travel expenses had to be met. He welcomed the provision in operative paragraph 4 of the draft resolution in that respect.

2.4 Secondly, urgent requests were often received requiring the services of a specialist for less than six months and thus not coming within programmes financed by U.N.D.P. Operative paragraph 3 well covered that point except that it might be useful not to restrict such services to two months but to provide for periods of a few months, not exceeding six.

2.5 Instead of expanding the group of engineers in the Technical Cooperation Department to six, it would be preferable to retain the three present engineers and make financial provision for meeting specific requests for short-term specialists in various fields as the need arose, particularly since the services of highly qualified experts could more easily be made available for short than for long periods.

2.6 The Chairman invited the Committee to consider the draft resolution paragraph by paragraph.

2.7 The first three preambular sections were approved.

2.8 The delegate of the U.S.S.R., referring to the fourth preambular section headed "noting", said that the wording was somewhat inflexible, giving the impression that the Union's activities were inefficient.

2.9 The delegates of Mexico and the United Kingdom considered that the wording of the fourth preambular section should be modified.

2.10 The Chairman suggested that the paragraph in question should be deleted.

2.11 It was so decided.

2.12 The delegate of the United States of America, referring to paragraph 1 under the heading "resolves", considered that the wording lacked precision since it would be almost impossible to determine whether there was a satisfactory correspondence between the importance and volume of the tasks to be undertaken and the staff available.

2.13 The delegate of New Zealand agreed with the previous speaker and proposed that the paragraph should be deleted.

2.14 The delegate of Iraq said that the draft resolution ought to indicate that the expansion of the Union's technical cooperation activities should be matched by a corresponding increase in staff.

2.15 The delegate of Mexico said that he could agree to the deletion of the paragraph, on condition that a new paragraph was added at the beginning of the operative section headed "instructs the Secretary-General" to the effect that the functions and emoluments of the staff should correspond to the tasks to be undertaken.

2.16 The Chairman suggested that paragraph 1 should be deleted, subject to modification of the section referred to by the Mexican delegate when that section was considered by the Committee.

2.17 It was so agreed.

2.18 The delegate of Japan, referring to paragraph 2 under the heading "resolves", said that he was not convinced that there was a need to increase the number of engineers to six. It might transpire that some of the services rendered at present by the engineers could better be provided by the pilot regional offices whose establishment had been approved by the Committee at a previous meeting. That matter could best be settled by the Secretary-General and the Administrative Council.

2.19 The delegate of the Congo expressed the view that the paragraph under consideration contained too many details.

2.20 The delegate of Ethiopia, speaking as Chairman of the Working Group responsible for drafting the text, said that the Working Group had discussed the question of the number of engineers at some length and had come to the conclusion that constantly increasing requirements would make it necessary to increase rather than decrease that number. An enumeration of some of the tasks to be undertaken by the engineers had been included in the text to meet the wishes of several delegations.

2.21 The Chairman suggested, as a compromise solution, that the paragraph should be amended to read : "that a Group of Engineers established in the Technical Cooperation Department shall render short-term assistance to the new and developing countries, either by correspondence or by visits to the countries, and assist the offices responsible for preparation and execution of projects by technical advice and engineering evaluation."

2.22 The delegate of Yugoslavia supported the Chairman's suggestion, and asked whether the Working Group had examined the financial implications of the paragraph under discussion.

2.23 The delegate of Ethiopia, speaking as Chairman of the Working Group, said that the Working Group had not considered the financial aspect of the problem in detail.

2.24 The delegate of Mexico insisted that the figure of six should be retained, unless clear evidence could be produced that that figure was inappropriate. In his view, the decision on the number of engineers should not be left to the Administrative Council. The paragraph as a whole was extremely useful and he proposed that all the ideas in it should be retained, subject to their redrafting in two or three separate paragraphs in order to highlight each of them individually.

2.25 The delegate of the U.S.S.R. drew attention to the statement by the Secretary-General that three engineers would be sufficient and that more funds should be set aside to meet urgent requests from the developing countries by sending outside specialists to requesting countries for short periods. He considered that the Committee should take due account of the Secretary-General's analysis of the situation, and that the question of the exact number of engineers required could most appropriately be settled by the Secretary-General and the Administrative Council.

2.26 The delegate of Ireland agreed with the remarks made by the Secretary-General in his statement and supported the compromise solution suggested by the Chairman. He drew attention to the fact that under its rules of procedure the Administrative Council could not take a decision on any proposal without having first taken cognizance of the financial implications.

2.27 The delegate of the United Kingdom supported the Chairman's suggestion.

- 2.28 The delegate of Iraq supported the Mexican proposal.
- 2.29 The Mexican proposal was rejected by 10 votes to 41, with 13 abstentions.
- 2.30 The wording proposed by the Chairman for paragraph 2 was approved.
- The meeting rose at 1235 hrs.

The Secretary :
H. RUUD

The Chairman :
M. BEN ABDELLAH

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 411-E
24 October 1973
Original : English

COMMITTEE 6

SUMMARY RECORD
OF THE
SIXTEENTH MEETING OF COMMITTEE 6
(TECHNICAL COOPERATION)

Thursday, 18 October 1973, at 0940 hrs

Chairman : Mr. M. BENABDELLAH (Morocco)

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

<u>Subjects discussed</u> :	<u>Document No.</u>
1. Improvement of I.T.U. facilities for providing technical assistance to the new or developing countries (continued)	DT/65
2. Special measures for the least advanced developing countries	240

1. Improvement of I.T.U. facilities for providing technical assistance to the new or developing countries (continued)
(Document No. DT/65)

Paragraph 3

1.1 The delegate of the Lebanon said that he was unable to see the relevance of the draft resolution to U.N.D.P. since all short-term specialists were paid for out of Union funds.

1.2 In answer to a question by the delegate of Mexico, the delegate of Ethiopia, Chairman of the Working Group, said that originally the working group had considered specifying a duration of one month in the parenthesis, but after being informed by certain delegations of the kind of assistance that was needed in some countries it had decided on a duration of two months. It had not attempted to quantify the financial implications of such short-term recruitment for the Union.

1.3 The delegate of France proposed that paragraph 3 be redrafted to read : "that when deemed necessary, in addition to the services of the engineers mentioned in paragraph 1, outside specialists may be recruited on an ad hoc basis for short-term missions, in any event not exceeding six months".

1.4 That wording was approved.

Paragraph 4

1.5 In reply to a question by the delegate of the United States of America, the Secretary of the Committee explained that the salary and emoluments of three of the engineers was covered out of the ordinary budget and that of the fourth engineer plus administrative support and travel was paid out of the allocation for the execution of U.N.D.P. projects. Expenditure on additional specialists had been covered out of reimbursements made to I.T.U.

1.6 U.N.D.P. reimbursements were becoming smaller in comparison with the increasing volume of activity in the Union. The Governing Council of the U.N.D.P. had asked that its funds be used for projects in the field and that administrative expenditure be reduced as far as possible. In future it would not be possible to use U.N.D.P. reimbursements for expenditure not directly related to the preparation and execution of U.N.D.P. projects.

1.7 The Chairman considered that paragraph 4 could be dropped since its substance was fully covered by the penultimate paragraph of the draft resolution.

1.8 The delegate of the U.S.S.R. agreed with the Chairman.

1.9 The Administrative Council should be instructed to explore all sources of financial assistance for short-term specialists. U.N.I.D.O. was obtaining funds for analogous requirements of some one-and-a-half to two million dollars a year from U.N.D.P.

1.10 The delegate of Mexico said that the deletion of paragraph 4 would render the draft resolution meaningless. The maximum support must be sought from U.N.D.P.

1.11 The delegates of Ireland, the United States of America and the Congo agreed that paragraph 4 should be deleted.

1.12 The delegate of Malawi said that paragraph 4 could be deleted but the penultimate paragraph would then have to be amplified so as to ensure that every effort were made to obtain funds from U.N.D.P.

1.13 The delegate of Ethiopia expressed concern about the effect of deleting paragraph 4 because of the financial difficulties that had arisen over the implementation of Resolution No. 29 of the Montreux Conference.

1.14 The delegate of the U.S.S.R. emphasized that in view of what had been obtained by U.N.I.D.O. for meeting the cost of short-term specialists the I.T.U. ought to be able to obtain funds from U.N.D.P. for similar projects. Short-term specialists might be urgently needed in developing countries and the sums involved should not be unduly large. The Administrative Council and the Secretary-General should inform the Governing Council of U.N.D.P. of the kind of requirements that could arise in order to justify requests for funds.

1.15 The delegate of Mauritius opposed the deletion of paragraph 4 which contained the core of the resolution.

1.16 The delegate of Upper Volta said that paragraph 4 might be retained and the penultimate paragraph dropped since decisions of the Plenipotentiary Conference carried more weight than those of the Administrative Council or the Secretary-General.

1.17 The proposal to delete paragraph 4 was adopted by 30 votes to 20, with 3 abstentions.

1.18 The Chairman invited comments on paragraph a) under the heading "instructs the Secretary-General".

1.19 After a discussion in which the delegates of the Congo, Mexico, Ethiopia, France, the U.S.S.R., Nigeria and the Chairman participated, the delegates of France and Mexico proposed that the paragraph should be replaced by the following text :

"a) to make a staff study (level of qualifications, number and grading) based on actual post descriptions, taking into consideration also the need to set emoluments at such a level as to attract qualified staff and to report on this subject to the Administrative Council.

This report could be accompanied by a comparison with the existing situation in executing agencies similar to the Union."

1.20 That text was approved.

1.21 The Chairman invited comments on paragraphs b) and c) under the heading "instructs the Secretary-General". In his view, those two paragraphs might usefully be merged into one, omitting some of the details contained in the present text.

1.22 After a discussion in which the delegates of Sri Lanka, Lebanon and France participated, the delegate of France proposed that paragraphs b) and c) should be replaced by the following paragraph :

"b) to submit a separate report to the Administrative Council specifying :

- the specialities required for the engineers comprised in the Group mentioned in paragraph 1 above;
- his assessment on the volume and quality of the technical assistance rendered and any difficulties in meeting requests of the new and developing countries;"

1.23 That text was approved.

- 1.24 The Chairman invited comments on the section headed "requests the Administrative Council".
- 1.25 The delegate of Sri Lanka proposed that "requests" in the heading should be replaced by "instructs" in order to bring the English text into line with the French.
- 1.26 It was so agreed.
- 1.27 After a short discussion on the first paragraph of the section, the Chairman suggested that it should be replaced by the following text : "to take, on the basis of the Secretary-General's report regarding paragraph a) above, any necessary measures;"
- 1.28 It was so agreed.
- 1.29 After a discussion on the second paragraph in which the delegates of Upper Volta, Ethiopia, Ireland and Malawi participated, the delegate of Japan proposed that the word "budget" in the first line should be replaced by "budgets".
- 1.30 That proposal was adopted.
- 1.31 On a suggestion by the delegate of the United Kingdom concerning the third paragraph, the delegate of France proposed that the word "all" should be inserted after "quality of" in the second line, and that the part of the paragraph following the word "activities" should be deleted.
- 1.32 That proposal was adopted.
- 1.33 The draft resolution, as amended, was approved.
2. Special measures for the least advanced developing countries (Document No. 240)
- 2.1 The delegate of Lesotho introduced the draft resolution annexed to Document No. 240.
- 2.2 The delegate of Afghanistan made the following statement :
- "Mr. Chairman,
- My delegation fully supports the draft resolution annexed to Document No. 240. The twenty-five countries listed by the United Nations as the least developed countries among the

members of its family do deserve great attention for the upgrading of their economic standard. Telecommunication being the basic infrastructure in the economic development of countries therefore needs particular attention. Though my delegation deeply appreciates the services rendered by the Technical Cooperation Department of the Union to my country as a developing one, we feel that for countries with very little financial resources the Union should, through its Technical Cooperation Department, look further into the urgent needs of the telecommunication services of the developing countries and take the necessary measures accordingly."

2.3 The delegates of Venezuela, Peru, the People's Democratic Republic of Yemen, Chad, Tanzania and Swaziland supported the draft resolution.

2.4 The Chairman thought that the words "the Union's budget" in the third paragraph of the first operative part might usefully be replaced by "the Union's special fund for technical cooperation".

2.5 The delegate of Botswana supported the draft resolution. He proposed that the words "if requested" should be inserted after "review" in the first paragraph of the first operative part, and that the word "demonstrating" should be replaced by "continuing to demonstrate" in the first paragraph of the second operative part.

2.6 The delegate of Argentina supported the draft resolution. He endorsed the Chairman's suggestion concerning the third paragraph of the first operative part, and also proposed the deletion of the second paragraph of the second operative part.

2.7 The delegate of Ireland proposed that the second and third paragraphs of the first operative part should be merged into a single paragraph, by replacing the words "to effectively assist" by "and to assist".

2.8 The delegate of Lesotho, speaking on behalf of his delegation only, said that the amendment proposed by the Irish delegate and the second of the amendments proposed by the delegate of Botswana were acceptable. However, he could not agree to the first amendment proposed by the delegate of Botswana. With regard to the Chairman's suggestion, the difficulty might be overcome by using the word "budgets" instead of "budget" in the third line of the paragraph in question.

2.9 The delegates of Upper Volta, Nigeria, Somalia, Libya and Liberia supported the draft resolution and shared the views expressed by the delegate of Lesotho on the amendments proposed.

2.10 The delegate of Botswana withdrew his proposal to insert the words "if requested" after "review" in the first paragraph of the first operative part.

2.11 After a discussion on the phrase "available funds from the U.N.D.P., the Union's budget and other sources" in the third paragraph of the first operative part, the delegate of Lesotho proposed that that phrase should be replaced by "available funds from the Union's budgets and other sources".

2.12 The delegate of Australia, supported by the delegate of Ireland, expressed the view that the regular budget of the Union should not be used for financing the activities with which the draft resolution was concerned.

2.13 The proposal by the delegate of Lesotho was adopted by 46 votes to 19, with 3 abstentions.

2.14 The delegate of the U.S.S.R. considered that the second paragraph of the second operative part should be brought into line with the wording just adopted for the third paragraph of the first operative part.

2.15 It was agreed to replace the words "the Union's own budget" in that paragraph by "the Union's budgets and other sources".

2.16 The Chairman, summing up, said that the Irish proposal to merge the second and third paragraphs of the first operative part had been accepted by the delegate of Lesotho. The Committee had also adopted the amendment proposed by the delegate of Lesotho to the third paragraph of the first operative part. In the second operative part, the delegate of Botswana's proposal concerning the first paragraph had been accepted, and the Committee had also agreed to amend the second paragraph.

2.17 The draft resolution, thus amended, was approved.

The meeting rose at 1305 hours.

The Secretary :
H. RUUD

The Chairman :
M. BENABDELLAH

COMMITTEE 4

SUMMARY RECORD
OF THE
ELEVENTH MEETING OF COMMITTEE 4
(FINANCES)

Monday, 15 October 1973 at 1530 hrs

Chairman : Mr. RÜTSCHI (Switzerland)

Vice-Chairman : Mr. AHMED (Pakistan)

Subjects discussed :

Document No.

1. Request for reconsideration of the 1st Report of Committee 4
2. Draft 2nd Report of Committee 4 to the Plenary Meeting
3. Report of the Administrative Council to the Plenipotentiary Conference

DT/56

DT/57

- Building

Admin. Council Report,
par. 2.5.7

79

1. Request for reconsideration of the 1st Report of Committee 4 (Document No. DT/56)

1.1 The delegate of the United States asked whether Document No. DT/56 would be reconsidered by the Committee before being submitted to the Plenary Meeting.

1.2 The Chairman said that the Report of the Committee as amended and approved would be issued within 24 hours. It would of course be possible to reconsider it before it was submitted to the Plenary Meeting.

1.3 It was so decided.

2. Draft 2nd Report of Committee 4 to the Plenary Meeting (Document No. DT/57)

2.1 The delegate of the Khmer Republic made the statement annexed hereto.

2.2 Pages 1 to 4

2.2.1 At the request of the delegate of Mexico and after discussion in which the delegates of the Federal Republic of Germany and Brazil took part, it was decided to amend paragraph 1.4 as follows : in line 2 insert "for suspending the right to vote" after "of this kind", and begin the last sentence of paragraph 1.4 with the words : "They considered that, in view of the way the situation had developed during the present Conference, the matter ...".

2.2.2 In response to a request by the delegate of the United States, it was agreed to modify the end of paragraph 1.6 as follows : "it being understood that this new provision would not apply to arrears covered by Resolution No. ...".

(Ref. Annex 5 to the 1st Report of Committee 4.)

2.2.3 In reply to a question by the delegate of the United Kingdom on how paragraph 2.7 on page 3 should be completed, the Chairman said that the text inserted would depend on the decision about to be taken by the Committee on the proposals for creating a new class of contribution.

2.3 Page 5

Annex 1

93 - approved without comment.

94 - approved after discussion.

2.4 Page 6

95 - approved without comment in substance.

After a discussion the delegate of Mexico said that he would abide by the decisions to be taken by Committees 7 and 8 on proposal MEX/69/9-95 (212) and would not insist on the proposal being studied by Committee 4.

96 - The same remark applied to proposal MEX/69/9-96 (213).

2.5 Page 7

97 - The same remark applied to proposal MEX/69/9-97 (218).

The delegate of the Federal Republic of Germany said that it would be preferable to amend the end of the proposal by changing the concluding words : "...of these Regulations" to "...of the Convention".

98 - In the light of the arguments put forward during the discussion, the delegate of the U.S.S.R. withdrew proposal USSR/15/10-98 (50).

2.6 Page 8

The delegate of Mexico said that he would not open a discussion on proposal MEX/69/9-98 (210), which could more appropriately be discussed by Committees 7 and 8.

98A - The delegate of the Federal Republic of Germany withdrew proposal D/21/12-98A-5A.

99 - The delegate of the Federal Republic of Germany also withdrew proposal D/21/13-99 (219) - 6.

2.7 Page 9

The Chairman said that if the category of Associate Member was eliminated, proposal MEX/69/9-99 (219) would be taken into account.

99A - It was agreed with the sponsors of proposal DNK/FNL/ISL/NOR/S/B-99A (220, 221) that the proposal would be considered within the framework of the general study of the Convention.

99B - There had already been a decision on proposal D/21/14-99A-6A (arrears in payment due to the Union).

2.8 Page 10

100 - The delegate of Indonesia withdrew paragraph a) of proposal INS/88/9; he said he wished to maintain paragraph b), particularly since there were various draft Resolutions on the same lines.

It was so decided.

2.9 Page 11

Annex 2 - Chapter 27

After the Chairman had recalled the arguments for and against proposal F/29/25-536 (214) and the Administrative Council's proposal, the Committee decided in favour of maintaining the present text, subject to the statements made subsequently at the Plenary Meeting.

2.10 Page 12

541 - Proposal DNK/FNL/ISL/NOR/S/20-540, 541 (220, 221) -2. Inoperative because of the decision just taken not to amend the existing text.

542 to
546 The numbers in the margin were quoted for information only.

2.11 Page 13

547 to

549 In view of the previous decisions the numbers were not taken into consideration.

550 The delegate of the Federal Republic of Germany withdrew proposal D/21/15-550 (230).

2.12 Page 14

551 to

553 The numbers in the margin were quoted for information only.

553A The Committee decided not to submit proposal HNG/7/20-553A-6A to the Plenary Meeting; despite its logic it was merely a codification of the practice followed at the I.T.U.

2.13 Consideration of Document No. DT/57 was thus completed.

3. Report of the Administrative Council to the Plenipotentiary Conference - Building (A.C. Report, paragraph 2.5.7 and Document No. 79)

3.1 The Secretary-General reviewed the problem of what was to be done about the present gap between the underground garage built by F.I.P.O.I. and the Union building. The authorities of the Union had consulted F.I.P.O.I. - which made building loans to international organizations - to discover whether it would be prepared to increase the loan advanced for the I.T.U. Tower so that the gap could be filled in by the extension of two basement floors, one for office space and the other for storage space. F.I.P.O.I. had replied in the affirmative and had granted a loan of 2,500,000 Swiss francs for enlarging the new Headquarters building. The correspondence between the Secretary-General and F.I.P.O.I. was reproduced in the Annexes to Document No. 79. The sum referred to was therefore available to the Union and it was up to the Plenipotentiary Conference to decide if it wanted to use it to extend the basement floors of the Tower. The Geneva authorities would be pleased if the proposed new phase of the work were implemented so as to speed up the completion of the plan for the Place des Nations and to utilize the stairway built

by F.I.P.O.I. next to the I.T.U. building to link up with the path planned between the underground garage and the International Conference Centre. Estimates for the work had been made two years previously, since when building costs had risen continuously. The proposed new phase would provide 4,400m³ of office space and 4,400m³ of storage space. In view of the likely staff increases in the I.T.U., it would be wise to provide for a number of new offices. The total cost of the work would be 3,600,000 Swiss francs, 2,500,000 of which had already been advanced by F.I.P.O.I. on a long term basis and at very low interest.

3.2 The Chairman said that the City of Geneva would be glad if the gap between the underground garage and the I.T.U. building were filled in.

3.3 The Secretary-General said that the building of two basement floors would be a rational solution which would make a number of spare offices available to the Union and enable the computer and other machinery to be transferred into storage premises. The credit of 2,500,000 Swiss francs should be used relatively soon, otherwise the Swiss Parliament would allocate the money elsewhere.

3.4 The delegate of the Dominican Republic thanked the Secretary-General for his survey of the problem and said that he favoured using the credit quickly. As building costs in Switzerland were increasing steadily and considerably, it would be inadvisable not to use the F.I.P.O.I. loan immediately.

3.5 In reponse to a remark by the delegate of Yugoslavia about the high cost and dubious necessity of providing the two basement floors, the Secretary-General said that the new premises would consist of 1,100m² of office space and 1,100m² of storage space, that building costs had increased greatly in Switzerland in recent years and that they would continue to do so in the future.

3.6 The delegate of the United States agreed with the delegate of Yugoslavia and considered that Document No. 79 did not give sufficient details about the cost of phase III of the work and its financial implications for Members of the I.T.U. There had been a very large cost overrun on the original estimates for the new building and the expenditure at present being proposed was excessive in terms of the likely benefit to the Union.

3.7 The Secretary-General said that he had with him a preliminary design for the building work proposed for the gap and he could give the Committee all the necessary particulars in the form of a limited distribution document. In his view the Plenipotentiary Conference should confine itself to the question of principle and leave it to the Administrative Council to study the details of implementing phase III and to decide to start work when it had considered the architect's plan.

3.8 Questions were asked by the delegates of Poland, the Netherlands, Malawi, the Federal Republic of Germany, the United Kingdom, Uganda and Canada in connection with the proposed extension of the basements of the new Union building.

- 3.9 The Secretary-General gave the following replies :
- a) the 3.5% loan granted by F.I.P.O.I. was repayable over a maximum period of 25 years;
 - b) in addition to the 575m² of office space mentioned in sub-paragraph 2 of paragraph 11 on page 2/44 of the Report of the Administrative Council to the Plenipotentiary Conference, the project for the second basement floor would give the Union something like 500m² of storage space;
 - c) work carried out on the basis of the 2,500,000 Swiss francs lent by F.I.P.O.I. would offer an acceptable temporary solution and no further stage was at present under consideration.

He had taken note of the other questions raised, which would be answered in the document to be prepared by the Secretariat for the next meeting of the Committee.

3.10 The delegate of Lebanon said it was important to respect the town planning scheme mentioned in sub-paragraph 1, paragraph 11, page 2/44 of the Report of the Administrative Council and to keep to the original plans for extending the new I.T.U. building.

3.11 The Chairman said it was essential to ensure that the work proposed for the two basement floors would give maximum office space. It would then be for the Administrative Council to decide how best to make use of the allocation of 2,500,000 Swiss francs, while making reservations for the future to the extent possible. In no case should the limit of 2,500,000 Swiss francs be exceeded.

3.12 The Secretary-General said that he would contact the architect in Geneva to find out exactly what work could be done within the limits of the allocation; clearly, however, quick action would be needed if the effects of further rises in Swiss building costs were to be avoided and if work was to be started some time near the end of 1974.

3.13 In response to a comment by the delegate of Mexico, who considered that the building project for the gap between the underground garage and the Union building seemed to be more a matter of complying with a wish of the local authorities than meeting an urgent requirement of the I.T.U.; the Chairman, speaking in his capacity as delegate of Switzerland, said that he had contacts with the Swiss bodies concerned and that it was definitely the I.T.U. which had approached F.I.P.O.I. for a loan of 2,500,000 Swiss francs to extend its headquarters premises.

3.14 The delegate of Mexico said that he was not convinced that the Union really needed to have two basement floors for office and storage use. The area at present available in the old building and in the Tower would be sufficient for a fairly long time and in any case until the next Plenipotentiary Conference. There seemed no urgent need for the work of which the Secretary-General had spoken. Also, a careful study of the matter would have to be made before any decision was taken, since credit overshoots of the same extent as occurred when new headquarters building was constructed must be avoided.

3.15 The delegate of Lebanon recalled that, in its initial plans, it had been the Union's intention to keep to the town planning scheme prepared by the Canton of Geneva, but it was also true that F.I.P.O.I. hoped to be able to count on the cooperation of the I.T.U. to fulfil those plans.

3.16 The Secretary-General agreed. The Union's original plans had been much more ambitious, but due to a lack of funds the new building had been constructed in its present form, leaving the gap which now had to be filled in. The Union had asked F.I.P.O.I. for a loan of 2,500,000 Swiss francs, and the use or non-use of that sum was a matter for a decision by the Plenipotentiary Conference. F.I.P.O.I. would like the Union

to take building action to fill in the present gap between the new Headquarters building and the underground garage, but the I.T.U. had not entered into any formal commitments in the matter.

The meeting rose at 6.55 p.m.

Secretary :
R. PRELAZ

Chairman :
R. RÜTSCHI

Annex : 1

A N N E X

Khmer Republic

STATEMENT ON THE 1st REPORT OF COMMITTEE 4
TO THE PLENARY MEETING
(Torremolinos, 15 October 1973)

Because of events which are no doubt beyond their control, some Members of the International Telecommunication Union have been unable to meet their financial commitments to it. My delegation, however sympathetic it may be to the reasons given, cannot agree to the interest due from these Members being a charge, however small, on my country's budget.

When it acceded to the I.T.U., the Khmer Republic selected the 1-unit class of contribution under No. 213 of Article 16 of the Montreux Convention (1965). Subsequent events in the Khmer Republic have seriously upset the balance of its budget and would have been reason enough for it to ask either for the cancellation of arrears or for a reduction in class of contribution. However, our country considers that it is its duty to keep all commitments entered into earlier, at whatever cost.

My delegation therefore states that my Government finds it absolutely impossible to exceed its previous commitments and to bear the debts of other countries, although, indeed, it is not against other countries doing so if they can.

My delegation draws the attention of the Conference to the fact that if it endeavours to solve the problem of arrears by increasing the contributory unit, the I.T.U. runs the risk of achieving contrary effects; countries like ours which are already in financial difficulties will be unable to pay their contributions, the arrears of which will therefore accumulate to an excessive extent.

PLENARY MEETING

Final Protocol

FOR THE STATE OF ISRAEL

The State of Israel reserves its position with respect to "Resolution KK" in the light of the following facts :

1. The Resolution was based on unsupported accusations, by countries conducting open warfare and unrestricted hostilities against the State of Israel - without a single shred of proof being placed before the meeting;
2. The draft Resolution was considered on Saturday, 20 October - on the background of inflammatory speeches, wild accusations, and implied threats - all this on the Sabbath day, when the accusers were well aware that the only representative of Israel would be absent, for religious observances. Israel was thus made to appear that it was admitting the baseless charges, because it did not take the floor to deny them. In fact, Israel is advised that this was remarked upon in the debate and referred to in Document No. 341 by Malaysia;
3. The religious reasons, which accounted for the absence of the representative of Israel, had been fully explained to the Chairman on the preceding day; the Chairman solemnly promised, that if anything of concern to Israel were to come up on Saturday, he would do all that was in his power to delay consideration - in order to enable the delegation of Israel to exercise its right to express itself (vide No. 670 of the Convention, Montreux 1965, which reads as follows :

"It shall be the duty of the Chairman to protect the right of each delegation to express its opinion freely and fully on the point of issue".

4. When this course had not been followed, the delegation of Israel followed orderly procedure, and on the occasion of the first reading of the draft Resolution - in the Plenary Meeting of 22.10.73 - set forth in its statement the relevant facts, and formally requested the rejection of the draft Resolution - pursuant to paragraph 692 of the Convention. The Chairman refused to proceed to a vote in the course of the reading of the draft, and ruled the delegate of Israel out of order - contrary to the provisions of the Convention and to common practice. Furthermore, the assembled delegations have thus been deprived of the opportunity to vote on the matter, after hearing from both sides.

5. In its statement presented in the Plenary Meeting of 22.10.73, and which was fully reproduced in the Summary Record of that meeting, Israel put forward, inter alia, the following :

- a) On the same day as the allegation of sabotage Beirut submarine cables was made, the Israel spokesman officially denied any responsibility whatsoever for this occurrence.
- b) The cable itself is owned, in large part, by European as well as United States interests, whose sympathy and understanding Israel seeks. Why should Israel wish to endanger these sympathies, and damage the property of friendly nations?
- c) Why, also, if Israel wished to carry out such an action, would she undertake it so close to shore, where detection would be easy and repair relatively simple?
- d) In this case as in the past, acts of sabotage of internal origin have taken place. Oil pipelines have been damaged before, embassies of Arab States have been invaded, high officials of Arab States have been assassinated, planes have been hijacked and hostages have been taken. In all these instances, it was one group within the Arab States acting against another. Here, too, the facts lend themselves to such conclusions. Dissident Arab groups do operate in Lebanon. On those very days such a group, in Beirut, took as hostages some 50 innocent local inhabitants, and played around with their lives. These groups have the minimum skills necessary to handle explosives and to perform this kind of sabotage, and the means to reach the points where the damage allegedly took place. In one stroke they can take revenge for wrongs, real or imagined, and in the current climate place the blame on Israel.

- e) It was understood that when Lebanon first reported the cable break, and asked ITALCABLE for assistance in restoration of service via alternate routes, they themselves referred to the cable break as an act of sabotage. Only later, did it occur to them, that this incident could be utilized for propaganda purposes.

In view of the foregoing, the State of Israel considers the so-called Resolution KK, as unlawfully and improperly to this Convention, as well as having no meaning or effect whatever.

The State of Israel is confident that all fair-minded Members of the Union share its views, and will treat the so-called Resolution accordingly.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 414-E

25 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR DENMARK, FINLAND, ICELAND, NORWAY AND SWEDEN

The Delegations of the above-mentioned countries reserve for their Governments the right to take such action as they may consider necessary to safeguard their interests should certain Members of the Union 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. 415-E

25 October 1973

Original : French

PLENARY MEETING

Note by the Secretary-General

STATEMENT BY THE OBSERVER FROM THE UNITED NATIONS

The annexed statement made by the Observer of the United Nations at the 22nd Plenary Meeting is published at the request of several delegations. It will also appear in the Summary Record of the meeting.

M. MILI

Secretary-General

Annex : 1



A N N E X

STATEMENT BY THE OBSERVER OF THE
UNITED NATIONS AT THE 22nd PLENARY MEETING

As a consequence of the decision to abolish the category of Associate Member, Committee 8 decided to delete Article 47 specifying that the United Nations shall have the right to accede to the Convention on behalf of a territory which is placed under its administration and which would thereby become an Associate Member.

This deletion of Article 47 was made on the understanding that the United Nations would be given an opportunity to state its views on the matter before the Plenary Meeting. These views are set out in Document No. 264.

The United Nations takes the view that the deletion of this Article is not desirable. Although the number of trust territories has been greatly reduced since the adoption of the Charter of the United Nations in 1945, a few such territories still exist. Any alteration of the Trusteeship system requires a revision of the Charter, a procedure which is not within the competence of this Conference. Furthermore, by a decision of the General Assembly or of the Security Council, the United Nations may be entrusted with the responsibility for certain territories as happened in the case of West Irian, a few years ago. There may be other cases in future.

Moreover, the deletion from the list of Members of the territories represented by the United States raises certain problems since this group of territories includes some trust territories.

For all these reasons I must appeal to the Conference to preserve the rights of the United Nations in this field.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 416-E

25 October 1973

Original : French

PLENARY MEETING

Final Protocol

FOR ITALY

Italy reserves the right not to share in defraying any additional costs that the I.T.U. may incur in future Plenipotentiary and Administrative conferences through the use of a sixth language of interpretation in accordance with Resolution ... of this Conference.



PLENARY MEETING

Final Protocol

FOR ITALY

The delegation of Italy 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, or should they fail in any other way to comply with the provisions of this Convention, or its annexes or the protocols attached thereto, or should reservations by other countries be likely to increase its share in defraying the expenses of the Union or jeopardize its telecommunications services. The delegation also reserves the right for its Government, in the event of the Union's ordinary budget being charged with expenses for technical cooperation purposes, to take appropriate consequential action.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 418-E

25 October 1973

Original : English

PLENARY MEETING

Final Protocol

FOR UNITED KINGDOM

The Delegation of the United Kingdom of Great Britain and Northern Ireland notes the statement of the Delegation of Chile with regard to Antarctic Territories. Insofar as this may be intended to refer to the British Antarctic Territory, Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have no doubt as to their sovereignty over the British Antarctic Territory.



PLENARY MEETING

Final Protocol

FOR UNITED KINGDOM

The Delegation of the United Kingdom of Great Britain and Northern Ireland declares that it does not accept the statement of the Argentine Delegation contained in its declaration insofar as this statement disputes the sovereignty of Her Majesty's Government in the United Kingdom over the Falkland Islands and the Falkland Islands Dependencies and the British Antarctic Territory and it wishes formally to reserve the rights of Her Majesty's Government on this question. The Falkland Islands and the Falkland Islands Dependencies and the British Antarctic Territory are and remain an integral part of the territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible.

The United Kingdom Delegation also cannot accept the view expressed by the Argentine Delegation that the denomination "Falkland Islands Dependencies" is erroneous nor, insofar as that view refers to the denomination "Falkland Islands", that that denomination is erroneous. The United Kingdom Delegation, moreover, cannot accept the view expressed by the Argentine Delegation that the term "(Malvinas)" should be used in association with the name of the Falkland Islands and the Falkland Islands Dependencies. The decision of the United Nations Special Committee to add "(Malvinas)" after this name related solely to the documents of the United Nations Special Committee on the situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples and has not been adopted by the United Nations for all United Nations documents. It therefore in no way affects the International Telecommunications Convention (Malaga-Torremolinos, 1973) or its Annexes or any other documents published by the International Telecommunication Union.

With regard to Resolution 2065 (XX) of the United Nations the United Kingdom Delegation does not accept the reasons given by the Argentine Delegation for that Resolution.

The United Kingdom Delegation notes the reference by the Argentine Delegation to Article IV of the Antarctic Treaty signed in Washington on 1 December 1959 but wishes to state that this Article in no way supports or bears out the dominion or sovereignty of any particular power over any antarctic territory : Her Majesty's Government are in no doubt as to the United Kingdom's sovereignty over the British Antarctic Territory.

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 420-E
25 October 1973
Original : English
Spanish

PLENARY MEETING

DRAFT RESOLUTION

REQUEST FOR ADMISSION OF GUINEA-BISSAU
AS MEMBER OF THE INTERNATIONAL TELECOMMUNICATION UNION

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

considering

the request received from the Chairman, Council of Commissars of Guinea-Bissau for admission of his country as a Member of the International Telecommunication Union in accordance with Articles 1 and 19 of the International Telecommunication Convention (Montreux), and the associated exchanges of telegrams annexed to Document No. 387;

noting

that further correspondence referred therein has not been received before the termination of the present Conference;

noting also

that a number of Members of the Union are not present in the Plenipotentiary Conference;

noting further

the widespread support for the consideration of the request for admission as early as practicable taking account especially of the observations made by many delegations in the present Conference;



instructs the Secretary-General,

1. on the basis of the correspondence already received by the Union, to carry out the consultation as rapidly as possible in regard to the request for admission of Guinea-Bissau in accordance with Articles 1 and 19 of the Montreux Convention.

2. to send to the Members Document No. 387 and the records of the discussions of the 26th Plenary Session for their consideration in deciding upon the request for admission of Guinea-Bissau.

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 421-E
25 October 1973
Original : Spanish

PLENARY MEETING

Final Protocol

FOR THE REPUBLIC OF PANAMA

The Delegation of Panama states that it does not accept any declaration made by any country in the International Telecommunication Convention (Malaga-Torremolinos, 1973) or in any other document which affects its sovereign rights over the Panama Canal zone.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 422-E

25 October 1973

Original : French

PLENARY MEETING

Final Protocol

FOR THE SOCIALIST REPUBLIC OF ROUMANIA

In signing the International Telecommunication Convention (Malaga-Torremolinos, 1973), the Roumanian Delegation declares that the maintenance of certain territories in a state of dependence, as referred to in the provisions of Additional Protocol F, is not in conformity with the documents adopted by the United Nations on the granting of independence to colonial countries and peoples including the Declaration relating to the principles of international law concerning friendly relations and cooperation between States in accordance with the United Nations Charter, which was unanimously adopted by United Nations General Assembly Resolution 2625 (XXV) of 24 October 1970 and which solemnly proclaims the obligation of States to promote the implementation of the principle of the equality of rights of peoples and their right to self-determination, with a view to putting a speedy end to colonialism.



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 423-E

25 October 1973

Original : Spanish

PLENARY MEETING

Final Protocol

CHAIRMAN OF THE CONFERENCE

The Chairman of the Conference deplores the terms employed in the statement made by Israel at the Plenipotentiary Conference, Malaga-Torremolinos, 1973, and included in its Final Protocol, commenting on the application of the Rules of Procedure of Conferences embodied in the General Regulations annexed to the Montreux Convention, 1965.

Number 670 of the Montreux Convention states in fact that "it shall be the duty of the Chairman to protect the right of each delegation to express its opinion freely and fully on the point at issue". This provision clearly relates to delegations which are "present" at the discussion, which does not apply in this case to the delegation of Israel which, on religious grounds worthy of the highest respect, did not attend the Plenary Meeting held on Saturday, 20 October despite the reasons which it had on the evening before to presume that the draft Resolution contained in Document No. 326 submitted by the delegation of Lebanon would be debated at that meeting. It should be added in this connection that at his meeting with Mr. Sakked on Friday, 19 October, the Chairman had been unable to offer any guarantee concerning a postponement of the debate on the draft resolution in question and had merely said that he would hold consultations, which proved unsuccessful, aimed at having the debate deferred until Monday, 22 October.

At the Plenary Meeting of Monday, 22 October, the delegate of Israel, in the first reading of Resolution KK submitted by the Editorial Committee and contained in Document No. 351, asked for a fresh vote on the content of this draft resolution, basing its request on 692 of the Montreux Convention.



The Chairman's interpretation was that the Plenary Meeting had before it the text of the resolution, before final consideration under 763 of the Convention, but that it was not dealing with the substance of the matter, which had already been settled at the meeting held on Saturday, 20 October after a roll-call vote in which there were 64 votes in favour and 3 against with 46 abstentions.

The Chairman based his ruling on 697 of the Convention.

Final Protocol

FOR LEBANON

The Delegation of Lebanon deplores the publication of the tendentious Document No. 413 submitted by the so-called "State of Israel" relating to the adoption of Resolution KK by the Plenipotentiary Conference (Malaga-Torremolinos, 1973). This document, which was deliberately submitted after adoption of the Conference documents as a whole at the last Plenary Meeting held on Friday, 25 October 1973, is a tissue of lies and arrogant remarks with respect to the Union. As the document was not examined by the Conference and was not mentioned on any agenda, the Conference is deemed to have no cognizance of it.

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 425-E
12 November 1973
Original : French

COMMITTEE 4

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 4

(FINANCES)

Wednesday, 17 October 1973, at 1530 hrs

Chairman : Mr. R. RÜTSCHI (Switzerland)

Vice-Chairman : Mr. Z. AHMAD (Pakistan)

Subjects discussed :

Document No.

- | | |
|---|-----------------------------|
| 1. Summary record of the 4th meeting of Committee 4 | 192 |
| 2. Summary record of the 5th meeting of Committee 4 | 201 |
| 3. First report of Committee 4 to the Plenary Meeting | 221 |
| 4. Report of the Administrative Council to the Plenipotentiary Conference | AC Report, par. 2.5.7
79 |
| - Building | DT/71 |



1. Summary record of the 4th meeting of Committee 4 (Document No. 192)
 - 1.1 The delegate of Mexico proposed an amendment to the summary record (see Corrigendum to Document No. 192).
 - 1.2 Subject to that amendment, the summary record of the 4th meeting of Committee 4 was approved.
2. Summary record of the 5th meeting of Committee 4 (Document No. 201)
 - 2.1 The delegates of Chile, Bolivia, Mexico, and Cuba proposed amendments to the summary record (see Corrigendum to Document No. 201).
 - 2.2 Subject to these amendments, the summary record of the 5th meeting of Committee 4 was approved.
3. First report of Committee 4 to the Plenary Meeting (Document No. 221)
 - 3.1 The delegate of the United States said he had understood that the Committee had agreed to waive payment of the three million Swiss francs of interest on arrears due from the nine debtor countries of the Union. The report was however contradictory on that point. The first sub-paragraph on page 3 stated: "that the solutions worked out should not affect Members which pay their contributions regularly". Paragraph 5.2 on the same page contained a statement which seemed to be at variance with those words. Paragraph 5 of the draft Resolution on page 12 implied that all Members of the Union would have to participate over a five-year period in amortizing a sum the payment of which had been waived by the Union and which would therefore have to be regarded as a loss.
 - 3.2 In order to dispel the uncertainty, the Committee should be provided with precise facts to decide whether it was really necessary to cover all or part of the loss in question. Since the Committee did not have the necessary facts at its disposal, it would be preferable to instruct the Administrative Council to seek a solution to the cash resources problem arising from the "loss" caused by the non-recovery of arrears.
 - 3.3 The delegate of Argentina also considered that the full light had not yet been shed on the Union's actual need for cash resources. The Administrative Council should therefore be instructed to study the situation and to take a final decision by fixing the amounts required to bring the I.T.U.'s cash resources up to the necessary level.

3.4 The Chairman, summing up the statements which had just been made, found that they were in favour of deleting paragraph 5 and amending paragraph 2 of the operative part of the draft Resolution contained in Document No. 221.

3.5 The delegate of the U.S.S.R., said that he did not share the views of the previous speakers. Everybody was aware that the I.T.U. was a non-profit-making association. All the resources described in its budget were estimates of expenditure and the Reserve Account was made up of sums which had not yet been spent. If the Union decided to exempt certain countries from paying the sums owed, it meant that the entire membership, including the debtor countries, were required to share in the repayment of the amounts outstanding and, in the particular case at issue, of the interest on the arrears to which the exemption applied.

3.6 That question had absolutely no bearing on the problem of the cash resources required by the Union for the proper administration of its affairs. Since the Union's accounts had been approved, it was clear and logical that all the amounts outstanding would have to be recovered in one way or another, until the last centime. It was inconceivable that the Administrative Council could adopt a decision which clashed with that principle.

3.7 Finally, he said that he was firmly opposed to any amendment of the substance of paragraph 5 of the operative part of the draft Resolution.

3.8 Since the delegate of the United States of America did not insist on the amendments which he would have liked to make to the text, it was agreed not to modify the text, despite the intervention of the delegate of the Khmer Republic, supported by the delegates of the Republic of Viet-Nam and Indonesia, who stated that he still failed to understand why countries which, despite their financial difficulties, made efforts beyond their means in order to meet their commitments, should be compelled to pay the debts of other countries, namely the accumulated interest on arrears.

3.9 The delegate of Rwanda reserved the right to revert to the question at the plenary meeting, in view of the financial situation of his country.

3.10 In conclusion, the Chairman pointed out that the posting to account of the interest on arrears under the head of Union assets had over the years resulted in a corresponding reduction in the contributory shares of the Member countries throughout that period.

4. Report of the Administrative Council to the Plenipotentiary Conference - Building (Report of AC, paragraph 2.5.7, Documents Nos. 79 and DT/71)

4.1 The Secretary-General introduced Document No. DT/71 which contained replies to a number of questions raised at the 11th meeting of the Committee concerning the construction of the new building and the possible expansion of the basements and other improvements.

4.2 The Chairman explained why the construction of stage III would cost almost as much as the old building, for which the Union had paid 5 million Swiss francs. That had been possible at the time because the Swiss Confederation had borne 2.5 million Swiss francs of the cost in addition to providing the land free of charge. The new building, the Canton and City of Geneva had also provided the land free of charge together with a loan of 20 million Swiss francs, which the Administrative Council had decided to pay back over 25 years. The 20 millions had unfortunately not been enough. F.I.P.O.I. had been approached and had granted two loans of 500,000 Swiss francs each. In addition, the Swiss Confederation had granted the I.T.U. special terms for the repayment of the loans.

4.3 To complete the construction in stage III, an amount of 2.5 million Swiss francs would be necessary, which F.I.P.O.I. had agreed to make available. The Geneva Authorities hoped that, in the course of stage III, the I.T.U. would fill in the pit which had been dug during the building of the tower.

4.4 The interest of 3% to be paid on the loans granted by the Swiss Confederation itself or, on its recommendation, by the requisite institutions, was very low.

4.5 The delegate of Morocco put forward various arguments and reasons which he considered adequate for requesting the Swiss Confederation and the Geneva authorities not to insist, at least in the immediate future, on the filling of the pit next to the I.T.U. tower.

4.6 The delegate of Mexico said that he would like to be provided with various documents in order to study the situation with regard to the construction of the I.T.U. building, with particular reference to stage III and its financing. That information would doubtless enable the Committee to reach a decision with a full knowledge of the facts and to determine whether there was any urgency.

- 4.7 The Secretary-General provided some explanatory material on the structure and purposes of F.I.P.O.I. whose loans invariably required the approval of the Federal Chambers (Swiss Parliament). The interest rate of 3% granted to the I.T.U. had been made possible by a federal subsidy to cover the difference between that rate and the normal bank rate of 5 $\frac{1}{2}$ %.
- 4.8 The work requested by the Federal and Geneva authorities should be carried out, since it was covered by long-standing town planning arrangements.
- 4.9 The cost increases for the work done or remaining to be done was not attributable mainly to changes in the plans but to the substantial price rises which had taken place in the building sector. However, comparison with other buildings erected in Geneva for various international organizations showed that the increases for the I.T.U. building were the lowest.
- 4.10 So far as stage III was concerned, the Secretary-General stated that the architect's plans made due allowance for those parts of the building which had already been finished and it was clearly understood that the new parts would be fitted together in a very functional way with those which already existed.
- 4.11 With regard to the 2.5 million loan which F.I.P.O.I. was prepared to grant to I.T.U. for the completion of stage III, a decision had to be made whether it should be used in the near future, since in the event of a negative decision, the Swiss Confederation would have to be informed so that it could use the funds for other purposes.
- 4.12 The delegate of the U.S.S.R. hoped that the effectiveness of what had already been done would be investigated before anything else was undertaken. He considered that it would have been preferable to rent the building rather than undertake a construction project. In his opinion, the sums spent by the I.T.U. on the purchase of buildings would have probably covered the rent of an equivalent floor area for a period of 90 years.
- 4.13 He was perfectly aware that it might sometimes be an advantage to own the premises; however, he was regretfully forced to conclude that the I.T.U.'s real estate venture did not constitute an effective use of its resources.

4.14 It was clear that, so far as the town planning requirements were concerned, they had to be observed. However, everybody knew that the establishment of such plans was usually a fairly lengthy affair and the Geneva authorities might possibly agree, for example, to the construction of a temporary gangway to enable the public to walk, as was planned, from the underground garage to the Conference Centre. This solution would result in an immediate outlay of perhaps 5,000 francs instead of 3,600,000 francs, which it was proposed to spend. Moreover, experience showed that the final costs were always higher than the original estimates. Therefore, despite the credit facilities and the very low interest rate offered, it would be wise to postpone until some later stage the expenditure which it was suggested should be made immediately, and to wait until it was absolutely essential to complete stage III.

4.15 The delegate of Morocco, pointing to future problems, wondered whether the long-term development of the I.T.U. would not require it at some stage to leave its present premises to go elsewhere. Furthermore, F.I.P.O.I. might also contemplate extending its own underground garage in the very place where the I.T.U. might be able to install the offices which it does not need, namely in the pit which has to be filled in.

4.16 The Secretary-General said that he joined everybody else in hoping that the I.T.U. would continue to develop. But the Department of Public Works, which had already been consulted on the possibility of a future extension, had officially confirmed that it would be possible to erect a second tower next to the existing buildings. There was therefore no question of the I.T.U.'s being compelled to leave the existing premises at any subsequent stage.

4.17 Replying to the delegate of Uganda, the Secretary-General said that he was not aware of other sources of financing on more favourable terms, or even terms as favourable as those offered by the Swiss Confederation through the intermediary of F.I.P.O.I. namely repayment over 25 years at an interest rate of $3\frac{1}{2}\%$.

4.18 The delegate of the United States of America pointed out that the Building Working Party had never reached agreement on the need to launch a new extension phase immediately. Furthermore, referring to the first paragraph on page 12 of Document No. 79, he said that the cheapest means of filling in the excavation should be sought provided that the I.T.U. had formally committed itself to do so vis-à-vis the Swiss authorities.

4.19 The delegate of the United Kingdom said that he supported the views of the delegates who had considered that the expenditure proposed for a new extension of the I.T.U. buildings was unwarranted, since there was no urgency. The suggestion concerning the construction of a gangway represented a compromise solution which was as symbolic as it was useful.

4.20 The Secretary-General emphasized that, in its report, the Administrative Council had made it clear that it did not consider it advisable to suggest to the Members of the Union that the funds offered should be used and that it preferred to follow the instructions which it would receive from the Plenipotentiary Conference. It was therefore essentially a matter for the Finance Committee to decide.

4.21 The Chairman said that nobody had been in favour of completing stage III of the headquarters construction programme. Various delegations had stated that it was not the right time to complete the project, which was in fact not urgent, and that the Union's financial difficulties dictated the most stringent economy.

4.22 The Committee therefore rejected the construction project envisaged under stage III of the extension of I.T.U. headquarters as described particularly in Documents Nos. 79 and DT/71 and in the report of the Administrative Council.

4.23 With regard to the best means of satisfying the Swiss authorities concerning a passage (construction of a gangway or other means of access), the Committee instructed the Secretary-General to prepare a draft resolution clearly stating, first, that the Plenipotentiary Conference did not wish to carry out stage III and, second, that it instructed the Administrative Council to seek, in consultation with the Secretary-General, an adequate solution concerning the passage in question.

4.24 The delegate of Mexico considered that the Committee did not have sufficient facts at its disposal to judge of the immediate or future advisability of stage III. That was a very important point. The Administrative Council, in which the Members' representation was limited, should therefore not be instructed to take a specific and final decision on a subject concerning which a ~~number~~ of the facts were not yet available.

4.25 Concerning the loan of 2.5 million francs, the Chairman said that, at the time when the Secretary-General had approached F.I.P.O.I. for an increase in the initial loan of 20 millions granted to the I.T.U., he had

taken the precaution of drawing attention to the possibility of carrying out stage III and requesting whether F.I.P.O.I. would be prepared to grant a fresh loan of 2.5 million Swiss francs to cover it.

4.26 The delegate of Mexico said that the pit which the Swiss authorities wished the Union to fill in at its own cost stemmed doubtless from highly original architectural concepts but had nevertheless been imposed on the I.T.U. for town planning considerations; it might therefore be wondered whether the I.T.U. should commit itself to further expenditure and carry out work which was none of its business.

4.27 After summing up the debate, the Chairman added that, in its report to the Plenary Meeting, the Committee would draw attention to its view that it was, for the time being, not advisable to proceed with stage III, particularly since it did not have at its disposal all the necessary facts on which to reach a final decision.

The meeting rose at 1810 hours.

The Secretary :

R. PRELAZ

The Chairman :

R. RÜTSCHI

COMMITTEE 4

SUMMARY RECORD

OF THE

THIRTEENTH MEETING OF COMMITTEE 4

(FINANCES)

Thursday, 18 October 1973, at 0930 hrs

Chairman : Mr. R. RÜTSCHI (Switzerland)

Vice-Chairman : Mr. Z. AHMAD (Pakistan)

Subjects discussed :

Document No.

- | | |
|---|-------|
| 1. Approval of the Summary Record of the 6th meeting of Committee 4 | 225 |
| 2. Draft 3rd Report of Committee 4 to the Plenary Meeting | DT/85 |
| 3. Additional Protocols relating to the finances of the Union | DT/84 |

1. Approval of the Summary Record of the 6th meeting of Committee 4
(Document No. 225)

1.1 Approved.

2. Draft 3rd Report of Committee 4 to the Plenary Meeting
(Document No. DT/85)

2.1 Following a comment by the delegate of the United States and at the proposal of the Chairman, it was decided to add the text of paragraph 4 to the end of paragraph 3 and to renumber the last paragraph accordingly.

2.2 Subject to that amendment, the draft 3rd Report of Committee 4 to the Plenary Meeting was approved.

3. Additional Protocols relating to the finances of the Union
(Document No. DT/84)

3.1 The Chairman said that the missing figures in Document No. DT/84 would be added as soon as they became available. He added that the Protocols submitted to the Committee were the same as those appearing in the Montreux Convention.

Annex 1 : Additional Protocol I

3.2 The delegate of the United States, supported by the delegate of the U.S.S.R., said that the percentage of 3% could already be added in the last paragraph on page 2; the figure was already given in paragraph 2 of point 12 on page 7.

3.3 The Secretary-General said that the 3% shown on page 7 represented an evaluation of the normal increase of the work of the Union which had repercussions on the staffing of the organization whereas the percentage to be inserted on page 2 corresponded to the limit on expenditure for the years after 1979. A figure of 3% was given in Additional Protocol I to the Montreux Convention but that figure had proved to be too low and had been the source of considerable difficulties for the Administrative Council. For that reason he thought it would be useful to adopt a slightly higher percentage but it would be up to the Administrative Council to fix the exact limits of the budget.

3.4 The delegate of France said that the Committee did not have all the necessary data to be able to take a decision on that point and it was agreed that the percentage would be fixed subsequently when the other missing figures in Document No. DT/84 were incorporated.

3.5 At the invitation of the delegate of the Argentine, it was decided to use the expression "do not exceed" in sub-paragraph 2.1 on page 3 in line with the terminology used in paragraph 1 on page 2. After the word "below" in the third line of paragraph 2.1, the text should therefore read : "ensure that such expenditure does not exceed the following amounts". The final wording was left to the Editorial Committee.

3.6 In reply to a suggestion made by the delegate of the U.S.S.R. to delete sub-paragraph 2.2, the Secretary-General said that the provision was meant to ensure flexibility, for example to make it possible for a conference originally scheduled for 1976 to be held in 1977 by transferring credits from one year to another.

3.7 The Head of the Finance Department said that the term "credits" used in sub-paragraph 2.2 could give rise to misunderstanding : the word referred not to sums entered in a budget with the authorization of the Administrative Council but to limits on expenditure. In his view it was indispensable to be able to transfer the sums in question from one year to another.

3.8 In reply to a request for clarification by the delegate of Niger on the subject of the words "foreseen in a future year" in sub-paragraph 2.2, the Secretary-General said that, if the date of a conference or a C.C.I. meeting scheduled to be held in a particular year had to be brought forward for certain reasons, there had to be some mechanism for transferring the credits allotted for the original date to an earlier year. The purpose of sub-paragraph 2.2 was to give the Administrative Council freedom of action to enable it to solve the problems as they arose and to cope with all situations.

3.9 The delegate of Lebanon said that, in accordance with a proposal submitted by the Scandinavian countries, the Plenipotentiary Conference had recognized that the Administrative Council should carefully consider the reports of the Coordination Committee on the planning of future meetings and conferences. He assured the delegate of Niger that the Council always made sure that the limit on expenditure for the year in which a particular meeting was to be held was not exceeded and that the credits allotted for a particular meeting were in fact used for that purpose.

3.10 The delegate of the U.S.S.R. said that he was opposed to the idea of transferring credits allotted for the meetings of C.C.I. Study Groups which had not been used up. It was abnormal that sums saved in this way should be used to increase the limit on expenditure laid down for meetings to be held at another date.

3.11 The Secretary-General said that, if the suggestion of the delegate of the U.S.S.R. to delete sub-paragraph 2.2 were adopted, the work of the C.C.I.s would be seriously affected. It was not always possible to stick to plans drawn up for the holding of meetings and it was very important that unused credits could be used to increase the limit on expenditure laid down for meetings due to be held in subsequent years. The text of the sub-paragraph in question reflected the practice hitherto followed by the I.T.U.

3.12 The delegate of Lebanon said that the wording of sub-paragraph 2.2 was similar to the present wording in the Convention and he asked the delegate of the U.S.S.R. not to insist on the amendment he was proposing.

3.13 The delegate of the U.S.S.R. agreed but he pointed out that in 1970 for example the limit on expenditure provided for in the Convention had been 1,555,000 Swiss francs. However thanks to savings achieved earlier, that sum had been raised in the budget for the year in question to 1,800,000 Swiss francs, which was an abnormal practice.

3.14 In order to make the text more explicit, the Head of the Finance Department suggested that in the fourth line of sub-paragraph 2.2 the word "credits" should be replaced by the words "sums included within the limit of expenditure :

- accrued from a previous year, ...".

3.15 The Committee approved the proposed amendment.

3.16 In reply to a comment by the delegate of Yugoslavia on the subject of sub-paragraph 3.2, the Head of the Finance Department said that the additional expenses mentioned only concerned the salaries of officials in the professional category and above which were calculated in U.S. dollars and to which post-adjustments had had to be applied in order to take into account fluctuations in the exchange rate between the Swiss franc and the United States dollar.

3.17 Following a remark by the delegate of the U.S.S.R. the Secretary-General said that the text of sub-paragraph 4.2 of Additional Protocol I to the Montreux Convention had not been reproduced in the Additional Protocol I appearing in Document No. DT/84 because certain details concerning conferences were not yet known. Later however a text similar to that appearing in sub-paragraph 4.2 would be inserted in the new Additional Protocol I.

3.18 The delegate of the United States drew attention to a figure which needed to be altered in the English text at the end of paragraph 7, page 4 of Document No. DT/84.

3.19 Subject to the above comments and amendments, the text of Additional Protocol I was approved.

Annex 2 : Additional Protocol II.

3.20 In reply to a request made by the delegate of the U.S.S.R. that the Secretary-General should ask all Members of the Union to notify him by 1 July 1974 of the class of contribution they had selected, the Secretary-General said that in January 1974, he would send a letter to countries that had not yet announced their class of contribution, particularly those countries not represented at the present Conference, asking them to inform him of their intentions by 1 July 1974.

3.21 The delegates of the United States and Lebanon supported the request made by the delegate of the U.S.S.R. and said that the Secretary-General should keep a close watch on the situation as regards classes of contribution selected by the Members and that he should keep Members informed of the position.

3.22 In reply to a remark by the delegate of Bielorussia relating to the ~~deletion~~ of the denomination "Associate Member", the Chairman said that the text would be corrected after a decision had been taken on the subject by the Plenary Meeting.

3.23 Following comments by the delegates of Brazil and Yugoslavia in connection with an inaccuracy at the end of paragraph 2 of the English version of Annex 2 and the fact that the Convention referred to at the end of the paragraph was the Montreux Convention, it was decided that the necessary amendments would be introduced in the text.

3.24 Subject to the above comments and amendments, the text of Additional Protocol II was approved.

3.25 The Secretary-General pointed out that the data given in Annex 3 no longer corresponded to the decisions taken by the Committees and the Plenary Meeting and it was agreed that the figures would be brought up to date and the Annex in question considered at a later meeting of the Committee.

The meeting rose at 1045 hrs.

The Secretary :

R. PRELAZ

The Chairman :

R. RÜTSCHI

COMMITTEE 4

SUMMARY RECORD

OF THE

FOURTEENTH MEETING OF COMMITTEE 4

(FINANCES)

Friday, 19 October 1973, at 0900 hrs

Chairman : Mr. R. RÜTSCHI (Switzerland)

Vice-Chairman : Mr. Z. AHMAD (Pakistan)

Subjects discussed :

Document No.

- | | |
|---|---------------|
| 1. Summary record of the 7th meeting of Committee 4 | 236 |
| 2. Summary record of the 8th meeting of Committee 4 | 237 |
| 3. Action to facilitate the participation of new or developing countries in the meetings of the C.C.I. Study Groups | 199 - 246 |
| 4. Limit of expenditure for the period 1974 to 1979 | DT/84 - DT/88 |



1. Summary record of the 7th meeting of Committee 4 (Document No. 236)

1.1 The delegate of Mexico asked for a correction to be made to his statement contained in paragraph 3.29.

1.2 The delegate of the United Kingdom requested the amendment of the last sentence in paragraph 3.17.

1.3 Subject to the foregoing amendments, the summary record of the 7th meeting of Committee 4 was approved.

2. Summary record of the 8th meeting of Committee 4 (Document No. 237)

2.1 The delegate of Mexico expressed his displeasure at the fact that instead of reporting the very thorough and detailed statement which he had made when introducing his delegation's proposal, the record merely contained a reference to Document No. 71 in which that proposal was reproduced. He would therefore have to hand the Secretariat a written summary of his intervention for publication as a Corrigendum to Document No. 237.

2.2 It was so decided.

2.3 The delegate of France requested the amendment of paragraph 1.10.

2.4 The summary record of the 8th meeting, thus amended, was approved.

3. Action to facilitate the participation of new or developing countries in the meetings of C.C.I. Study Groups (Documents Nos. 199 and 246)

3.1 The delegate of Mexico said that the adoption of his country's proposal, which had been favourably received by Committee 6 and referred to Committee 4, would have no financial implications for the Union.

3.2 The Chairman, speaking as the representative of Switzerland, supported the Mexican proposal, which elicited no objections in the Committee.

3.3 It was therefore decided to approve the draft resolution (modifying Resolution No. 19, Montreux, 1965) as contained in the Annex to Document No. 199 and transmit it to the plenary meeting.

4. Limit of expenditure for the period 1974 to 1979 (Documents Nos. DT/84 and DT/88) (continuation of discussion)

4.1 The Chairman said that in the examination of Additional Protocol I at the previous meeting, various speakers had proposed that the annual increase in the budget should be fixed at 3% for the years after 1979, following the Montreux practice. The Secretary-General, however, had voiced some reservations, pointing out that such a low rate of increase might handicap the Administrative Council in allocating the credits that were essential if the Union was to do its work properly.

4.2 The Secretary-General said that towards the end of the period between the Montreux and Torremolinos Conferences, namely in 1973 and 1974, the Council had had some difficulty in establishing a budget for the minimum requirements for those years owing to the insufficiency of the rate of increase in the budget fixed in 1965. To avoid a recurrence of such a situation before the next Plenipotentiary Conference, it would be wise to raise the permitted rate of increase to 5% for the years after 1979. That in no way meant that the Council would necessarily budget up to that limit; it would merely provide a safety margin in order to render the budget limits less rigid.

4.3 The delegate of the U.S.S.R. traced the historical background to the Union's requirements and the practices followed in fixing the budgets. In the eight years past since 1965, the Administrative Council had not experienced excessive difficulty in maintaining Union expenditure within the limits set by the Plenipotentiary Conference so far as the Union's normal activities concerned, despite the increase in the number of Members, the increasing volume of C.C.I. activities and the rapid development of space telecommunications. The effort to achieve economies should therefore be continued even more tenaciously in the difficult circumstances in which the I.T.U. now found itself and which made it necessary to keep the annual rate of increase in the budget at 3%.

4.4 The delegate of Mexico said that, although the Administrative Council had managed to keep Union expenditure within the limits set by the Plenipotentiary Conference, it had often been done to the detriment of certain Union activities. The Torremolinos Conference itself was, moreover, adopting a number of measures which were bound to lead to a larger increase in the budget that could not be covered by referendum or by additional credits, but only by a safety margin enabling the Administrative Council to make budgetary provision to meet the needs and requests of Member countries in whatever field.

4.5 The delegation of Mexico therefore considered that the annual permissible increase in the budget should be raised to $3\frac{1}{2}$ or 4%.

4.6 Finally, the Committee decided to maintain the rate of annual budgetary increase permitted for the years after 1979 at 3%.

4.7 Following a brief general discussion, the Head of the Finance Department replied to questions put by various delegates, pointed out that Document No. DT/88 was an updated version of DT/84 and explained the reasons for the differences between the two documents, particularly with regard to the data applied to fix the limit of Union expenditure (Annex 3 to Document No. DT/84 and Annex to Document No. DT/88).

4.8 The paragraph by paragraph examination of the aforementioned Annexes gave rise to various questions and comments.

4.9 Concerning paragraph 9 of DT/84 and paragraph 6 of DT/88, the delegate of Morocco said that the wording should be amended to show that it referred to an increase and not the total amount of salaries, allowances and representation allowances.

4.10 It was decided to amend the wording accordingly.

4.11 The delegate of the United Kingdom said that point 10 of DT/84 and point 7 of DT/88 should be amended to read : "consequences of periodic step increases" rather than "periodic salary increases". The delegate of Cameroon made the same comment.

4.12 It was decided to leave the amendment of that item to the Head of the Finance Department.

4.13 Following the explanations given by the Head of the Finance Department concerning "rises resulting from step increases", the delegates of Morocco and the United States of America expressed their surprise at the quasi-logarithmic increase in the figures from year to year. The Head of the Finance Department provided further explanation as a mathematical justification of that progression, which appeared surprising at first glance.

4.14 It was decided to alter the figures in order to take better account of the compensatory effect of recruitment of new staff at the bottom of a grade to replace retired officials at the top of that grade.

4.15 Concerning point 11 of DT/84 and point 8 of DT/88, the delegate of the U.S.S.R. expressed his surprise at the fact that, although conversions of post should not theoretically give rise to any fresh expenditure, they ultimately appear among the factors applied to fix the limit of an expenditure, to an amount of 1,620,000 francs.

4.16 The Head of the Finance Department explained how the various elements offset one another as accounting items in the budget. The delegates of the U.S.S.R. and Yugoslavia said that they remained unconvinced by the explanations provided.

4.17 The Head of the Finance Department explained further that the item did in fact relate to a transfer in the ordinary budget arising from Administrative Council Decision No. 356 which was mentioned again in point 5 of Annex 2 to Document No. DT/88. With regard to the differential increase of 890,000 Swiss francs, it appeared in the credits for conferences and C.C.I. meetings, to which part of it must be posted.

4.18 The delegate of the U.S.S.R. asked for a document to be supplied describing the manner in which items were apportioned among various budgets and the procedure which it was proposed to follow in the future, so that they could see how the various amounts fitted into the expenditure limit.

4.19 It was decided that the Secretariat would supply the document requested.

4.20 The delegate of the United States of America, supported by the delegate of Yugoslavia, said that points 8.1 and 8.2 should be entirely deleted. The Conference could not give a completely free hand to the Administrative Council without having received the necessary explanations.

4.21 The Chairman agreed to that view and asked for the Administrative Council to be provided with a report on the manner in which the costs were apportioned from year to year in the light of the decisions of the Council itself and the Plenipotentiary Conference.

4.22 In reply to the delegate of Yugoslavia, the Secretary-General pointed out that part of the staff was used permanently for various diversified and temporary tasks and that the table which would be drawn up for the information of the Conference would contain precise details on the manner in which that staff had previously been paid and the procedure which would be followed in the future as a result of the post conversions envisaged.

4.23 Following a discussion on points 12.1 and 12.2 (DT/84) 9.1 and 9.2 (DT/88), then 14 and 15 (DT/84) and 10 and 11 (DT/88), it was decided that a Working Party presided over by the representative of the United Kingdom would carry out a detailed study of all the questions relating to staff costs (creation and conversions of posts) and of the changes to be made in the tables considered.

4.24 The Working Party would include the representatives of the United States of America and the U.S.S.R. and possibly other delegates concerned about those matters.

4.25 On point 14 (DT/84)/10 (DT/88) concerning the in-service training of Union staff, the Head of the Finance Department provided some explanations on the type of in-service training covered by the amounts quoted in the document, which included not only language courses but also further training courses and others.

4.26 The Director of the C.C.I.T.T. said that, being the only representative of his organization at the Plenipotentiary Conference, he had unfortunately been unable to attend previous meetings of Committee 4.

4.27 On the subject of in-service training, he wished, however, to point out how useful it would be if certain C.C.I. engineers in the service of the I.T.U. for some years were enabled to take part in various further training seminars on new techniques. That would be extremely profitable for the activities of the C.C.I.s, and would cost very little. However, there was no provision for assigning funds for such purposes, which in some cases would require the temporary absence of the staff members concerned from I.T.U. headquarters in Geneva.

The meeting rose at 1130 hrs.

The Secretary :

R. PRELAZ

The Chairman :

R. RUTSCHI

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 428-E
12 November 1973
Original : English

COMMITTEE 6

SUMMARY RECORD

OF THE

SEVENTEENTH AND LAST MEETING OF COMMITTEE 6

Friday, 19 October 1973, at 0900 hrs

Chairman : Mr. M. BENABDELLAH (Morocco)

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

Subjects discussed :

Document No. :

- | | |
|--|---------------------------------|
| 1. Relations with the United Nations,
the specialized agencies and other
international organizations | Report : Section 2.5.3
DT/82 |
| 2. Special Fund for Technical Cooperation | DT/81 |
| 3. Draft Final Report of the Chairman of
Committee 6 | DT/89 |
| 4. Summary Records of the 8th and 9th meetings | 261, 262 |
| 5. Other business | |



1. Relations with the United Nations, the specialized agencies and other international organizations (Report, Section 2.5.3) (Document No. DT/82)

1.1 The draft resolution on the Joint Inspection Unit (Document No. DT/82) was adopted.

1.2 After a discussion in which the delegates of the U.S.S.R., Argentina, the United Kingdom, the United States of America, Malawi, France and Australia took part, the Chairman said that two alternatives were open to the Committee : to draw up either a draft resolution referring in general terms to the need for implementing relevant United Nations resolutions, or one providing specifically for aid to refugees.

1.3 The U.S.S.R. delegate said that United Nations resolutions covered, inter alia, the question of implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples, cooperation with the Organisation of African Unity and the participation as observers of representatives of national liberation movements in meetings of the United Nations and specialized agencies. Reference should be made to those provisions in any draft resolution on the item.

1.4 After a further discussion, in which the delegates of Australia, Guinea, Ireland, Malawi, Italy, the United Kingdom, Senegal, the United States of America, Argentina and France took part, the Chairman read out the text of a draft resolution referring in general to all relevant United Nations resolutions and in particular to cooperation with the United Nations High Commissioner for Refugees with regard to vocational training of refugees.

1.5 The general reference should cover the points raised by the U.S.S.R. delegate. Any necessary amendments to the text could be made in Plenary.

1.6 The U.S.S.R. delegate, supported by the delegates of Guinea and Senegal said that the draft resolution failed fully to meet the points he had raised; he would accept it only on the understanding that those points were reflected in the summary record.

1.7 The draft resolution was adopted on that understanding.

2. Special Fund for Technical Cooperation (Document No. DT/81)

2.1 The Japanese delegate said that the words "...the administration of the donor country is informed" at the end of preambular paragraph (f) should be replaced by the words "...the contribution should be approved by the administration of the donor country".

2.2 It was so agreed.

2.3 The U.S.S.R. delegate, supported by the delegates of Sri Lanka and the Bielorussian Soviet Socialist Republic, suggested that the words "in any national currency" should be inserted after the words "cash contributions", under the heading "resolves".

2.4 The Argentine delegate, supported by the delegate of Paraguay, said that both that provision and the one in preambular paragraph (f) were restrictive. The reference should be to "cash or any form of contribution".

2.5 After a discussion in which the delegates of France, Argentina and the Bielorussian Soviet Socialist Republic took part, the Chairman observed that some countries were unable to make cash contributions other than in their national currencies, while others were unable to give contributions in kind. The phrase "in cash or any other form of contribution" would cater for all eventualities. He therefore suggested that that formula should be used.

2.6 It was so agreed.

2.7 The delegate of Ireland suggested that the heading "urges Member countries" should be replaced by the words "invites Member countries" and that the paragraph under that heading should read :

"...to put at the disposal of the I.T.U. the resources necessary to enable appropriate action to be taken, when required".

2.8 The Chairman suggested that the paragraph should read :

"...to put at the disposal of the I.T.U. the resources necessary to serve the interests of the developing countries".

2.9 It was so agreed.

2.10 The delegate of Argentina, supported by the delegate of Paraguay, said that under the heading "instructs the Secretary-General" the word "resources" would be preferable to the word "fund" since for Spanish readers the word "fund" could refer only to cash resources and the provision was intended to cover such contributions as the services of experts.

2.11 After a discussion in which the delegates of France and Niger took part, the Chairman said that the drafting group would take that point into consideration in preparing the final version of the Spanish text. The word "fund" would be retained in the other languages.

2.12 The Japanese delegate suggested that the second part of paragraph (b), under the heading "instructs the Secretary-General" should be amended to read :

"...and submit for approval an annual report of its activities to the Administrative Council".

2.13 It was so agreed.

2.14 The draft resolution, as amended, was adopted.

3. Draft Final Report of the Chairman of Committee 6 (Document No. DT/89)

3.1 The Chairman said that the word "eleven" before the words "draft resolutions" in paragraph 2 should be replaced by the word "twelve".

3.2 The draft report, as amended, was adopted.

4. Summary Records of the 8th and 9th meetings (Documents Nos. 261 and 262)

4.1 Approved, subject to the inclusion at the request of the U.S.S.R. delegate of reservations made by various delegations on the subject of regional offices.

5. Other business

5.1 After the customary exchange of courtesies, the Chairman declared the Committee's session closed.

The meeting rose at 1120 hrs

The Secretary :

H. RUUD

The Chairman :

M. BENABDELJAH

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

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15 November 1973
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COMMITTEE 8

SUMMARY RECORD

OF THE

THIRTEENTH MEETING OF COMMITTEE 8

(RIGHTS AND OBLIGATIONS)

Friday, 12 October 1973, at 0935 hrs

Chairman : Mr. GABRIEL-TEDROS (Ethiopia)

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

Subjects discussed

Document No.

1. Texts :

Article 16, No. 101	37/19, 190
Article 27, Nos. 125-127	64/23
Article 32, No. 132	25/2 and 3
Article 32A	20/2
Article 33, No. 133	29/10 and 11 49/10 and 11
Article 34, Nos. 134-136	57/7, 69/14 29/12
Article 35	
Article 36	
Article 39	
Article 40	
Article 41, Nos. 148-149	
Article 42	
Article 43A	
Article 44, No. 154	
Article 45	
Article 46, Nos. 163-165	



1. Texts :

Article 16

No. 101 (Document No. 37/19, 190) (continued)

1.1 The Chairman said that, since the previous meeting, he had consulted the sponsors of the proposal by Kuwait and had been requested to forward to a Plenary Meeting their revised proposal for the use of Arabic as a language of interpretation at Plenipotentiary Conferences and World Administrative Conferences, together with a report on the financial implications by the Secretariat. He took it that the Committee accepted that procedure.

1.2 It was so agreed.

1.3 The Deputy Secretary-General said that the Secretariat would be in a position to provide an estimate of the cost of Arabic interpretation at forthcoming conferences for which budgets had already been established.

1.4 The Chairman invited the Committee to consider Document No. 190 which contained a proposal for the introduction of German as an official language of the I.T.U.

1.5 The delegate of the United States of America recalled his suggestion that the question of introducing new official languages be most thoroughly studied by the Administrative Council so that the next Plenipotentiary Conference would be in a position to take a fully informed decision on the matter. He would be willing to help draft a suitable resolution on that subject.

1.6 The delegates of the Netherlands, Canada, Belgium, Poland, Indonesia and Somalia supported that suggestion.

1.7 The delegate of the Federal Republic of Germany said he had hoped for a favourable decision on his proposal at the present Plenipotentiary Conference but was prepared to accept the United States proposal.

1.8 The delegate of the U.S.S.R. said that in his view the proposal to adopt German as an official language was premature and should not be considered by the Administrative Council. However, if the Council were merely to study the general question of introducing new official languages, he could accept the United States proposal.

1.9 The Chairman suggested that the Committee adopt the United States proposal and that interested delegates should contact the delegate of the United States to assist in drafting an appropriate resolution.

1.10 It was so agreed.

Article 27 (Document No. 64/23)

Nos. 125-127

1.11 The delegate of India introduced his proposal which consisted in adding to No. 127 the provisions on the stoppage of telecommunications from No. 112.

1.12 The Chairman noted that there was no support for the Indian proposal.

1.13 Article 27 (Nos. 125-127) was approved as it stood.

Article 32 (Document No. 25/2 and 3)

No. 132

1.14 The delegate of the Netherlands said that his first amendment consisted in adding the phrase "or their telecommunication administrations" after the word "Members" at the beginning of No. 132 and the words "or the General Regulations" at the end. His second amendment consisted in a sentence which would authorize reciprocal representation and exchange of information between the Union and regional organizations. The purpose of that amendment was to cover the case of C.E.P.T., for example, which was obliged to invite the Secretary-General and Directors of the C.C.I.s to its meetings in their personal capacity because the Convention contained no provision allowing such invitations to be made officially.

1.15 The Chairman said that in his view the term "Members" covered "telecommunication administrations", just as the term "Convention" included the General Regulations. The first amendment therefore seemed unnecessary.

1.16 The delegate of Belgium said that, as the administrations in some countries had a special status distinguishing them from the Ministry of which they formed part, he supported the first amendment. He also endorsed the second amendment.

1.17 The delegate of the U.S.S.R. pointed out that in some regions meetings were organized at the administration level which could play an important part in strengthening the work of I.T.U. He therefore supported the first amendment. The second amendment, however, concerned a subject that had already been discussed in Committee 7, which had adopted a text covering the same point.

1.18 The delegate of Australia said he found it difficult to accept the idea that an administration, which might be a private operating agency, should be allowed, under the terms of the Convention, to convene conferences under the auspices of the I.T.U.

1.19 The delegate of the U.S.S.R., supported by the delegate of the Netherlands, said that he understood the term "telecommunication administration" to be that defined in No. 401 of the Montreux Convention, i.e. a governmental department or service.

1.20 The delegate of the United Kingdom said that the term "administration" automatically attracted the definition given in No. 568. Since it was clear from No. 132 that administrations were already entitled to take the action proposed by the delegate of the Netherlands, the amendment seemed unnecessary. Furthermore, he agreed with the Chairman that there was no need to refer to the General Regulations.

1.21 With regard to the point raised by the delegate of Australia, he suggested that the scope of No. 132 be made quite clear by adding the words "outside the organization of the I.T.U." to the end of the first sentence.

1.22 The delegate of Yugoslavia supported the Netherlands proposal since administrations in many European countries were developing a separate legal personality.

1.23 The delegate of Belgium pointed out that the distinction between governments and administrations was mirrored in the signatures appended to the Convention, which were in many cases those of a government representative and a representative of a telecommunications administration. In his own country the telecommunications administration had a high degree of autonomy and was empowered to convene meetings. He therefore thought the distinction should be introduced into No. 132.

1.24 The delegate of Brazil, supported by the delegate of Somalia, pointed out that very serious legal consequences might result from embodying in No. 132 a distinction between Members and their administrations.

1.25 The Netherlands delegate observing that the distinction between Members and Administrations had already been made in the Montreux Convention, said that he would withdraw his proposals and submit a statement explaining the reasons for them for inclusion in the Summary Record. That would give delegations time to study the proposals for consideration at the next Plenipotentiary Conference.

1.26 Article 32 was approved without change.

Article 32 A (Document No. 20)

1.27 The delegate of the Congo introduced his proposal for the inclusion of an additional Article concerning restricted unions (Document No. 20). Several restricted unions in various parts of the world had been already set up and under the terms of their Constitutions were required to cooperate with I.T.U. His proposal would strengthen the latter and make it more effective. The words "or their administrations" in paragraph 1 should be deleted.

1.28 The Chairman noted that two delegations supported the proposal.

1.29 The delegate of Brazil, referring to paragraph 2 of the Congolese proposal, said that it was not for I.T.U. to decide whether or not restricted unions sent observers to its conferences.

1.30 The delegate of Cuba said that the possibility provided for in the Congolese proposal had already been covered in Article 45 of the Montreux Convention. The proposal should be amplified by an additional requirement reading : "The Constitutions of restricted unions, their agreements and activities shall be consistent with the activities and objectives of the I.T.U."

1.31 The Chairman observed that the substance of paragraph 1 of the proposal appeared to be covered in Articles 31 and 32 of the Study Group's draft with the exception of the provision that a restricted union could only be set up on the decision of at least three Member countries.

1.32 With the exception of Plenipotentiary Conferences, organizations could apply for invitations to send observers to conferences and meetings. The Administrative Council decided which organizations could attend without contributing to the cost of the conference.

1.33 The delegate of Brazil said that the existing procedure for the admission of observers had been found satisfactory.

1.34 The delegate of France said that the existing provisions of the General Regulations were perfectly adequate and there was no need to complicate the new Convention with an additional Article.

1.35 The delegate of the United Kingdom said that Articles 31 and 32 already covered the substance of paragraph 1 of the Congolese proposal and the provisions in the Montreux General Regulations already provided the opportunity for the attendance of observers. Accordingly, it would be preferable to maintain the present text.

1.36 The delegate of Yugoslavia pointed out that restricted unions did exist and I.T.U. would have to decide the extent to which it wished to cooperate with them. Careful thought should be given to the proposal before rejecting it.

1.37 The delegate of Upper Volta supported the Congolese proposal being mindful of the useful cooperation being extended by restricted unions to which reference had been made by the Secretary-General at the beginning of the Conference.

1.38 The delegate of the Congo said that Articles 31 and 32 did not fully cover his proposal. For example, some restricted unions had asked whether they could send observers to the present Plenipotentiary but had been informed that that was impossible under the terms of the Montreux Convention. He considered that they should be allowed to participate at their request in the same way as they were allowed to participate in conferences of U.P.U., a provision on the subject having been inserted in the new U.P.U. Constitution adopted at its Seventh Congress.

1.39 The Chairman suggested that Article 32 might be left as it stood and paragraphs 2 and 3 of the Congolese proposal could be discussed in connection with the General Regulations concerning invitations and admission to conferences.

1.40 It was so agreed.

1.41 The delegate of Yugoslavia reserved his position concerning the decision on the Congolese proposal.

Article 33 (Document Nos. 29, 49, 57, 69)

1.42 The Chairman suggested that the delegations of France, Israel, and the German Democratic Republic, which had all submitted proposals of a similar nature, be requested to produce a consolidated text for examination by the Committee.

1.43 It was so agreed.

Article 34 (Document No. 29)

1.44 The delegate of France said that the reasons for her delegation's proposal to delete Article 34 were set out in Document No. 29, page 4.

1.45 The delegate of the United States of America said that originally Article 34 had been inserted as a result of the Titanic disaster in order to ensure that messages of distress were transmitted. It was not a dead-letter as suggested by the French delegation and he opposed its deletion.

1.46 The delegate of the U.S.S.R. said that Soviet Union experts, when examining Article 34, had concluded that it was obsolete and should be dropped. Intercommunication was already adequately covered in the Radio Regulations.

1.47 The delegate of the United Kingdom said that his delegation still agreed with the conclusion reached at the Montreux Conference after considerable discussion that Article 34 should be maintained. It dealt with the established principle that aircraft and ships should be able to communicate with each other and that nothing should be done to interfere with such communications.

1.48 The delegate of Brazil said that there were no persuasive reasons for deleting Article 34 the content of which was not covered by the provisions concerning emergency and distress services.

1.49 The delegate of France said that her delegation would not insist on its proposal if some delegations were anxious to retain Article 34 but at least it should be drafted in more intelligible terms.

1.50 The Chairman said that Article 34 could be transmitted to Committee 9 for a review of the wording but not the substance.

1.51 The delegate of France considered that such a task would be outside Committee 9's terms of reference.

1.52 The delegate of the U.S.S.R. said that the wording and content of Article 34 should be examined by technical experts and he therefore proposed that it be referred to the 1974 World Administrative Radio Conference for Maritime Mobile Telecommunication. Its recommendation on the matter could be examined at the next Plenipotentiary Conference before taking a decision on whether or not to retain Article 34.

1.53 The delegate of the United States of America, supporting the U.S.S.R. proposal, added that the Secretary-General of I.C.A.O. and I.M.C.O. should be asked to submit their views concerning the text of Article 34 to the 1974 Maritime Conference.

1.54 The delegate of Brazil, supporting the U.S.S.R. proposal, said he presumed that for the time being Article 34 would remain in the Convention.

1.55 The delegate of Canada agreed with the French delegation that the purpose of Article 34 was not clear. For example, the phrase "shall not prevent ... with other systems" could be misunderstood. The provisions of the Radio Regulations covered intercommunication between various systems. He did not favour the U.S.S.R. proposal and considered that it would be preferable for a small group to try and produce a clearer text for the Article at the present Conference.

1.56 The delegate of the United Kingdom suggested that the existing text be retained for a further five years; in the meantime the Secretary-General would make inquiries of I.M.C.O., I.C.A.O., etc. and provide the next Plenipotentiary Conference with sufficient information for a decision to be reached.

1.57 It was so agreed.

Article 35

1.58 The Vice-Chairman introduced the Mexican proposal (MEX/69/15). As the proposal was not supported, it was agreed to keep the text as it stood.

Article 36

1.59 Text to remain unchanged, there being no proposals for amendment.

Article 39 and Article 40

1.60 At the suggestion of the Chairman, it was agreed to defer discussion on the two Articles until the representative of the United Nations was present.

1.61 The delegate of the United States of America said he would submit a proposal in connection with Article 40.

Article 41

No. 148

1.62 The delegate of Italy and the delegate of Argentina withdrew proposal I/47/7 and ARG/72/33 respectively in view of the decisions taken in Plenary meeting.

No. 149

1.63 The delegate of France introduced proposal F/29/13 which was unsupported and it was therefore agreed to retain the original text.

Article 42

1.64 The Vice-Chairman of the Charter Study Group pointed out that Note 20 had been included when it was assumed that the text would constitute Constitution; in the present circumstances he did not feel the point need be pursued.

It was agreed that Article 42 should be retained as it stood.

[See, however, paragraph 1.102 b) below.]

Article 43 A

1.65 The delegate of the Netherlands introduced a proposal HOL/25/4 concerning reservations, but withdrew it following explanations by the delegates of France and the U.S.S.R.

Article 44

No. 154

1.66 The delegate of Australia introduced proposal AUS/44/4 and the resulting change of title in proposal AUS/44/3; he described the three-stage procedure of drawing up and initialling the Final Acts, signing on behalf of Governments (which he proposed be allowed during a certain period after the end of the Conference) and finally ratification; he also referred to the three levels on which delegations could be accredited. He thought the Australian proposal was sufficiently flexible to cover the arrangements made by all Members.

1.67 The Australian proposal was supported by the delegate of Austria.

1.68 The delegates of the U.S.S.R. and the United States of America preferred to keep the text in its existing form.

1.69 The delegate of France supported the Australian proposal, with the suggestion that a period of six months be allowed for signing after adoption of the Final Acts at Torremolinos. The delegate also proposed that the words "or approved" be added after "ratified".

1.70 The delegate of Canada agreed that the Australian proposal was in conformity with international law practices but thought it had been formulated with a Constitution in mind. He failed to see the difference between signature of the Final Acts and signature of the Convention.

1.71 The delegate of Australia, taking up a point raised by the delegate of Brazil, said that he was concerned that delegations empowered only to sign the Final Acts could not sign a document which committed their Government. To him, signature of the Final Acts was simply a process saying that the Acts were a correct record of the action taken. The ten-day period he had referred to was an added convenience for people not able to sign on the closing day. It was true that at the time of making the proposal, a Constitution had been in mind but he thought the process remained the same even in the case of a Convention.

1.72 He could certainly accept retention of the text as it stood, if the Committee so wished, but he was unable to withdraw the proposal.

1.73 The Secretary of the Committee said that signature of the Final Acts had always been regarded as confirmation that the text was in fact what the Conference had agreed. He saw many practical difficulties, in particular with regard to the Protocol on reservations, in leaving the Acts open for signature once the Conference had ended.

- 1.74 The delegate of Italy favoured retention of the original text and could not agree with the French suggestion to change the wording to "ratify or approve". The procedure of ratification was an internal concern for each country.
- 1.75 The delegate of the U.S.S.R. said the Convention was in accord with the Vienna Convention. A special Article provided for reservations and counter-reservations and obviously had to be available at the time of signature of the final instrument. He was against any procedure which might complicate adoption of the instrument.
- 1.76 The delcgate of the United States of America, referring to the three-stage procedure mentioned by the delegate of Australia, said that in fact the document being elaborated was at the second stage as it sprung from an act already in being and delegations were present to sign on behalf of their Governments. He would be reluctant to see the procedure changed unless it were to solve specific difficulties.
- 1.77 The delegate of Brazil recalled that he had been Chairman of the Credentials Committee at the Montreux Conference and he had tried at that time to improve the situation but it had been judged preferable to postpone the matter. Obviously such deferment could go on indefinitely but he felt it was time to set up a group of experts to sort out the problem and clarify the confusion which arose from the fact that Nos. 363 - 365 provided for three different categories of credentials.
- 1.78 The Canadian proposal (CAN/24) fell through lack of support.
- 1.79 The delegate of Spain withdrew proposal E/23/50 in the light of decisions taken in Plenary meeting.
- 1.80 The Chairman said that the best course seemed to be to maintain the original text (the French amendment not being supported), recognize the difficulties brought out by the delegates of Australia and Brazil and instruct the Administrative Council to study the matter of how the future instrument of the Union would be put into effect.
- 1.81 It was so agreed.

Articles 44 and 45

- 1.82 The Chairman, supported by the delegates of the U.S.S.R., Indonesia and France, suggested that the Committee should consider Articles 44 and 45 together. Although the Study Group had proposed some amendments, it might be advisable for the Committee to adopt in place of those articles the original Articles 18 and 19 of the Montreux Convention, leaving it to Plenary to adopt a text more suitable for a Constitution.

- 1.83 The delegate of the Federal Republic of Germany, while agreeing in principle with the Chairman's suggestion, recalled his delegation's proposal that reference should be made in No. 156 not only to rights but also to obligations.
- 1.84 The delegate of Canada supported that proposal. While also supporting in principle the Chairman's proposal, he said that he would be interested to know whether it was intended to examine the minor drafting amendments proposed by the Study Group to the articles in question or retain the Montreux text strictly as it stood.
- 1.85 The United States delegate said that, if it was intended to refer explicitly to the acceptance of all obligations under the Convention, it would be essential to adopt the Australian proposal with regard to the period allowed for signature.
- 1.86 The delegate of Belgium said that his delegation could accept the Chairman's suggestion with the amendment proposed by the Federal Republic of Germany.
- 1.87 The French delegate said that he would be prepared to accept the texts of Articles 18 and 19 of the Montreux Convention as they stood, but, if any amendment was to be made as proposed by the Federal Republic of Germany, he would wish a full discussion to be held on Articles 45 and 46.
- 1.88 In view of the difficulties to which such a course might give rise, the delegate of the Federal Republic of Germany agreed to withdraw his proposal.
- 1.89 The Chairman's proposal to replace Articles 44 and 45 by Articles 18 and 19 of the Montreux Convention was adopted.
- 1.90 The United Kingdom delegate asked whether it was intended to return No. 155 (No. 204 of the Montreux text) to the present Article 41 (Regulations), from which it had been taken by the Study Group.
- 1.91 The United States delegate formally proposed that that should be done.
- 1.92 The delegate of Austria pointed out that the removal of No. 155 would also affect No. 161 on accession.
- 1.93 The delegate of Mexico said that, in view of the terms of paragraph 3 of Document No. DT/33(Rev.), which had been adopted in Plenary, Nos. 155 and 161 should remain where they stood.

1.94 The United States delegate said that the decision in Plenary had allowed for some flexibility with regard to the positioning of paragraphs.

1.95 The Italian delegate agreed that it would be in order to move No. 155 to Article 41 and suggested that it should become No. 149(a).

1.96 The U.S.S.R. delegate said that, in view of the Committee's decision to retain Articles 18 and 19 of the Montreux Convention, those articles should be taken as they stood.

1.97 The French delegate pointed out that No. 155 differed from No. 204 of the Montreux Constitution in that the former was in bold type.

1.98 The Brazilian delegate said that the Study Group had included No. 155 in Article 44 because it had thought such inclusion generally acceptable. If that was not the case, it should be removed.

1.99 The United States delegate, supported by the delegates of the United Kingdom and Italy, pointed out that the substance of No. 204 of the Montreux Convention had been divided between Articles 44 and 45 of the present draft so as to apply equally to those countries which signed and those which acceded. If the two parts were now reconstituted in the form of the original text of No. 204 of the Montreux text as a new No. 149(a), the Committee would have retained both the letter and the spirit of the Study Group's proposal.

1.100 The Brazilian delegate accepted that explanation.

1.101 The Mexican delegate said that the position with regard to ratification and accession would be better understood by retaining all the provisions of Articles 44 and 45 in the place they at present occupied. He would not press that point however.

1.102 It was agreed :

- a) to replace the texts of Articles 44 and 45 by the texts of Articles 18 and 19 of the Montreux Convention, with suitable drafting changes;
- b) to restore the text of No. 204 of the Montreux Convention to Article 41 as No. 149(a).

Article 46

Nos. 163 and 165 (Document No. ARG/72/34)

1.103 The delegate of Argentina, introducing his delegation's proposal, said that Nos. 163 and 165 were bound up with problems already discussed

inconnection with the preamble and Article 1. In view of the result of the voting in Plenary on the use of the word "territories", Article 46 should be deleted.

1.104 The delegate of Guinea, supporting the Argentine delegation's proposal, said that his delegation failed to understand why a term which the Conference in Plenary had decided to delete was still used in Article 46.

1.105 The United Kingdom delegate recalled that when the question of the use of the word "territories" had been discussed under Article 1 he had wished to have a decision taken on a question of principle but no opportunity had been given to consider that question, the Committee having simply decided to amend Article 1. The question of the implications of the use of the word "territories" for the rest of the draft Charter had therefore not yet been settled. Objection to the use of the word "territories" seemed to be no ground for deleting the entire article. It would be more appropriate to consider a suitable redrafting. In order not to hold up the Committee's work by a long discussion on the subject at the present stage, he proposed that the question should be deferred until the following week.

1.106 The delegate of Guinea agreed that the matter should be deferred. It would be more appropriate for it to be dealt with in Plenary than in Committee.

1.107 The Argentine delegate said that the question was one of principle rather than of drafting. When the use of the word "territories" had first been under discussion, his delegation had pointed out that any such reference should be deleted throughout the Convention.

1.108 The United States representative recalled that during the earlier discussion a number of delegations had made reservations on whether the question was one of concept or of wording; it had never been indicated that the entire concept of territories should be deleted from all I.T.U. documents.

His delegation was convinced that a determined effort on the part of all interested delegations during the forthcoming few days would save the Committee considerable time and might lead to a

generally acceptable solution. He supported the suggestion of the delegates of the United Kingdom and Guinea that discussion should meanwhile be deferred.

1.109 The Algerian delegate, supported by the delegates of Niger and the U.S.S.R., said that, in view of the decision taken earlier, the only logical course open to the Committee was to delete the article now under discussion.

1.110 The delegate of Mali said that he was surprised that the Chairman had been willing to reopen discussion on a matter which had already been settled.

1.111 The Chairman suggested that the delegates of Algeria and Guinea should meet informally with the United Kingdom and United States delegates with a view to working out an acceptable solution.

1.112 The delegates of Algeria and Guinea said that, in view of their opposition to the reopening of discussion on a matter already settled, they could not participate in such a meeting.

1.113 The United Kingdom delegate said that the view that colonialism should not be, or should not appear to be, entrenched in the Convention was well understood. All delegates had agreed that the principle of universality should be embodied in Article 1. Many references had been made to the importance of safeguarding the interests of the Union and its members. The United Kingdom delegation had no desire to retain particular words where it was possible otherwise to arrive at a proper practical and legal solution, taking into account the principles to which he had referred. Articles 46 and 49 contained some important material and his delegation would be reluctant to see an entire article deleted without full consideration of the practical and legal issues involved simply because its present drafting gave rise to objection.

1.114 The United States delegate drew attention to the summary record of the Committee's third meeting (Document No. 139), which reflected clearly and faithfully what had taken place in the discussion and voting on Article 1. The voting had been on a specific amendment and no vote had been taken on the question of principle. Article 46 should not be deleted without full consideration being given to the consequences of such deletion. It would be difficult for his delegation to explain its position in that respect briefly, and others would no doubt be in a

similar position. It would therefore be in the best interest of the Committee to defer consideration of the matter until more time was available for discussion.

1.115 The delegate of Argentina drew attention to Document No. DT/32, which clearly stipulated that the reference to territories or groups of territories should be deleted from Article 1. It was difficult to imagine to what territories Article 46 could apply or how they differed from those referred to in Article 1. It should be made clear what those territories were.

1.116 The United States delegate said that, in its decision on Article 1, the Committee had ruled that the words "territories" or "groups of territories" should not appear in an article explicitly identifying those eligible for membership of the Union. As its title showed, Article 46 related to an entirely different group of territories from those referred to in Article 1. The dependencies in question existed and could not be wished out of existence. They were involved in communications both within the territory and internationally. The issue at stake in the proposed deletion of Article 46 was whether any Government responsible for the foreign relations of a dependency, territory or area should be denied the right to extend the terms of the Convention to it. His Government and the Union itself would have some difficulty in that regard if the article were deleted.

1.117 The delegate of Algeria said that the issue was, in fact, directly connected with the decision taken on Article 1 and discussion on it should not have been reopened.

1.118 The delegate of Argentina said that the sole concept of the word "territories" which his delegation could accept was that of trust territories of the United Nations covered by Article 75 of the Charter of the United Nations and referred to in Article 47 of the draft Charter under discussion. There were legal and territorial problems bound up with such matters as the constitutions of various countries responsible for the foreign relations of others which the Committee was not in a position to discuss. The draft Convention involved problems of decolonization and the sovereignty of countries. While it had no desire to be unnecessarily rigid, his delegation had to uphold such fundamental principles.

The meeting rose at 1900 hrs.

The Secretaries :

A. DAVID
R. MACHERET

The Chairman :

GABRIEL-TEDROS

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

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15 November 1973
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COMMITTEE 8

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

Monday, 15 October 1973, at 0935 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 eighth meeting	203
2. Texts :	
Chapter IV - Article 39 Nos. 145 and 146	DT/1 and No. 3; Proposals : 24, 47, 88
Article 40 No. 147	72
Articles 46 and 49	-
Article 48 Nos. 167 and 168	24
Articles 50 and 51	-
Article 49A	Corr. to 25
Article 52 No. 179	-

Subjects discussed (cont.)

	<u>Document No.</u>
Article 53 No. 180	7, 15, 57
Article 54 Nos. 181 and 182	15, 25
Article 55 Nos. 183 and 184	12
Article 56 No. 185; New Article, Final Formula	72
General Regulations Draft Annex 1	DT/69

1. Summary Record of the 8th Meeting (Document No. 203)

1.1 The Summary Record of the 8th Meeting was approved, subject to paragraph 2.15 being redrafted at the request of the Swiss delegate.

2. Texts : Chapter IV, Article 39 (Documents Nos. DT/1 and No. 3;
Proposals 24, 47, 88)
Nos. 145 and 146

2.1 The Observer for the United Nations, regretting that he had been unable to arrive on an earlier date, said that he had been kept fully informed of the progress of discussions. He was attending as Observer for both the United Nations and for W.H.O.

2.2 He had not yet received a reply from United Nations Headquarters to the communication concerning Article 1, No. 10.

2.3 The delegate of the United Kingdom, Vice-Chairman of the Study Group, considered that a provision on the lines of Article 39 should be retained.

2.4 The delegate of the United States of America proposed that No. 145 be amplified by the addition at the end of the paragraph of the words "attached as annex -". It would be convenient to include the text of the Agreement between the United Nations and I.T.U. in the document containing the new Convention and General Regulations as had been done in the case of the 1959 Geneva Convention.

2.5 The Secretary, referring to No. 146, drew attention to the text of Article XVI of the UN/ITU Agreement. It would be noted that the arrangements for implementing the Article had been partly dealt with in a resolution of the Buenos Aires Plenipotentiary Conference and were partly dealt with in Article 39.

2.6 The delegate of the U.S.S.R. supported the United States proposal.

2.7 The United States proposal was approved.

2.8 No. 145, as amended, was approved.

2.9 The delegate of Canada said that now that it had been decided to adopt a convention and not a constitution his delegation had no strong views about the deletion of No. 146.

2.10 The delegate of Indonesia said that the reasons for his delegations' proposal to delete No. 146 were explained in Document No. 88.

2.11 The delegates of Brazil and Argentina considered that No. 146 should be retained so as to safeguard the autonomy of I.T.U.

2.12 The delegate of the U.S.S.R. also considered that No. 146, the content of which had been discussed at great length at the Montreux Conference, should be maintained.

2.13 No. 146 was approved as it stood.

Article 40 (Document No. 72)

No. 147

2.14 The delegate of Argentina said that the purpose of the Argentine amendment (Document No. 72) was to clarify the text of No. 147 and render it more precise.

2.15 The delegate of Brazil supported the amendment.

2.16 The delegates of Ireland and Nigeria said that they were in favour of the text as it stood. Moreover, the term "collaboration" proposed in proposal ARG/72/32 was too wide and could be misinterpreted.

2.17 The delegate of the United States of America said that the text as it stood was preferable being more flexible. The Argentine amendment might impose an extra burden on the Administrative Council to seek formal collaboration from international organizations.

2.18 The Chairman believed that the intention of the Argentine amendment was fully covered in the text as it stood; perhaps a linguistic problem was involved which could be referred to Committee 9.

2.19 It was so agreed.

Articles 46 and 49

2.20 The Chairman suggested that it would be easier to discuss Articles 46 and 49 once the revised list of countries included in Annex 1 had been circulated. He therefore suggested that the discussion on those articles be postponed until that document was available.

2.21 It was so agreed.

Article 48

Nos. 167 and 168

2.22 The delegate of Canada withdrew the Canadian amendments (Document No. 24) to Article 48 which were no longer applicable now that a convention was to be adopted and not a constitution.

2.23 Article 48 was approved as it stood.

Articles 50 and 51

2.24 The Chairman observed that in view of the decision to adopt a convention presumably draft Articles 50 and 51 would fall.

2.25 The delegate of the United Kingdom, Vice-Chairman of the Study Group, agreed but considered that draft Articles 50 and 51 ought to be made available for use by the next Plenipotentiary Conference, if required. Perhaps mention should be made of that fact in the Committee's draft report to the Plenary.

2.26 The delegate of the United States of America agreed with the previous speaker. The Study Group's texts for draft Articles 50 and 51 should be brought to the attention of the Administrative Council at the appropriate time so that the Study Group's work should not be lost.

2.27 The content of Nos. 204 and 205 of the Montreux Convention should be incorporated in Article 41.

2.28 The delegates of Brazil and Argentina did not consider that Articles 50 and 51 could be left out altogether because it was essential to provide for the amendment of the new Convention. The substance of Nos. 204 and 205 of the Montreux Convention must be retained.

2.29 The delegate of the U.S.S.R. said that there was much force in the United Kingdom delegate's suggestion. The Administrative Council would have to consider which decisions required a two-thirds majority and which required a simple majority. It would also have to review proposals concerning the amendment of a permanent instrument and the relevant proposals must be received well ahead of time so as to give administrations ample opportunity for detailed study. It was not appropriate in the present Convention to include an article on an amending procedure.

2.30 The delegate of Japan said that any proposal for the amendment of an instrument must be submitted well ahead of time so as to give Member countries the chance of examining it carefully before a Plenipotentiary Conference. A time-limit of perhaps two or three months before the Conference was needed.

2.31 The Chairman suggested that the Committee recommend that the text of draft Articles 50 and 51 be referred to the Administrative Council so that they could be taken into consideration during the preparation of its report to the next Plenipotentiary Council. Article 41 should be revised so as to incorporate Nos. 204 and 205 of the Montreux Convention.

2.32 It was so agreed.

Article 49A (Corr. to Document No. 25)

2.33 The delegate of the Netherlands said that his proposal was designed to provide a six-months time-limit for the submission of amendments to the Convention and the General Regulations so as to give ample time for their discussion within Member countries. Some had been received only a week or so before departure for Torremolinos which had made thorough consideration impossible. Such a time-limit would enable the Secretary-General to circulate the proposals.

2.34 The Chairman suggested that the point raised by the Japanese delegate and the Netherlands proposal should be held over until the General Regulations were taken up.

2.35 It was so agreed.

Article 52

No. 179

2.36 The delegate of the United Kingdom, Vice-Chairman of the Study Group, said that there was some merit in retaining Article 52 because of the confusion that could arise as to whether the Montreux Convention as well as the General Regulations were abrogated by the new Convention but it was not essential and a provision on the lines of Article 25 of the Montreux Convention could suffice.

2.37 The delegate of the United States considered that the Study Group's text had the advantage of clarity as it was not always apparent whether the term "Convention" also comprised the General Regulations.

2.38 The Chairman suggested that the article on abrogation should be modelled on Article 25 of the Montreux Convention.

2.39 It was so agreed.

Article 53

No. 180 (Note 22 of the Report of the Study Group; Documents Nos. 7, 15, 57)

2.40 The delegate of the U.S.S.R. introduced his proposal (Document No. 15/11) which, in the interests of achieving the goal of universality, called upon the General Secretariat and the other permanent organs of the Union to maintain relations and direct contacts with non-contracting States in the major telecommunications sectors.

2.41 The delegate of the German Democratic Republic introduced his proposal (Document No. 57/6), which instructed the General Secretariat and the permanent organs of the Union to maintain relations and direct contacts with non-contracting States in order to further international cooperation in telecommunications.

2.42 The Chairman drew attention to the Hungarian proposal (Document No. 7/16) which also called upon the Union to establish relations with non-contracting States. Since all those proposals involved the addition of a new paragraph, he took it that the Committee wished to approve No. 180 in its present form.

2.43 No. 180 was approved.

2.44 The delegate of the United States of America pointed out that the Hungarian proposal called for the establishment of relations with non-contracting States without specifying which States would be concerned or how relations were to be established. Was the General Secretariat to be responsible or would a formal agreement be negotiated through the Administrative Council? How was a non-contracting State to be defined or indeed a State? Such a provision would require very detailed definitions in the General Regulations.

2.45 The proposals by the delegates of the U.S.S.R. and the German Democratic Republic called for cooperation with non-contracting States in a number of important fields. In his view, such a provision was unbalanced, since it granted very broad rights to non-contracting States without imposing on them any of the obligations of membership. He doubted whether it was appropriate to confer those rights on non-contracting States through a constitutional provision.

2.46 The delegate of the U.S.S.R. said that his proposal was intended to protect the interests of Members rather than to offer advantages to countries that were not Members. Contacts already existed between the Union and non-contracting States and a considerable body of experience had been accumulated, including a series of resolutions by the Administrative Council. The Convention, however, did not deal adequately with the matter and should offer guidance to the General Secretariat and the Administrative Council. They could then be left to make detailed arrangements on the basis of past experience.

2.47 The delegate of the United States of America thought it was preferable to leave the matter in the hands of the Administrative Council and adopt Article 53 in its present form. The proposed amendment might have the adverse effect of dissuading non-contracting States from becoming Members.

2.48 The delegate of the United Kingdom, speaking as Vice-Chairman of the Study Group, recalled that a marked divergence of opinion had arisen within the Study Group, which would have to be settled by the Conference itself. Speaking as a delegate of the United Kingdom, he agreed with the previous speaker that the proposal before the Committee put the General Secretariat and the Administrative Council in the awkward situation of being bound by the Convention to establish direct contacts with non-contracting States, thereby conferring certain privileges upon them.

2.49 The delegates of Poland, Mexico, Cuba and the Ukrainian Soviet Socialist Republic supported the addition of a general provision along the lines suggested by the delegate of the U.S.S.R.

2.50 The delegate of Canada considered that the Soviet Union proposal raised a difficult legal issue since it amounted to an obligation on Members of the Union to enter into relations with non-contracting States. He recalled that informal arrangements already existed for cooperation with countries that were not Members and supported the present wording.

2.51 The delegate of Brazil considered that Article 53 should deal solely with the right of each Member and recognized private operating agency to establish relations with non-contracting States. Otherwise, rights would be conferred on countries that were not Members without any corresponding obligations.

2.52 The delegate of the Byelorussian S.S.R. said that, in his view, there were no grounds for concern lest countries leave or fail to join the Union as a result of adopting the U.S.S.R. proposal. The history of I.T.U. showed that no Member had ever left and many newly-independent countries had recently become Members. The U.S.S.R. proposal merely laid down clearly the duties of the General Secretariat and the Administrative Council with regard to non-contracting States, thus making the text more complete.

2.53 The delegate of the U.S.S.R. said that, to allay the fears of certain delegates, he would amend his proposal by inserting the words : "when this is of direct interest to Members of the Union".

2.54 The delegate of the United States of America pointed out that it would be extremely difficult for the General Secretariat to determine what was in the direct interest of Members and opposed the amended proposal.

2.55 The Chairman put the amended U.S.S.R. proposal to the vote.

2.56 The proposal was rejected by 32 votes to 16, with 12 abstentions.

Article 54

Nos. 181 and 182 (Note 23 of the Report of the Study Group; Documents Nos. 15 and 25)

2.57 The delegate of the U.S.S.R., introducing his proposal (Document No. 15/12), pointed out that since 1947 the procedure for the settlement of disputes had never been applied. Moreover, recourse to arbitration had to be a voluntary process. He therefore proposed that No. 182 be amended to refer only to the Optional Additional Protocol, deleting Chapter 29 of the General Regulations.

2.58 The Chairman noted that the U.S.S.R. proposal was supported.

2.59 The delegate of Switzerland pointed out that Chapter 29 of the General Regulations and the Optional Additional Protocol were complementary and, if the U.S.S.R. proposal were accepted, the text of the former would have to be included in the latter.

The meeting was suspended at 12.40 hrs and resumed at 15.30 hrs.

2.60 The delegate of the Netherlands introduced his proposal (Documents Nos. 25/8, 9 and 10) which related to numbers 181, 182 and 560. The amendment to No. 181 consisted in the addition of the phrase "interpretation or" before the word "application", in order to bring the text into line with the usual language of international conventions. The other amendments were designed to introduce a time-limit into the arbitration procedures by inserting an appropriate phrase into No. 182 and deleting the reference to the Optional Protocol, and adding a sentence from the Optional Protocol to No. 560.

2.61 The delegate of Switzerland supported that proposal.

2.62 The delegate of the United States of America said he was prepared to accept the amendment to No. 181 but had doubts about the other proposals. The addition of a time-limit to No. 182 might give rise to practical difficulties since it was difficult to determine at exactly what point a disagreement between two Members became a dispute. The amendment to No. 560 had the effect of making arbitration compulsory. His delegation was in favour of a system of voluntary arbitration, while leaving open the possibility of a compulsory procedure, and therefore opposed the amendment.

2.63 The delegate of Canada agreed with the previous speaker.

2.64 The delegate of the U.S.S.R. considered that the most practical solution would be to retain a general statement on the settlement of disputes in the body of the Convention and to transfer Chapter 29 of the General Regulations to the Optional Protocol. It had to be remembered that in all probability only a limited number of Members would sign the Optional Protocol, which provided for voluntary arbitration between parties who so wished.

2.65 The delegate of Brazil thought that the arbitration procedure should appear in the General Regulations, not in the Optional Protocol.

2.66 The delegates of Cuba and Algeria opposed the concept of compulsory arbitration and considered that the procedure should be voluntary.

2.67 The Chairman suggested that consideration of Article 54 be deferred so that he might consult the U.S.S.R. delegate.

2.68 It was so agreed.

Article 55

Nos. 183 and 184 (Note 24 of the Report of the Study Group; Document No. 12)

2.69 The delegate of the United Kingdom, speaking as Vice-Chairman of the Study Group, said that the Study Group had considered it advisable to place a general article on definitions in the Convention and the definitions themselves in the General Regulations. There had been some discussion as to whether the definitions in the General Regulations should be confined to terms used in the Convention and the General Regulations, or those used throughout the Union. The Study Group had felt that guidance on that point should be sought from the Conference. Note 24 of the Report was essentially informative.

2.70 The delegate of Spain said that, in the light of the Conference decision to retain a Convention, he wished to withdraw his proposal and suggested that the present arrangement be maintained until the next Plenipotentiary Conference, i.e. that the definitions be kept as an Annex to the Convention.

2.71 The delegates of Australia and France supported that proposal.

2.72 The delegate of the United States of America also supported the proposal and recalled that the C.C.I.T.T. and C.C.I.R. Joint Study Group was working on telecommunications definitions in conjunction with I.S.O. and I.E.C.

2.73 The Chairman said he understood that the Committee wished to maintain the arrangement with regard to definitions of the Montreux Convention until the next Plenipotentiary Conference.

2.74 It was so agreed.

Article 56

No. 185, New Article, Final Formula (Notes 2, 25 and 26 of the Report of the Study Group, Document No. 72)

2.75 The delegate of the United Kingdom, speaking as Vice-Chairman of the Study Group, recalled that the Study Group had examined the final formulae of other United Nations bodies and had noted certain differences. It had not considered, however, that there was any basic fault in the I.T.U. formula.

2.76 The delegate of Argentina proposed the deletion of the words "territories or groups of territories" from No. 185 and agreed to a proposal by the delegate of the United States of America to replace "countries" by "Members". It was suggested by the delegate of the United Kingdom that a decision on the Argentinian proposal be deferred until after consideration of Articles 46 and 49, but that suggestion was opposed by the delegate of Guinea. The Argentinian proposal, as amended, was approved.

2.77 The delegate of Peru suggested that the Convention should specify how many ratifications were necessary before it entered into force, but agreed that the terms of the Montreux Convention should be maintained until the next Plenipotentiary Conference.

2.78 The delegate of the United States of America proposed the date of 1 January 1975 for No. 185, the inclusion of paragraph 3 of Note 25 as a new article after No. 185, and the amendment of the title of Article 56 to read: "Effective Date and Registration of the Convention".

2.79 These proposals were approved.

2.80 The Chairman recalled that in the Final Formula the words "shall be authentic" in the English text should be replaced by "shall prevail" and took it that the Committee was ready to approve the text.

2.81 It was so agreed.

General Regulations

Draft Annex 1 (Document DT/69)

2.82 The Chairman explained that traditionally the existing Members of the Union were listed in an Annex to the Convention drawn up by a Plenipotentiary Conference and that it was customary for Members joining the Union between such Conferences to be included in that list by the subsequent Conference.

2.83 The delegate of Papua New Guinea thought, notwithstanding the earlier decision to draw up a Protocol protecting the Associate Membership status of Papua New Guinea which had been taken consequent to the decision to abolish Associate Membership status, that it would be better to include Papua New Guinea in the list of Members at Annex 1; his reasons were that Papua New Guinea would not only have control of both her internal and external telecommunications by the time the Torremolinos Instrument entered into force, but would in all likelihood also have received her independence.

2.84 The delegate of Australia gave unqualified support to that proposal, which he thought seemed to be the best way of dealing with the issue of Papua's membership. Under that procedure, which seemed more favourable to her, Papua would become a full Member of the Union on deposit of an instrument of ratification thus achieving a higher status than that of Associate Member which she now enjoyed.

2.85 The delegate of the U.S.S.R., recalled that his country had voted in favour of Papua's admission to the Union as an Associate Member on the understanding that she would soon achieve independence and would then, under the terms of Article 1, become a full Member, explained that in his view, the decision already taken by the Committee to draw up a special Protocol protecting the Associate Membership rights of Papua New Guinea should be maintained. The procedure now proposed would be contrary to that decision and inappropriate since the list of Members in Annex 1 contains only full Members.

2.86 The delegate of Papua New Guinea explained that he was concerned that her rights would be adequately protected; he was prepared to accept that that could be done by means of the proposed Protocol and reserved the right to comment on its proposed content.

2.87 The delegate of Cuba then questioned the relationship between the list of Members contained in Document DT/69 and the decision taken earlier to delete the word "territory" and the phrase "group of territories" from the draft instrument.

2.88 The Chairman indicated that the list reproduced in Document DT/69 was a list of current Members of the Union; Annex 1 to the Montreux Convention would remain valid until the Montreux Convention was superseded by the Torremolinos Instrument, to which would be annexed a similar list of Members prepared in accordance with their wishes.

2.89 The delegate of Guinea said that the list ought to be consonant with decisions previously taken and that accordingly references in it to territories and groups of territories represented by third parties ought not to appear. He therefore proposed formally that the Groups of Territories represented by France, Portugal, Spain, the United Kingdom and the United States of America be deleted from the list.

2.90 The delegates of Algeria, Congo, Cuba, Dahomey, Equatorial Guinea, Ivory Coast, Mali, Panama, Senegal, Somalia, Tanzania, the Tongolese Republic, Upper Volta and Zaire strongly supported that view. In addition, the delegate of Zaire, supported by the delegate of Tanzania, proposed that the document be returned to Committee 9, which should be asked to present a list containing only independent Members; additionally he proposed that Rhodesia, whose status vis-a-vis the Union was unknown and which was not recognized by the United Nations, should also be deleted from the list of Members - as had the signatures of her representatives at the Montreux Conference in 1965 been deleted from the Final Acts of that Conference.

2.91 The delegate of Morocco could not support the proposal from Zaire because the list contained in Document DT/69 did not reproduce that contained in Annex 1 to the Montreux Convention; there were some differences.

2.92 The delegate of the United States of America pointed out that the territories of the U.S.A., none of which to his knowledge were seeking independence, constituted a Member of the Union in their own right; they contributed financially to the Union and participated fully in the work and conferences of the Union. He vigorously protested that any government should undertake to deny a Member, duly accredit for many years, the right to continue its Membership. Neither the Committee nor the existing Members had the power of such denial and he asked for an explanation of the basis upon which any delegation sought to deny the right of membership.

2.93 The delegate of Guinea replied that the basis for his original suggestion was a decision taken earlier by the Committee to delete the words "territory" and "groups of territories" from the text of the draft instrument.

2.94 The delegate of France made the following statement :

"Mr. Chairman,

The French Delegation wishes once more to call attention to the views of its Government, which it already had occasion to express during the consideration of Article 1 of the draft Convention.

Under the provisions of the Montreux Convention, still in force, "the Group of Territories represented by the French Overseas Post and Telecommunications Agency" is a rightful Member of the Union.

Neither the Montreux Convention nor the draft Convention under consideration by this Committee contains any exclusion clause.

Therefore, any decision adopted by the Conference which would have the effect of excluding a Member of the Union is and will remain illegal and hence is and will remain null and void.

The French Delegation is therefore obliged formally and entirely to reserve its Government's position regarding such a decision, as it did during the discussion of Article 1 of the draft Convention.

Should the Conference decide, in any way whatsoever, to exclude a Member of the Union, the French Delegation would be compelled to request fresh instructions from its Government. It cannot at present provide any indication on the implications which any decision taken by its Government on this matter might have for its participation in the Conference or in any other activities of the Union."

2.95 The delegate of the Ivory Coast moved closure of the debate; the delegates of the United Kingdom and the United States of America opposed that proposal and consequently a vote was taken.

2.96 There were 38 in favour, 29 against and 15 abstentions.

2.97 The debate was therefore closed.

2.98 There followed a procedural discussion, in which the Chairman and the delegates of Argentina, Brazil, Gabon, Guinea, Ivory Coast and Upper Volta participated, as to whether Document DT/69 should be returned to Committee 9 for amendment, whether a report should be submitted to the Plenary or whether the Committee should continue with the next item.

The Chairman and the delegates of Argentina, Dahomey and Ivory Coast thought that it might be better to consider Articles 46 and 49 before dealing finally with Document DT/69 since that document would be affected by the decisions taken in connection with those two articles; the delegate of Dahomey proposed moving on to that item of the agenda.

2.99 The delegate of Ireland drew attention to No. 692 of the Montreux Convention, which provided for a vote to be taken on each proposal after discussion, and which he considered to be the relevant rule of procedure.

2.100 The delegate of the United Kingdom asked that if a vote were to be taken, it be conducted by secret ballot.

2.101 The delegate of Upper Volta thought that a vote would be out of place; he supported the earlier proposal to discuss Articles 46 and 49 and, supported by the delegate of Zaire, proposed submission of Document DT/69 to Committee 9 for amendment.

2.102 The delegate of the United States of America wished to record formally that in his view the earlier decision to delete the words "territory" and "group of territories" did not apply to the whole text of the Convention and, supported by the delegates of France and the United Kingdom, expressly reserved the right to debate Articles 46 and 49 which were considered to be separate issues from Annex 1. He supported the delegates of Argentina and Upper Volta who had proposed discussion of Articles 46 and 49 as the Committee's next step and asked that they be placed on the agenda for the next meeting.

The meeting rose at 1905 hrs.

The Secretaries :

A. DAVID
R. MACHERET

The Chairman :

GABRIEL-TEDROS

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

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COMMITTEE 8

SUMMARY RECORD

OF THE

FIFTEENTH MEETING OF COMMITTEE 8

(RIGHTS AND OBLIGATIONS)

Tuesday, 16 October 1973, at 0935 hrs

Chairman : Mr. GABRIEL-TEDROS (Ethiopia)

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

Subjects discussed :

Document No.

- | | |
|---|-------------|
| 1. Point of order by the delegate of Guinea | |
| 2. Summary Record of the 9th Meeting | 2/10 |
| 3. Texts : Articles 46 and 49 | |
| 4. General Regulations | |
| Preamble | |
| Chapter 8 | 20, 49, 219 |
| Chapter 9 | 20, 49 |
| Chapter 10 | |



Subjects discussed

Document No.

Chapter 11

70/24

Chapter 13

Chapter 14

70/25, 24, 29/22,
25/6, 19/15

Chapter 15

24

Chapter 19

Chapter 23

24, 70

Chapter 24

Chapter 25

1. Point of order by the delegate of Guinea

1.1 The delegate of Guinea, raising a point of order, asked why draft Annex 1 (Document No. DT/69) and Articles 46 and 49 had been included on the agenda of the Committee's 15th meeting. It seemed to indicate that the whole discussion at the end of the previous meeting had served no purpose at all.

1.2 The Chairman explained that it had been decided by vote at the previous meeting not to continue discussing draft Annex 1 but a number of delegates had signified their desire to speak on Articles 46 and 49. He suggested that draft Annex 1 be deleted from the agenda.

1.3 It was so agreed.

1.4 The delegate of Guinea disagreed with that procedure because it was impossible to discuss Articles 46 and 49 separately from draft Annex 1 with which they were closely linked.

2. Summary Record of the 9th meeting (Document No. 210)

2.1 The Summary Record of the 9th meeting was approved.

3. Texts : Articles 46 and 49

3.1 The delegate of the United States of America said that Articles 46 and 49 differed in substance from Article 1 which dealt with eligibility for membership. In view of earlier decisions taken by the Committee, Article 46 provided the last opportunity of extending the benefits of participation in the Union to certain entities for whose foreign relations Members of the Union were responsible. It was astonishing that delegations so emphatic about the right of emergent nations, and the need for universality should, on political grounds, seek to exclude potentially emergent states from taking part in the Union's activities. Those territories whose security and economic interests were being protected by other states might become independent or alternatively might not choose to do so.

3.2 The exclusion of such entities would create serious problems for Members wishing to extend the application of the Convention to them and would adversely affect the Union's work, its finances and the international schedule of frequencies. Nor had anyone yet explained what would be the legal position of territories that had formerly enjoyed the benefits of the Convention.

3.3 He was strongly opposed to the deletion of Articles 46 and 49 which was both unnecessary and highly undesirable.

3.4 The delegate of Saudi Arabia made the following statement :

"Saudi Arabia has always been against colonialism in all its sorts and forms. However, we have to admit that we cannot abolish the evil of colonialism from the world just by deleting the words of groups of territories from our convention.

Those territories are facts, they do exist and are contributing considerably to our Union, and as we heard from Members representing them, they are composed of small spots scattered here and there throughout the world which do not wish or cannot afford to be Members in the I.T.U. each one on its own. Perhaps Members of this Committee will consider thoroughly the question of burdening their financial resources by increasing the cost of their contributory units in exchange for deleting the words of groups of territories from the two articles in the Convention, if the Members representing those territories will not be in a position to ratify the Torremolinos Convention.

For all these reasons, I feel myself disinclined to support the deletion of Articles 46 and 49 due to the risk of having some Members depart from our Union.

Anyhow, since the question of the Portuguese Provinces is a delicate one to all of us and we have already issued a Resolution against the participation of Portugal in conferences and meetings of the I.T.U. for their misadministration of these provinces, and to relieve the doubts of some Members here, I believe that we can deal with these provinces separately from other groups of territories and particularly in the Credentials Committee when we examine who is representing them in the light of the above-mentioned Plenipotentiary Resolution."

3.5 The delegate of Roumania said that the continued existence of dependent territories was in conflict with the United Nations resolution containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and the resolution concerning self-determination so that he supported the deletion of Article 46.

3.6 The delegate of France endorsed the United States delegate's statement. Under international law, countries assuming responsibility for others could act on their behalf.

3.7 His delegation would have to obtain instructions from its Government on the important issue before the Committee and could thus not indicate at the present juncture what would be its final position. The decision taken might affect his country's future participation in the Union.

3.8 The delegate of Guinea observed that some progress had been achieved in that the delegates of newly independent states were able freely to express their views. He could not believe that any country would voluntarily refuse to opt for independence and freedom. The deletion of Article 46 would be entirely consistent with the actions of the United Nations and the Universal Declaration of Human Rights. The arguments expounded by some delegations failed to take account of historical developments. As it would be difficult to reach a consensus in the Committee, the issue would have to be referred to the Plenary.

3.9 The delegate of Somalia agreed with the previous speaker. If Articles 46 and 49 were to be retained they must be modified in order to conform with the decision taken concerning membership of the Union and so as to cover the position of territories which at present were not free. As at present worded Article 46 could be read as endorsing colonialism. Threats about the effects of deleting Article 46 would not avail to deter those delegations that were determined to eradicate colonialism.

3.10 The delegate of Switzerland said that the decision taken at the previous meeting concerning draft Annex 1 did not necessarily entail the exclusion of certain entities from the Union but the Committee must give serious thought to the possibility of some countries choosing to adhere to the Montreux Convention rather than to the new instrument if certain entities were precluded from accession to the latter. That consequence might also follow from the adoption of the resolutions on South Africa and Portugal. It would be wiser to retain Articles 46 and 49.

3.11 The delegate of the United Kingdom agreed with the delegate of the United States. He was opposed to the deletion of Articles 46 and 49. The United Kingdom Government might face serious difficulties when it came to ratifying the Convention if it were seriously defective in certain important provisions.

3.12 The delegate of Canada said that the possibility mentioned by the Swiss delegate was a real one. Provisions of the kind contained in Article 46 appeared in many modern multilateral treaties.

3.13 The delegate of Australia made the following statement :

"The views of the Australian Government on colonialism and racism, both of which it strongly condemns, have been fully documented and demonstrated by its voting at the United Nations General Assembly. At this Plenipotentiary Conference, Australia wishes again to express its strong sympathy with the motivations of these delegations who have so eloquently and genuinely expressed their abhorrence of the colonial policy of the Governments of Portugal and South Africa. We fully support the proposition that Portugal should be denied the right to represent the African territories at present under its domination. In the same way we reaffirm our view that South Africa should not represent the territory of Namibia. But Mr. Chairman, the question at issue goes much further than the matter of colonialism. If we pursue the course of eliminating Articles 46 and 49 or drastically amending them, it means that we cut off many people from representation and participation in the Union.

We would urge with the greatest goodwill that delegations should endeavour to separate the issues of colonialism from the practical effects of the proposed action in terms of the weakening of technical cooperation and the likely budgetary effects.

That is, Mr. Chairman, we should if at all possible find some formula which does not have the effect of excluding some countries presently represented here."

3.14 The Chairman, regretting that no amendments had been suggested to Articles 46 and 49 that might render them acceptable, said that there was no other course but to vote on the proposal that they be deleted.

3.15 At the request of the delegate of the United States of America a vote was taken by secret ballot. The delegates of Algeria, Bangladesh and Greece acted as tellers at the request of the Chairman.

The result of the vote was as follows :

Number of votes cast :	101
For :	50
Against :	42
Abstentions :	9

3.16 Articles 46 and 49 were deleted.

4. General Regulations

Preamble

4.1 The Chairman, supported by the Vice-Chairman of the Charter Study Group, pointed out that, since the Conference had decided to retain a Convention, the preamble to the General Regulations proposed by the Study Group should be deleted and replaced by the formula used in the Montreux Convention.

4.2 It was so decided.

Chapter 8

Nos. 316, 317 and 318

4.3 Nos. 316, 317 and 318 were approved as they stood.

No. 319 (Document No. 20)

4.4 The delegate of the Congo introduced his proposal (Proposal COG/20/4) which called upon the Secretary-General to invite representatives of restricted unions to Plenipotentiary Conferences, in accordance with Article 32 of the Convention.

4.5 The delegates of Nigeria and Upper Volta supported that proposal.

4.6 The delegate of the United States of America asked for clarification of the term "restricted unions" in relation to Article 32. In his view, it would be more consistent with the approved text to refer to the appropriate regional unions.

4.7 The delegate of the United Kingdom asked what advantages were expected to accrue from the adoption of the proposal. If the bodies in question were regional organizations composed of governmental representatives, then they were already represented at Plenipotentiary Conferences through their individual members. Perhaps some confusion had arisen with the U.P.U. Congress, which combined the functions of the Plenipotentiary Conference and the Administrative Conferences, and at which, therefore, Regional Postal Unions were represented on account of the technical problems dealt with at a Congress. In his view, the Congolese proposal was unnecessary and he would oppose it.

4.8 The delegate of the Congo said that the purpose of his amendment was to enable representatives of regional telecommunication unions to attend Plenipotentiary Conferences.

4.9 The delegate of Nigeria supported that proposal and further suggested that invitations be extended to regional international organizations, provided that the Plenipotentiary Conference had on its agenda items of interest to them.

4.10 The Chairman noted that there was no support for that proposal.

4.11 After a discussion in which the delegates of the Congo, the United Kingdom, the United States of America, Brazil, Upper Volta, and the Secretary took part, it was agreed that the amendment should read as follows : "... and to any of the regional telecommunication organizations mentioned in Article 32 of the Convention when requested by it".

4.12 The amendment was adopted by 38 votes to 13, with 13 abstentions. No. 319, as thus amended, was approved.

4.13 The delegate of the United States of America, speaking in explanation of his vote, said he had abstained because he did not wish to vote against a proposal which had the support of the majority.

No. 320 (Document No. 49)

4.14 The delegate of Israel introduced his proposal (ISR/49/12) to include among the observers representatives of international organizations involved in the operation of global satellite communications systems, such as INTELSAT.

4.15 The delegate of Australia supported that proposal which he thought should also apply to INTERSPUTNIK.

4.16 The delegates of the U.S.S.R., the United States of America, France, China and Iraq opposed the Israeli proposal.

4.17 The delegate of Israel withdrew his proposal.

4.18 No. 320 was approved as it stood.

Nos. 321 and 321 bis (Document No. 219)

4.19 The delegate of Israel introduced his proposal (ISR/219/19) to add a new paragraph after No. 321 bringing the procedure for replies into line with the procedures set forth in No. 318.

4.20 The delegate of the United States of America supported that proposal.

4.21 Nos. 321 and 321 bis were approved.

Nos. 322, 323 and 324

4.22 Nos. 322, 323 and 324 were approved as they stood.

No. 324 bis

4.23 The Chairman suggested that a new clause be inserted after No. 324 covering observers from regional telecommunication organizations as defined in No. 319.

4.24 It was so agreed.

No. 325

4.25 No. 325 was approved as it stood.

Chapter 9

Nos. 326-337

4.26 The Chairman pointed out that the only modification required in the present text was an additional clause following No. 333 on the lines of No. 324 bis.

4.27 Chapter 9, as thus amended, was approved.

The meeting was suspended at 1240 hrs and resumed at 1540 hrs.

Chapter 10

4.28 Nos. 338 to 347 were approved as they stood.

Chapter 11 (Document No. 70/24)

No. 348

4.29 The Vice-Chairman, speaking as the delegate from Mexico, introduced proposal MEX/70/24; he said that if the principle contained in the proposal were acceptable, a simple form of words to amend No. 348 would suffice. His country considered that developments in space telecommunications necessitated provision being made in the Union's Instrument guaranteeing protection of the interests of regions adjacent to one holding a Regional Administrative Conference. He recalled that the matter had been given some consideration by the Administrative Council.

4.30 The proposal was unsupported; Chapter 11 was therefore adopted without amendment.

4.31 Before the Committee continued with the next item on the agenda, the delegate of the U.S.S.R. took the opportunity to draw to the Committee's attention a discussion which had taken place at an earlier meeting about the relationship between international space telecommunications organizations like INTELSAT and INTELSPUTNIK and the I.T.U. He considered that these organizations should be given an opportunity of participating in the work of the Union and in particular that of the C.C.I.R. and the I.F.R.B.

4.32 The delegate of the United States of America drew attention to the provisions of Chapter 16 and to No. 376 in particular, and to the fact that the Committee had set up a working group to deal with the question of collaboration between organizations concerned with space telecommunications and the I.T.U. He did not have authority to speak on behalf of INTELSAT which was an autonomous body and felt that any such organizations desirous of collaborating in the work of the I.T.U. should be given the opportunity to express that wish.

4.33 It was decided to give further consideration to the matter when the draft Resolution was before the Committee.

Chapter 13

4.34 Nos. 350 to 352 were approved as they stood.

Chapter 14 (Documents Nos. 70/25, 24, 29/22, 25/6 and 19/15)

No. 353

4.35 There was considerable discussion of the three proposals from Holland (25/6), Japan (19/15) and Mexico (70/25) which were designed to change and make mandatory the time limits for submission of proposals to Plenipotentiary Conferences, in which the delegates of Brazil, Holland, Japan, the United Kingdom and the United States of America took part. Delegates considered that it was impracticable to make mandatory a time limit for the submission of proposals because the ability of governments to present proposals by a given time was largely dependent upon prevailing circumstances and because the right to submit proposals to a conference could not be denied to any Member. However, delegates expressed dismay over the large number of proposals which had been received late, prior to and during the Torremolinos Conference, since there had been little or no time to consult capitals about those proposals. They considered that the answer to the problem lay with Administrations and urged that in future, wherever possible, the terms of No. 353, which was adopted without amendment, should be adhered to.

4.36 Nos. 354 and 355 were adopted as they stood.

No. 356

4.37 The Committee had before it two proposals concerning the wording of No. 356; the first from France was designed to extend the existing provisions to specify that individuals, i.e. the Secretary-General, the Directors of the C.C.I.s and Members of the I.F.R.B., should not be entitled to submit proposals to conferences and the second, from Mexico, was designed to express positively what was said in a negative sense by the last sentence. After discussion of both proposals in which the delegates of Brazil, France, United Kingdom, the United States of America and the Vice-Chairman speaking as the delegate of Mexico took part, the proposal of France was adopted by vote; 43 in favour, 0 against with 12 abstentions.

4.38 The delegate of Canada introduced his proposal which was supported by the delegate of France which concerned the wording of No. 356 in connection with "proposals"; the proposal made the wording clearer, particularly in the French text.

4.39 The delegate of the United Kingdom, whilst appreciating the intention of the proposal of Canada, thought that the word "proposals" was suitable in this connection because the proposed wording might place some restriction on what, for example, the C.C.I.s could do; the form in which they submitted proposals could vary and the recommendations and opinions which they produced would not be eligible for consideration as proposals under the proposed amendment. He therefore considered that the existing wording should be retained.

4.40 The delegate of Canada withdrew his proposal in the light of those explanations.

4.41 Nos. 357, 358 and 359 were adopted as they stood.

Chapter 15 (Document No. 24)

No. 360

4.42 The Vice-Chairman of the Charter Study Group explained that during the deliberations the Group had introduced a drafting change into No. 360 to take account of the change of name of the "European Office of the United Nations" to "The United Nations Office at Geneva". The purpose of Note 31 in the Group's report was simply to draw the attention of the Conference to the change.

4.43 At the Chairman's invitation, the representative of the United Nations confirmed that the new title was correct and No. 360 was accordingly adopted without amendment.

No. 361

4.44 The representative of the United Nations said that he had not received any instructions from the United Nations in New York in connection with the action already taken by the Committee to delete Article 47 from the basic Instrument; subject to any instructions he might later receive, he had no objection to the deletion of No. 361.

4.45 It was decided that No. 361 would be deleted.

4.46 In connection with provisions 363, 364 and 365 the delegates of Australia and Brazil pointed out that in discussion of Article 44 it had been agreed to refer to the Administrative Council for study the question of whether the conditions provided for in those paragraphs needed clarification; the Council was to have been asked to report to the next Plenipotentiary Conference.

4.47 After discussion in which the delegates of Australia, Brazil, Czechoslovakia, the United States of America and the U.S.S.R. took part, and from which the consensus emerged that although there had been no difficulty experienced with the interpretation of the rules governing production of credentials, they were open to some possible misinterpretation, it was agreed that the question should be passed to the Council for study.

4.48 The delegates of Australia and Brazil agreed to prepare a suitable document for transmission to the Council which would be asked to report to the next Plenipotentiary Conference.

Chapter 19

No. 392

4.49 The Vice-Chairman of the Charter Study Group explained that the additional reference to Chapter 26 of the Regulations was necessary as Article 17 of the Montreux Convention had been split by the Study Group between the draft Constitution and the Charter.

4.50 The text proposed by the Charter Study Group, amended by the replacement of the word "Constitution" on the second line by "Convention", was adopted.

No. 393 (Document No. 70)

4.51 Following the withdrawal of Mexican proposal 70/26, the text of No. 393 was adopted as it stood.

No. 394

4.52 In view of the note on page 111 of the Report of the Charter Study Group recommending that the position relating to proxy votes be clarified the Chairman proposed that, with the agreement of the Nordic countries and Poland (who had submitted proposals on similar lines), the text of the French proposal F/29/23 be added as a subparagraph No. 394 bis.

4.53 It was so agreed.

Chapter 23

Nos. 414-416 (Document Nos. 24, 70)

4.54 In view of the withdrawal by the delegates of Canada and Mexico respectively of proposals MEX/70/28 and CAN/24, the texts of Nos. 414-416 were adopted as they stood.

Chapter 24

Nos. 417-420

4.55 Nos. 417-420 were adopted as they stood.

Chapter 25

Nos. 421-484

4.56 Nos. 421-484 were adopted as they stood.

No. 485

4.57 Since there was at present no provision for a two-thirds majority vote either for admission of Members to the Union or on a decision relating to any other matter, it was decided to delete No. 485 from the draft General Regulations.

Nos. 486-521

4.58 Nos. 486-521 were adopted as they stood.

No. 522

4.59 As it has been agreed earlier by the Conference that the term "Final Acts" covered all documents to be signed at the end of a conference, it was agreed to adopt the text of No. 526 proposed by the Charter Study Group.

Nos. 523-525

4.60 Nos. 523-525 were adopted as they stood.

No. 526 (Document No. 28)

4.61 The text of No. 526 proposed by the Charter Study Group was adopted as it stood.

4.62 Following the comment by the delegate of the United States of America that as the additional provision proposed by the U.S.S.R. (URS/28/30 ADD 526A) concerned financial matters it was more properly a matter for consideration by Committee 4, the Chairman proposed that he discuss the point with the Chairman of Committee 4 and the delegate of the U.S.S.R. and return to the matter at the following meeting of Committee 8.

4.63 It was so agreed.

The meeting rose at 1800 hrs.

The Secretaries :

A. DAVID
R. MACHERET

The Chairman :

GABRIEL-TEDROS

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 432-E
15 November 1973
Original : English

COMMITTEE 8

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

Wednesday, 17 October 1973, at 0940 hrs

Chairman : Mr. GABRIEL TEDROS (Ethiopia)

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

<u>Subject discussed :</u>	<u>Document No.</u>
1. Texts : General Regulations	
Chapter 25	28
Chapter 28	-
Article 54 and Chapter 29	25 Add.; 28
Chapter 31	-
Chapter 32	-
Chapter 33	-
Chapter 26	-
2. Convention	
Article 33	222
3. Report of the Administrative Council to the Conference	Sections 2.5.8.2; 2.5.9; 2.5.10; 2.5.11 and 2.5.13
Annex 12	Resolutions 23, 25, 26 and 43
4. Draft Resolution on official and working languages of the Union	DT/79

<u>Subject discussed :</u>	<u>Document No.</u>
5. Proposed amendment to Article 30 of the draft Convention	-
6. Credentials	-
7. Deletion of Article 47 - Statement by the Representative of the United Nations	-

1. Texts : General Regulations

Chapter 25 (Document No. 28)

1.1 The Chairman of Committee 4 said that Committee 4 had discussed the Soviet Union proposal (Document No. 28) concerning No. 526A and had concluded that it would be unnecessary to add such a provision in the new Convention because it embodied a practice which had already been followed for a number of years.

1.2 The delegate of the U.S.S.R. agreed that the Soviet Union proposal need not be adopted.

1.3 Nos. 527 - 529 were approved.

Chapter 28

1.4 Nos. 554 and 555 were approved.

Article 54 and Chapter 29 of the General Regulations (Documents Nos. 25 Add., 28)

1.5 The delegate of Kuwait supported the U.S.S.R. proposal concerning Chapter 29 (Document No. 15).

1.6 The delegate of the United Kingdom considered that it would be useful to retain the provisions of Chapter 29 in case none of the three methods for the settlement of disputes set out in Article 54, No. 181 of the Convention, were used. The provisions of the Optional Additional Protocol had only been accepted by some 45 countries which had agreed to the compulsory submission of disputes to arbitration.

1.7 The Secretary of the Committee said that the wording of No. 182 was not absolutely clear and might be interpreted as meaning that if none of the procedures listed in No. 181 were followed, arbitration became mandatory but in fact that was not the case as was evident from Article 1 of the Optional Additional Protocol.

1.8 The delegate of Peru said that compulsory arbitration might be unacceptable as it was to his delegation and accordingly a proviso should be added to No. 182 to the effect that both parties to a dispute must agree to arbitration. A time limit for acquiescence or refusal to go to arbitration could be imposed.

- 1.9 The delegate of Switzerland observed that it was clear from the provision contained in No. 560 that arbitration was optional.
- 1.10 The Optional Additional Protocol should be maintained for those countries willing to bind themselves in advance to submit disputes to arbitration.
- 1.11 The Soviet Union proposal concerning Chapter 29 was rejected by 15 votes to 9, with 29 abstentions.
- 1.12 The Chairman said that in accordance with No. 723 of the rules of procedure the Soviet Union proposal would have to be taken up again at a later meeting.
- 1.13 The delegate of the U.S.S.R. said that in order to simplify the Committee's work he would withdraw his proposal.
- 1.14 The Netherlands amendment (Document No. 25 Add.) to No. 181 was approved.
- 1.15 The delegate of the Netherlands said that he wished to propose a revised version of his amendment to No. 182 instead of that contained in Document No. 25 Add. It would read "If none of these methods of settlement is adopted within a period of (6) months as from the date on which one of the parties to a dispute had invited the other party to apply the present Article, any party to the dispute may submit it to arbitration in accordance with the procedure defined in the General Regulations".
- 1.16 The delegate of Peru said that the fundamental issue was whether or not arbitration should be compulsory. The Netherlands amendment seemed to imply that it was obligatory.
- 1.17 The delegate of the United States of America did not consider that the Netherlands amendment was an improvement and it would be difficult to determine the point at which the six-months time limit would begin.
- 1.18 The delegate of Brazil said that the text of Article 54 should be maintained as it stood. As it dealt with a general principle the inclusion of a time limit would be inappropriate.
- 1.19 The Netherlands amendment to No. 182 was rejected by 35 votes to 6, with 14 abstentions.
- 1.20 Article 54 was approved as it stood.

1.21 The delegate of the Netherlands withdrew his amendment (Document No. 25 Add.) to No. 560 in Chapter 29 of the General Regulations.

1.22 Chapter 29 was approved as it stood.

1.23 The delegate of Switzerland said that the Optional Additional Protocol had been drawn up at the Montreux Conference on the initiative of the Swiss delegation. It should be brought up to date and included among the Final Acts for signature at the present Plenipotentiary Conference so as to enable those Members who so wished to accept mandatory arbitration for the settlement of disputes.

1.24 The Chairman said that the General Secretariat would be requested to prepare an updated text of the Optional Additional Protocol.

Chapter 31

1.25 The delegate of the United Kingdom, Vice-Chairman of the Charter Study Group, said that now that the Conference had decided to adopt a Convention it would be preferable to include the list of countries which became Members of the Union in an annex to the Convention as had been done in the Montreux Convention. Committee 9 could be asked to effect the requisite drafting change in Article 1.

1.26 It was so agreed.

1.27 The delegate of Finland withdrew the amendments proposed by Denmark, Finland, Iceland, Norway and Sweden in Document No. 41/20-23 concerning the heading of Chapter 31 and Annex 1.

Chapter 32

1.28 The delegate of the United Kingdom, Vice-Chairman of the Charter Study Group, explained that the Study Group had decided to refer in general terms to the Administrative Regulations in Article 41 and to list them in Chapter 32 as had been done in No. 203 of the Montreux Convention.

1.29 The delegate of the United States of America said that No. 592 should be revised so as to conform exactly to No. 203 in the Montreux Convention. The Study Group's text made no provision for the right to make reservations concerning the Administrative Regulations.

1.30 The delegates of the U.S.S.R. and Italy agreed with the previous speaker.

1.31 The delegate of the United Kingdom said that the discussion on Article 41 had indicated that reservations could be made in respect of the General Regulations.

1.32 The Chairman suggested that the Study Group's text for No. 592 be maintained with the deletion of the words "which regulate the use of telecommunications and shall be binding on all Members and Associate Members" in order to meet the point raised by the United States delegate.

1.33 It was so agreed.

Chapter 33

1.34 The delegate of the United Kingdom, speaking as Vice-Chairman of the Charter Study Group, pointed out that in view of the decision by the Conference to retain a Convention the final provisions could be deleted.

1.35 It was so agreed.

Chapter 26

1.36 The Chairman said that as no amendments had been submitted to Chapter 26, he took it that the Committee wished to approve the text as it stood.

1.37 It was so agreed.

2. Convention

Article 33

No. 133 (Document No. 222)

2.1 The Chairman recalled that a working group composed of the delegates of France, Israel, the German Democratic Republic and Mexico had been set up to prepare a joint proposal for Article 33. He invited the Committee to consider Document No. 222.

2.2 The delegate of the United States of America said that in the light of the decisions taken by Committee 8 on Article 4, and by Committee 7 on Article 10, together with the draft resolution at present being prepared on the same subject, the proposal contained in Document No. 222 was redundant.

2.3 The delegates of Poland and the U.S.S.R. supported the proposal in Document No. 222.

2.4 The delegates of Japan and Indonesia agreed with the comments of the United States delegate.

2.5 The delegate of the United States of America, supported by the delegate of Canada, proposed that, before examining Document No. 222, the Committee decide whether it wished to include a provision of that kind in the Convention.

2.6 By 27 votes to 9, with 20 abstentions, the Committee decided to consider Document No. 222.

2.7 The delegate of the United States of America pointed out that the working group proposal for No. 133 differed considerably from the original text in that it amounted to a multilateral agreement among States to limit the number of frequencies and the spectrum space used. At the same time, it gave no indication as to where the limit would be set, what body would determine it, or whether it could be changed. He found such a proposal unacceptable and strongly urged that the original wording be retained.

2.8 The delegate of Mexico said that the new text of No. 133 was based on his own proposal in Document No. 69/14, which was intended to strengthen the provision. The term "it is desirable" used in the original text seemed to him unsuitable for an instrument such as the Convention. The United States delegate seemed to have objections to the word "limit" but it should be noted that the same word was used in the original version.

2.9 The delegate of Algeria supported the Mexican proposal.

2.10 The delegate of the United States of America pointed out that the original text of No. 133 merely stated that Members recognized that it was desirable to limit the number of frequencies and the spectrum space used, which seemed to him to be perfectly proper. The new text, on the other hand, established a formal agreement to limit the number of frequencies and spectrum space without indicating the means or procedure to be followed. His own delegation had serious difficulties with that proposal.

2.11 The delegate of Canada, with the agreement of the delegates of Mexico, the United States and the U.S.S.R., proposed that the word "agree" be replaced by "shall endeavour".

2.12 The text of No. 133 contained in Document No. 222, as amended, was approved.

2.13 The delegate of the United States of America, referring to No. 133A in Document No. 222, said that the language did not tally with the revised texts of Nos. 70 and 71 approved by Committee 7. In particular, he believed that conflict might arise over the interpretation of the phrase "equitable access". In his view, the whole question had been adequately covered by the decisions taken at the 1971 Space Conference and he therefore proposed the deletion of the word "equitable".

2.14 The delegates of Japan, Indonesia and France supported the United States proposal.

2.15 The delegates of Algeria, the German Democratic Republic and the U.S.S.R. supported the text proposed by the working group.

2.16 The United States proposal to delete the word "equitable" was rejected by 33 votes to 9, with 21 abstentions.

2.17 No. 133A in Document No. 22 was approved.

The meeting was suspended at 1240 hours and resumed at 1540 hours.

3. Report of the Administrative Council to the Conference

Sections 2.5.8.2, 2.5.9, 2.5.10, 2.5.11 and 2.5.13

3.1 Noted.

Annex 12 - Resolution No. 23

3.2 The representative of the United Nations and the World Health Organization said that the contradiction between the definition of government telegrams and telephone calls contained in Annex 2 to the Convention and the provisions of Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies was a longstanding problem. There was still no possibility of following the recommendations of the Montreux Convention as less than one-third of the signatory states of the Convention on Privileges and Immunities had shown a desire to convene a conference for the purpose of amending the latter Convention. The Secretary-General of the United Nations hoped that some way could be found to resolve the conflict. Revision of the I.T.U.'s position on the inclusion of the specialized agencies in the definition of government telegrams and telephone calls was of very considerable importance, not so much because of the economies that would result as from the point of view of speeding up communications in the case of emergency operations for international assistance.

3.3 The delegate of the United Kingdom supported by the delegates of the United States of America and Singapore, felt that the Resolution should be maintained and the state of impasse should continue to be accepted as there had been no change in the basic situation. One reason against giving special privileges to the specialized agencies was that much telecommunication traffic was handled by private operating agencies and it was unfair to ask private parties to subsidize the specialized agencies. Furthermore, the handling of urgent communications in the case of natural disasters was already adequately provided for in the Convention, and telecommunication traffic concerned with the safety of life was already accorded priority over all other traffic. The needs of the specialized agencies were adequately met by Resolutions Nos. 25 and 26.

3.4 It was decided that Resolution No. 23 should be maintained, with the proviso that it be brought up to date.

Annex 12 - Resolutions Nos. 25, 26 and 43

3.5 It was decided that Resolutions Nos. 25, 26 and 43 should be brought up to date and continued.

4. Draft Resolution on Official and Working Languages of the Union
(Document No. DT/79)

4.1 Due to the fact that the document had only just been distributed, the delegate of Kuwait, supported by the delegates of the People's Democratic Republic of Yemen, Lebanon, the Yemen Arab Republic and Morocco, felt it ought to be discussed at a later time, preferably after the Plenary had come to a decision on Document No. 37 (Corr.) on the use of Arabic.

4.2 The delegate of Nigeria, supporting the delegate of Kuwait, wished it recorded that Nigeria was very concerned with the question of Arabic since Arabic was an official language of Nigeria.

4.3 The delegates of the U.S.S.R., Brazil and Morocco considered that the document was not a true reflection of the discussion which had taken place at the previous meeting of the Committee but expressed the views of one delegate only. The delegate of Brazil drew particular attention to the last paragraph on the first page of Document No. DT/79 as a topic not having been dealt with while others that had been discussed were not included. The delegate of the U.S.S.R., supported by the delegate of the Federal Republic of Germany, proposed that a working party should examine the draft proposal first and produce a text representative of the views of all delegates for consideration by the Committee. The delegate of Morocco, supported by the delegates of Kuwait, Algeria and China, felt that the working party should not begin its deliberations until the decisions of the Plenary on the question of Arabic interpretation was known.

4.4 After drawing attention to a number of editorial corrections to the text of the draft Resolution, the delegate of the United States of America said that he had tried to make the document as comprehensive as possible but that due to pressure of time it had been difficult to get the views of as many delegates as he would have liked before drafting it. In his own statement during the previous discussion on the subject he had specifically referred to the point mentioned by the delegate of Brazil although he conceded that there had not been any general discussion of it. The draft Resolution was not intended to anticipate or replace any specific proposal on languages (such as contained in Documents Nos. 37 (Corr.) and 190) that was before the Conference but was rather an attempt to prepare the way for a full review by the Administrative Council of the situation of languages in the Union. However, in view of the serious reserves expressed with regard to the draft Resolution and the fears expressed that it would prejudice decision of proposals before the Plenary, he withdrew Document No. DT/79 and proposed, with the support of the delegate of Ireland, that the general matter of languages be discussed in the Plenary after a decision had been made on the Kuwait proposal (Document No. 37 (Corr.)).

4.5 It was agreed that a request be made to the Chairman of the Conference for inclusion of Documents Nos. 37 (Corr.) and 190 and discussion of the matter of the official and working languages of the Union on the agenda of the Plenary as soon as possible.

5. Proposed amendment to Article 30 of the draft Convention

5.1 The delegate of the United Kingdom said that in view of the definitions adopted by the C.C.I.T.T., and to conform to the usage in the Telephone and Telegraph Regulations prepared by the 1973 Telephone and Telegraph Conference, it would be more correct to replace the word "tariffs" on the first line of No. 130 by "accounting rates".

5.2 The delegate of Peru said that in view of the fact that No. 130 referred to a theoretical exchange rate used to fix the amount to be paid for certain types of services, he felt it was erroneous to apply the concept of rates to it and opposed the amendment.

5.3 As unanimity had not been achieved on the point, it was decided that the United Kingdom delegate be asked to refer to the matter again when the text in question was being discussed in Plenary.

6. Credentials

6.1 The Chairman reported that the delegates of Brazil and Australia had agreed to record their request that the matter of credentials be raised in the Administrative Council and that the Council, bearing in mind the discussion that had taken place at the Plenipotentiary Conference, should try to devise better terms for credentials.

7. Deletion of Article 47 - Statement by the representative of the United Nations

7.1 The representative of the United Nations said that United Nations Headquarters did not consider the deletion of Article 47 of the draft Convention desirable. The problem was a complex one and involved not only trust territories but also other territories for which the United Nations had certain responsibilities under international law. He was awaiting more detailed instructions on the United Nations position from New York and would be grateful if discussion on the matter could be postponed to the Plenary.

7.2 It was agreed that the action to be taken on Article 47 be referred to the Plenary.

The meeting rose at 1710 hours.

The Secretaries :

A. DAVID
R. MACHERET

The Chairman :

GABRIEL TEDROS



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

Document No. 433-E – not allocated

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 434-E
14 November 1973
Original : English

COMMITTEE 8

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

Friday, 19 October 1973, at 1150 hrs

Chairman : Mr. GABRIEL-TEDROS (Ethiopia)

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

<u>Subjects discussed</u>	<u>Document No.</u>
1. Summary Records of the 10th and 11th meetings	250, 251
2. Report by the Working Party responsible for drawing up the resolution referred to in Document No. DT/50	DT/76
3. Draft Second and Last Report of Committee 8 to the Plenary Meeting	DT/87
4. Exchange of courtesies	-

1. Summary Records of the 10th and 11th meetings (Documents No. 250 and 251)

1.1 The Summary Record of the 10th meeting (Document No. 250) was approved subject to an amendment to paragraph 1.60 submitted by the Deputy Secretary-General.

1.2 The Summary Record of the 11th meeting (Document No. 251) was approved subject to a minor amendment to paragraph 2.39 submitted by the delegate of the United States of America.

2. Report by the Working Party responsible for drawing up the resolution referred to in Document No. DT/50 (Document No. DT/76)

2.1 The delegate of Spain, who had convened the Working Party, recalled the circumstances that had led to its establishment. He also proposed a minor amendment to the Spanish text of paragraph 2 of the draft resolution in Document No. DT/76.

2.2 The delegate of Italy, Chairman of the Working Party, introduced the draft resolution in Document No. DT/76.

2.3 The delegate of the United States of America, supported by the delegates of Australia, Canada and the U.S.S.R., proposed that the draft resolution should be approved.

2.4 The draft resolution was approved subject to the amendment proposed to the Spanish text by the delegate of Spain and on the understanding that it would replace Resolution No. 24 of the Montreux Convention.

2.5 The delegate of China stated that his delegation had not taken part in the decision to approve the draft resolution.

3. Draft Second and Last Report of Committee 8 to the Plenary Meeting (Document No. DT/87)

3.1 The Chairman invited the Committee to consider Document No. DT/87 page by page.

Page 1

3.2 It was agreed to insert "(6 lasting a full day)" after "17 meetings" in paragraph 1.

3.3 On the proposal of the delegate of Japan, supported by the delegate of the United States of America, it was agreed to amend the first two lines of paragraph 3(2) to read: "To request the Administrative Council to take account of Articles 50 and 51", and to replace the word "Council's" in the third line of that paragraph by "its".

3.4 On the proposal of the delegate of Australia, it was agreed to insert "and the related aspects of Article 44" after "(Nos. 363-365)" in paragraph 3(3).

3.5 Page 1, as amended, was approved.

Page 2

3.6 It was agreed to delete page 2.

Page 3

Article 4

3.7 The Chairman drew the Committee's attention to two drafting points which he intended to bring to the attention of the Plenary Meeting when it discussed Document No. 228.

3.8 On the proposal of the delegate of the United States of America, it was agreed to add the following phrase at the end of the second paragraph: "and an updated resolution was adopted by the Committee".

3.9 Page 3, as amended, was approved.

Page 4

Article 32

3.10 It was agreed that the words "without change" should be replaced by "changing "agreements" to "arrangements"".

Articles 34-39

3.11 It was agreed to change the figure "39" in the heading to "38".

3.12 Page 4, as amended, was approved.

Page 5

3.13 It was agreed to insert the heading "Article 39" between the first and second paragraphs, and to add the following sentence as a new sub-paragraph after the second paragraph: "It was agreed to amend this article by adding at the end: "attached at Annex..."."

Article 41

3.14 Following remarks by the delegates of the United Kingdom and the United States of America, the Chairman said that in the light of the discussion that had taken place the previous day in the Plenary Meeting, it seemed preferable not to alter the wording or the place in the instruments of the signature articles.

3.15 Page 5, as amended, was approved.

Page 6

Article 54

3.16 Following a remark by the delegate of Switzerland, the delegate of the United States of America proposed the addition of the following sentence at the end of the paragraph: "The Committee agreed that the Secretariat should prepare an updated version of the optional additional protocol to be opened for signature with the Torremolinos Convention."

3.17 It was so decided.

Article 55

3.18 The delegate of France drew the Committee's attention to the draft resolution concerning definitions submitted by Committee 7 (Document No. DT/61 (Rev.)).

3.19 On the proposal of the delegate of the United States of America, it was agreed to replace the word "to" in the second line by "be a chapter of".

3.20 Replying to a question by the delegate of Brazil, the Secretary said the Secretariat had assumed that the system to be followed in respect of signature of the instrument would be exactly the same as in the case of the Montreux Convention.

3.21 The delegate of Nicaragua raised the problem of the status and place in the instrument of the General Regulations.

3.22 The Chairman said that only Committee 9 and the Plenary Meeting were competent to deal with that question.

3.23 Page 6, as amended, was approved.

The meeting was suspended at 1300 hrs and resumed at 1530 hrs.

Page 7

Preamble

3.24 It was agreed to delete "and to make the General Regulations an Annex to the Convention".

3.25 Page 7, as amended, was approved.

Page 8

3.26 On the proposal of the delegate of Australia, it was agreed to insert "and the related aspects of Article 44" after "Nos. 363-365".

3.27 Page 8, as amended, was approved.

Page 9

Part IV, Chapter 31

3.28 On the proposal of the delegate of the U.S.S.R., it was agreed to delete "or any succeeding Convention or Constitution" from the second paragraph.

3.29 On the proposal of the Chairman, it was agreed to add a new heading "Chapter 32" followed by the text: "Adopted with deletion of all words after "Administrative Regulations"" after the section headed "Part IV, Chapter 31".

Report of the Administrative Council to the Conference

3.30 On the proposal of the delegate of the United Kingdom, it was agreed to insert "and updated" after "repeated".

3.31 Page 9, as amended, was approved.

3.32 The Second and Last Report of Committee 8 (Document No. DT/87), as amended, was adopted.

4. Exchange of courtesies

4.1 The delegate of Switzerland, supported by the delegates of the U.S.S.R. and the United States of America, proposed a vote of thanks to the Chairman for the masterly way in which he had conducted the Committee's discussions.

4.2 The proposal was adopted by acclamation.

4.3 The Chairman thanked all members of the Committee for their participation in an important meeting in the history of the Union. He also extended his thanks to all those who had been associated in any way with the Committee's work.

The meeting rose at 1550 hrs.

The Secretaries :

A. DAVID
R. MACHERET

The Chairman :

GABRIEL-TEDROS

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 435-E
15 November 1973
Original : English

COMMITTEE 3

SUMMARY RECORD
OF THE
FOURTH AND FINAL MEETING OF COMMITTEE 3
(BUDGET CONTROL)

Friday, 19 October 1973, at 1210 hrs

Chairman : Mr. M. K. BASU (India)

Vice-Chairman : Mr. C. WOODSTOCK (Jamaica)

<u>Subjects discussed</u>	<u>Document No.</u>
1. Summary Record of the 2nd Meeting	159
2. Summary Record of the 3rd Meeting	256
3. Draft Final Report of the Budget Control Committee to the Plenary Meeting	DT/83



1. Summary Record of the 2nd Meeting (Document No. 159)

1.1 Approved.

2. Summary Record of the 3rd Meeting (Document No. 256)

2.1 Approved.

3. Draft Final Report of the Budget Control Committee to the Plenary
(Document No. DT/83)

3.1 The Chairman recalled that the interim report of the Committee was still on the agenda of the Plenary and was yet to be considered by it; he sought comments on the draft final report reproduced in Document No. DT/83.

3.2 The delegate from the United States of America, approving the content of the document, was pleased to note that the costs of the Conference to both the Union and to the Spanish Administration seemed to be below the figure which had originally been estimated. He expressed the hope that there would be further savings made if the estimated expenditure shown in column 8 on page 3 of the annex in relation to Items 7102 and 7104 covering salaries and related expenditure, and Insurance respectively, were not realised.

3.3 The Head of the Finance Department thought that it was unlikely that all the estimated expenditure for salaries and overtime would be used and so a saving would probably occur under that item; however, no saving could be made in connection with expenditure on insurance since the figures shown represented the amounts actually paid in premiums. In connection with item 7101, he explained that the costs to the Spanish Administration relating to the payment of per diem allowances to staff had been reduced by approximately 49,000 Swiss francs because a similar amount would in all probability have been paid to staff had the Conference been held in Geneva instead of in Torremolinos. He also explained that an amount of 130,000 Swiss francs had been transferred from Subhead I to Subhead II and reminded the Committee that under Article 15 of the Financial Regulations, the Committee's approval of such a transfer was required.

3.4 The delegate of the United States of America formally moved that the Committee's approval to the transfer be given. He also suggested, in view of the fact that the costs of insurance which were shown in column 8 as estimated expenditure, actually represented premiums paid and so constituted committed expenditure, that these costs could more appropriately be shown in column 7 under committed expenditure.

3.5 It was so agreed and the Committee formally approved the transfer of 130,000 Swiss francs from Subhead I to Subhead II.

3.6 There followed a discussion in which the Chairman, Vice-Chairman, Head of the Finance Department and the delegates of the United States of America and Canada took part as a result of which it was decided not to attempt to remove from the agenda of the Plenary, consideration of the interim report, but to point out to the Plenary before discussion of that document (215) that it need not spend a great deal of time considering that document as the final report, which gave latest position regarding Conference finances, and was very much more favourable, was available and would be submitted to the Plenary separately.

3.7 It was agreed that the draft final report in Document No. DT/83 would be submitted to the Plenary with the following alterations - which had been proposed in interventions by the delegates of Canada, Spain and the United States of America:

- i) the word "Draft" would be deleted from the title;
- ii) the words "estimated to be" would be inserted after the words "margin is" in the penultimate line of the second paragraph on the covering page; and
- iii) the word "estimated" would replace the word "calculated" in the penultimate line of the last paragraph on the covering page.

3.8 The Chairman, in closing the debate, said that he would inform the Plenary meeting of the Committee's thanks and gratitude to the Spanish Administration for its assistance in creating savings within the Conference budget, in particular in connection with printing costs, and of its satisfaction with the General Secretariat for its good management of the Conference finances. The delegate of Spain thanked the Chairman for his words of thanks to the Spanish Administration and echoed his gratitude to the I.T.U. Secretariat.

The meeting rose at 1300 hrs

The Secretary :

R. PRELAZ

The Chairman :

M. K. BASU

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 436-E
5 December 1973
Original : French

COMMITTEE 4

SUMMARY RECORD
OF THE
FIFTEENTH AND FINAL MEETING OF COMMITTEE 4
(FINANCE)

Tuesday, 23 October 1973, at 1500 hrs

Chairman : Mr. Rudolf RÜTSCHI (Switzerland)

Vice-Chairman : Mr. Zaheer AHMAD (Pakistan)

Subjects discussed

Document No.

- | | |
|---|--|
| 1. Fiscal limits for Union expenditure
in the years 1974 to 1979 | DT/84
DT/88
DT/91
DT/92
DT/93
378 |
| 2. Draft 4th Report of Committee 4
to the Plenary Meeting | DT/90 |
| 3. Expressions of thanks | |



1. Fiscal limits for expenditure in the years 1974 to 1979
(Documents Nos. DT/84, DT/88, DT/91, DT/92, DT/93 and 378)

1. The Chairman invited the Committee to consider Document No. DT/88 which superseded Document No. DT/84.

ANNEX 1

2. The Chief of Finance Department recalled the items (lines) which had already been approved and mentioned a number of amendments to be made in Table 1.

3. Items 1 to 5 - approved.

4. Item 6

4.1 New wording : "Increase in salaries and representation allowances of elected officials". Points 1 and 2 were deleted.

5. Item 7

5.1 New wording : "Step increments within the salary scale in accordance with the Staff Regulations and Rules".

5.2 The amended figures were contained in Document No. DT/92. In point 2 of that document, the years "1974, 1975, 1976, 1977, 1978 and 1979" should read "1975, 1976, 1977, 1978 and 1979", the last column being deleted.

5.3 Following the investigations carried out at the request of the Finance Committee and taking into account the increases entailed by step increments for the years 1971 to 1974, it was proposed to provide for the following credits in the period up to 1979 :

300,000 francs for 1975,
600,000 francs for 1976,
890,000 francs for 1977,
1,170,000 francs for 1978 and
1,440,000 francs for 1979.

5.4 The delegate of the United Kingdom did not understand why the replacement of retiring staff (who would normally be at the top of their grade on leaving the Union) by new staff recruited at the lowest step in their grade had no compensatory effect on the estimates. Theoretically, a certain balance should be arrived at which would stem the arithmetical progression of additional credits from one year to the next.

5.5 The Chief of Finance Department said that the figures given were merely estimates based on the trend observed in previous years. It was not possible to calculate their progression exactly.

5.6 The Chief of Personnel Department added that the Union staff was comparatively young so that the turnover was fairly low, not much more than about 20 persons a year. Another, more important, factor was the freezing of salaries in the United Nations Common System, particularly in the professional category and above, as a result of which salaries in the international organizations were lagging ever further behind those paid in the national civil services and by private enterprise. Whereas 5 years ago it was still possible in nearly every case to recruit officials at the lowest step in the grade, the salaries offered in 1973 in the professional category were no longer competitive with those obtainable on the labour market. To acquire the competent personnel it needed, therefore, the Union was obliged to engage officials at steps above the lowest in the scale.

5.7 The delegate of the United Kingdom concluded that the situation described was a temporary one and that in the long term the increases in credits would be levelled out by the weighting factor which was bound to bring about a balance between incoming personnel and those retiring from the Union.

5.8 The Chairman suggested that the Committee approve the figures proposed in Document No. DT/92 relating to expenditure entailed by within-grade step increments on the understanding that the entire question would be examined by the Administrative Council with a view to discovering how the rate of increase in allocations for that item could be slowed down.

5.9 It was so decided and, subject to the above-mentioned amendments, item 7 was approved.

6. Items 8, 9 and 10

6.1 The delegate of the United Kingdom, Chairman of the Working Group set up to consider certain aspects of Annex 1 to Document No. DT/88, submitted the report in Document No. 378. He explained the reasons for the conclusions arrived at and for the decisions to be taken on the items in question.

6.2 The Chairman thanked the members of the Working Group and of the Secretariat who had examined the questions dealt with in the report.

6.3 The delegate of the U.S.S.R. said that he did not fully agree with the Working Group's conclusions concerning about 40 posts covered by item 8.1 (see Report by the Administrative Council, page 2/14, and Document No. DT/93, pages 2 and 3). He recalled that the Administrative Council had not approved the creation of those posts but had simply noted that they existed. It had decided merely to bring them to the attention of the Plenipotentiary Conference and to abide by the latter's decisions on the matter. Each post, moreover, required individual consideration and decision by the Administrative Council.

6.4 Some of the posts listed in Document No. DT/93 had been created pursuant to Administrative Council Decision No. 356 which provided that they should be charged to the conferences budget since they were required for the translation of documents into Spanish. There was therefore no doubt that they must be transferred to the Union's ordinary budget provided that the corresponding amount was deleted from the conferences budget.

6.5 The retention of a number of posts listed in Document No. DT/93, on the other hand, was no longer justified. It must also be seen whether there was any justification for transferring to the ordinary budget certain new posts charged to the supplementary publications budget.

6.6 He asked that the amount of $730,000 + 400,000 = 1,130,000$ francs (with the necessary increases) shown on page 3 of Document No. DT/93 under the heading "Conferences and meetings" should be included in item 8.1 and deleted from the conferences budget shown in Annex 2 to Document No. DT/88. On the other hand, the amounts of $110,000 + 260,000 + 120,000 = 490,000$ francs should be retained in the publications budget as they stood.

6.7 The delegate of the United States of America agreed with the Soviet Union delegate and confirmed that the Administrative Council had never approved the amounts shown in item 8.1.

6.8 The Chairman said that, in the light of what had been said, the wording of item 8.1 could be amended to read : "Posts as in the list submitted for information in the Report by the Administrative Council to the Plenipotentiary Conference, page 2/14".

6.9 The Deputy Secretary-General recalled that, at its last Session, the Administrative Council had voted in favour of creating the posts in question as from 1 January 1974 provided the necessary funds were available to meet the expenditure involved.

6.10 In view of the discussion which had just taken place, the figures for item 8.1 should be as follows :

1,130,000 francs for 1974,
1,160,000 francs for 1975,
1,190,000 francs for 1976,
1,220,000 francs for 1977,
1,250,000 francs for 1978,
1,280,000 francs for 1979.

6.11 With regard to the heading "Publications" on page 3 of Document No. DT/93, it was important to realize that the decisions made by the Plenipotentiary Conference implied that the latter accepted the need to charge permanent posts to the publications budget (370,000 francs).

6.12 As for staff members which had been concerned with the extension to the I.T.U. building, it was only natural that they should be re-absorbed in the normal activities of the Union; their salaries (120,000 francs) should be covered by the 3% safety margin.

6.13 The fact remained that the creation of any permanent post had always to be approved by the Administrative Council.

6.14 The delegate of the United Kingdom, addressing himself to the delegate of the U.S.S.R., pointed out that although the Administrative Council had not approved the amounts earmarked to cover the posts listed on page 2/14 of its Report, it had nevertheless agreed in principle to the creation or conversion of the posts.

6.15 The Chairman of the I.F.R.B. observed that the 3% margin was becoming dangerously overpledged, since originally it was intended to cover unforeseen expenditure that might result from decisions of the administrative radio conferences and the C.C.I. Plenary Assemblies planned for the next few years. It was now being proposed that the 3% margin should cover item 9.1 (increased by 500,000 francs for 1975!), item 8.1 and possibly item 8.2. That being so, what assurance could the I.F.R.B. have that the funds required to carry out any new tasks that might be entrusted to it would be available?

6.16 The Director of the C.C.I.T.T. asked that, if part of the amount of 400,000 francs entered in the budget for conferences and meetings were transferred to the general budget, the C.C.I.T.T. and the C.C.I.R. should be assured that the total resources already granted to them for carrying out their work and holding the meetings convened for 1974 would not be affected in any way.

6.17 The delegate of the U.S.S.R. agreed that there was justification for transferring expenditure on staff members working permanently for the C.C.I.s from the conferences budget to the ordinary budget, but it was out of the question that the expenditure on staff not recruited on a permanent basis should be charged to the ordinary budget.

6.18 Moreover, with regard to the recapitulation in the Annex to Document No. DT/93 (page 5), it should be clearly stated that the credit of 730,000 francs relating to Section 8.3 was intended exclusively to cover expenditure incurred in application of Decision No. 356.

6.19 The Deputy Secretary-General wished to reassure the Chairman of the I.F.R.B. and the Director of the C.C.I.T.T. : any adjustments for 1974 decided by the Plenipotentiary Conference would in no way affect implementation of the programmes of activity already adopted for that year.

6.20 It should be clearly understood that the intention of the Plenipotentiary Conference was to take a number of permanent posts and transfer them to the ordinary budget without affecting in any way the prerogatives and decisions of the Administrative Council or the proper functioning of the permanent organs.

6.21 The Chief of Finance Department emphasized that in the meetings budget of the C.C.I.s a distinction was drawn between staff assigned to meetings and staff in the common services. If posts were created in the common services it was credits for common service staff that were "reduced"; no reduction in the credits for staff provided for meetings was envisaged.

6.22 In view of the discussion on item 8, it was decided to move the asterisk up so that it followed the words "duties of a permanent nature". The footnote should read : "At present these posts are carried on the conferences and meetings budget (see 5.2 in Annex 2)".

6.23 The following figures should be entered in the columns :

1,130,000 for 1974,
1,160,000 for 1975,
1,190,000 for 1976,
1,220,000 for 1977,
1,250,000 for 1978,
1,280,000 for 1979.

6.24 Points 1 and 2 should be deleted.

6.25 With regard to item 9, point 1 should be deleted and point 2 shown immediately afterwards in brackets. The following figures should be entered in the columns (the first line being deleted) : 130,000 for 1974 and 1,280,000 for 1975; the other four figures on the line should remain unchanged.

6.26 Item 10 should remain unchanged.

6.27 Items 8 and 9, as amended, and item 10 were approved.

7. Items 12 and 13 were approved.

8. Item 14 concerning the maintenance and cleaning costs of the building was approved, following a brief discussion in which the delegates of Poland and of the U.S.S.R. and the Deputy Secretary-General took part.

9. Item 15.

9.1 In reply to the delegates of Canada and of the United States of America, the Deputy Secretary-General and the Chairman of the I.F.R.B. gave some explanation concerning the enlargement of the I.F.R.B. Compactus, which was a costly but indispensable installation in that it enabled the Board to keep in the minimum amount of space the assignment notices it received from administrations (4000 to 5000 notices per month) as well as the files relating to each frequency and its use. The Compactus cupboards could accommodate a large amount of documentation to which access could easily be had at any time for consultation and amendment whenever necessary.

9.2 The Chief of Finance Department said that item 15 should consist of point 1 "I.F.R.B. Compactus" and point 2 "Technical equipment for interpretation from and into Arabic". The amount to be provided in 1974 for changing the equipment in the large conference room in the I.T.U. tower was 30,000 Swiss francs.

9.3 Thus amended, Item 15 was approved.

10. Items 16, 17 and 18 were approved.

11. Item 19

11.1 The Chief of Finance Department corrected a typographical error in the English text of point 2 : the figure "20,000" should read "200,000".

11.2 Replying to a question by the delegate of the United States of America concerning point 1, the Deputy Secretary-General explained that as from 1 January 1974 the salaries of the two secretaries of the engineers in the Technical Cooperation Department could no longer be charged to the Department's budget.

11.3 With regard to point 2 "Recruitment of specialists on short-term contracts", Resolution GG (Document No. 329) which had been approved in Plenary Meeting, instructed "the Administrative Council to include in the annual budget of the Union the credits necessary for the proper functioning of the group of engineers and a global amount to cover the estimated cost of the services of the short-term specialists."

11.4 The mission expenses referred to in point 3 of item 19 represented a global amount to cover the cost of specialists and experts and of missions that might last for several months and demand a great deal of travel.

11.5 In reply to the delegate of the U.S.S.R., the Secretary-General said that the amount of 200,000 francs corresponded to 30 months of mission, an assessment based on the requests usually submitted by administrations.

11.6 With the typographical correction mentioned above, item 19 was approved without further amendment.

12. Item 20

12.1 At the request of the delegate of the United States of America, who expressed surprise at the large amount to be transferred under the heading "Training Division", the Secretary-General said that the sum applied to the whole of the Division, namely, the engineers and their secretaries. The Chief of Finance Department explained that the staffing of the Division approved by the Council comprised one P.4 official, two P.3s, two P.2s and three General Service staff members whose total salaries, amounting to 400,000 Swiss francs, should be borne by the ordinary budget of the Union.

12.2 Following these comments, item 20 was approved.

12.3 Item 21 was approved.

12.4 Item 22 was deleted.

12.5 Item 23 was approved.

12.6 Item 24 was approved.

12.7 Annex 1 to Document No. DT/88, thus amended, was approved.

12.8 The Chief of Finance Department, however, pointed out that a paragraph 1 bis could be inserted in the Additional Protocol with the following text :

"The Administrative Council is authorized to exceed the limits laid down in paragraph 1 above to cover the expenditure arising from the replacement of members of the I.F.R.B."

In this way the amounts of 360,000 francs and 200,000 francs "outside the limit" could not be used for other purposes.

13. Credits "outside the limit"

13.1 The delegate of the United States of America was opposed to the entry of the amounts outside the limit on page 6 of Document No. DT/88 for the "Possible replacement of members of the I.F.R.B. by the W.A.R.C.-MMT".

13.2 The Chief of Finance Department pointed out that it would be difficult to mention no amount at all for that item in the Additional Protocol if the text, taken from Document No. 386, was maintained since the margin for removal and repatriation expenses of five elected officials could not be met in a single financial year from the ordinary budget of the Union.

ANNEX 2

14. Table 2

14.1 The Chief of Finance Department said that point 2.6 "Interpretation into Arabic" should be added at the foot of page 7. The pertinent estimates were 350,000 francs for 1976 and 600,000 francs for 1979.

14.2 The Chairman of the I.F.R.B. pointed out that the Conference referred to in point 2.4 should now be entitled : "World Administrative Conference to revise the Radio Regulations".

14.3 The Deputy Secretary-General explained how the estimates for future conferences were reached and referred in particular to the report by the Working Group on the Planning Conference for the 12 GHz band scheduled for April 1977 at the latest and the Planning Conference for civil aviation requirements (ICAO) envisaged for 1976 if possible. The Working Group had considered that it would perhaps be desirable for the conferences to be held at the same time to permit substantial savings to be made both for the Union and its Members. He emphasized that the estimates based on past data would require further revision. In the English text only, the figure "3,500,000" should be inserted in the 1979 column opposite item 1 "Plenipotentiary Conference".

14.4 The Chairman considered that, in setting the fiscal limits, the Plenipotentiary Conference could rely upon the Administrative Council to make all possible savings.

14.5 The Chief of Finance Department read out a text, for insertion in the Additional Protocol, to the effect that if one of the conferences mentioned on page 7 was not held, the corresponding credits could not be used for other purposes.

14.6 The amount of 220,000 francs provided for interpretation from and into Chinese in 1974 in 2.5 should be deleted as the new Convention would not come into force until 1975. The same observation applied to the amounts of 300,000 francs in 3.7 on page 8 and 320,000 francs in 4.5 on page 9.

14.7 On page 9, 5.2, the figure "-730,000" should read "-1,130,000".

14.8 In reply to the delegate of the U.S.S.R., the Chief of Finance Department said that the reductions in credits would be spread over the various items after a fresh calculation had been made, the results of which would be submitted to the Administrative Council at its next session.

14.9 The delegate of the United States of America, supported by the delegates of the Lebanon and of the U.S.S.R., asked that the amount of 200,000 francs in item 7 for seminars organized by Members of the Union and by the Union itself should be reduced to 100,000 francs in 1974. However, following a statement by the delegate of Tanzania, who was supported by the delegate of Kuwait, it was decided to maintain the estimate of 200,000 francs for the ceiling in 1974.

15. Table 2 in Annex 2 to Document No. DT/88 was approved, subject to the amendments adopted and the changes to be made in the totals which would be submitted later to the Chairman of the Finance Committee.

16. Document No. DT/88 was thus approved.

2. Draft 4th report of Committee 4 to the Plenary Meeting
(Document No. DT/90)

The draft 4th report of Committee 4 was approved without comment.

3. Expressions of thanks

3.1 The delegate of the Lebanon, speaking on behalf of all members of the Finance Committee, thanked the Chairman most sincerely for the efficient manner in which he had conducted the work of Committee 4 throughout the Plenipotentiary Conference.

3.2 The Chairman thanked the Vice-Chairman and the Secretary of the Committee, the interpreters and all those who had contributed to the successful conduct of the Committee's business.

The meeting rose at 1720 hours.

The Secretary :

R. PRELAZ

The Chairman :

R. RÜTSCHI

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. ~~437-E~~
16 January 1974
Original : English

PLENARY MEETING

MINUTES

OF THE

SEVENTEENTH PLENARY MEETING

Thursday, 18 October 1973, at 1535 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

Subjects discussed :

Document No.

1. Organization of work

2. Texts submitted for first reading by Committee 9

3rd series

171

4th series

172

5th series

218

6th series

228 + Corr.



1. Organization of work

1.1 The Chairman submitted to the Conference a recommendation by the Steering Committee that, in order to speed up the progress of work, the number of speakers for and against any proposal to amend the texts approved by the various Committees should be limited to three on each side.

1.2 The delegate of Guinea considered that the Conference should be permitted to hold a full debate on all the items before it.

1.3 The delegate of Ireland pointed out that the Convention contained no provision authorizing the procedure suggested by the Steering Committee. He was personally in favour of short statements, but felt that the adoption of the proposed procedure would place the Chairman in a very difficult situation. In his view, it would be more appropriate to rely on the cooperation of delegates than to attempt to lay down a strict rule.

1.4 The Chairman said that he had put forward the Steering Committee's suggestion in the light of No. 708 of the Convention. The aim was not to prevent a debate from taking place but to limit the number of speakers. Naturally, the same result could be achieved through self discipline on the part of delegates.

1.5 The delegates of Brazil, Morocco, Peru, Argentina and Chile agreed with the remarks of the delegate of Ireland.

1.6 The Chairman appealed to all delegates to exercise restraint with regard to both the length and number of their interventions.

2. Texts submitted for first reading by Committee 9

3rd Series (Document No. 171)

Resolution J

2.1 The delegate of Peru said that the text of operative paragraph 2 of Resolution J would create a Convention consisting of two parts, the first grouping texts of a permanent character and the second texts of an operative or procedural nature. The consolidation, under the title of the Convention of Malaga - Torremolinos, of texts that had been separate in the Montreux Convention would pose problems for his own Administration and he

therefore wished to propose that operative paragraph 2 be amended to read :
"The Plenipotentiary Conference of the International Telecommunication Union adopts : (a) a Convention grouping texts of a permanent character; (b) General Regulations containing texts concerning the methods whereby the various organs of the Union shall function."

2.2 The delegate of Brazil recalled that the subject had already been debated at great length and that the Chairman of the Working Group which had produced Resolution J had agreed that the second part was in fact the General Regulations. He supported the Peruvian amendment.

2.3 The delegate of the U.S.S.R. advised caution with regard to the Peruvian amendment and proposed that the following phrase be added to paragraph 3 of the instructions to the Administrative Council : "having sent them to Members 2 years in advance of the opening date of that Conference".

2.4 The delegate of Venezuela supported the amendment proposed by the delegate of Peru. It was of great importance to his country to separate the two parts of the text into a Convention which could not be amended except by decision of the Plenipotentiary Conference and General Regulations which could be amended without seeking parliamentary approval. If the Resolution remained in its present form his Administration would be placed in a difficult situation.

2.5 The delegates of Argentina, Nicaragua and Bolivia also supported the Peruvian amendment.

2.6 The delegate of the Federal Republic of Germany recalled that the Resolution had already been approved by the Conference, which had agreed to retain a Convention consisting of two parts.

2.7 The delegate of Morocco proposed that the Conference proceed to a vote on the matter.

2.8 The delegates of Belgium and France supported the two previous speakers.

2.9 The delegate of Zaire regretted that the debate had been reopened and requested the delegates of Peru and the U.S.S.R. to withdraw their amendments.

2.10 The delegate of Brazil asked whether the Resolution had already been approved by the Conference, and if so, whether further amendments were receivable.

2.11 The Chairman recalled that the Conference had approved the substance of Resolution J and was at present engaged on a first reading of the text submitted by Committee 9. At the request of the delegate of Peru, he put the Peruvian proposal to the vote.

2.12 The Peruvian proposal was rejected by 69 votes to 28, with 22 abstentions.

2.13 The Chairman asked the U.S.S.R. delegate whether, in order to avoid amending the resolution, he would be satisfied by having it recorded in the Minutes that it was the desire of the Conference that the recommendations of the Administrative Council should be communicated to Members 2 years in advance of the next Plenipotentiary Conference.

2.14 The delegate of the U.S.S.R. agreed to that procedure.

2.15 Resolution J was approved.

2.16 The delegate of Cuba asked for clarification of Rule 23 of the General Regulations.

2.17 The Secretary-General read out No. 763 which clearly stated that texts of the Convention, the Regulations and other Final Acts became final only after they had been approved at the second reading.

Articles 2, 3, 19, 20, 21

2.18 Articles 2, 3, 19, 20 and 21 were approved.

Article 23

2.19 The delegate of Peru pointed out that the title of Article 23 referred to telecommunication installations and channels, whereas the text reversed the order by referring to channels and installations.

2.20 The Chairman said the observation would be transmitted to Committee 9.

2.21 Article 23 was approved.

Articles 24, 26, 29

2.22 Articles 24, 26 and 29 were approved.

Article 30

2.23 The delegate of the United Kingdom said that in the light of decisions taken by C.C.I.T.T. he had proposed the replacement of the word "tariffs" by "accounting rates" but would withdraw his amendment since it appeared to create difficulties in the Spanish text.

2.24 Article 30 was approved.

4th series (Document No. 172)

2.25 Replying to a query from the delegate of Peru, the Chairman of Committee 9 explained that the exact point in the Convention at which Chapter 10 would be inserted would be governed by the provisions of the second and third operative paragraphs of Resolution J, Basic Instrument of the Union, which the Plenary Meeting had just approved at a first reading and that it would, accordingly, necessarily be comprised in the second part of the Convention.

2.26 Chapter 10 was approved.

Chapter 13

2.27 Approved.

Chapter 25

Rules 1-12

2.28 Approved.

Rule 13

2.29 The delegate of Argentina, noting that the provision under 6, Motion for postponement of debate, did not end with the words "after which the motion shall be put to the vote" which appeared as the final clause of 5, Motion for suspension or adjournment of a meeting, proposed the addition of those words under 6 in the interests of uniformity.

2.30 The delegate of Ireland expressed the view that that point was adequately covered under Rule 11, 2, which stated that each proposal or amendment duly supported should be submitted to a vote after discussion.

2.31 The delegate of Peru supported the Argentinian proposal.

2.32 The amendment proposed by the delegate of Argentina to Rule 13, 6 was approved.

2.33 The delegate of Ireland wished to record his dissent from that decision. The Plenary Meeting would not be able to complete all the important work before it if too much time were spent on minor amendments of that type which could be passed on to the Editorial Committee for its attention.

2.34 The delegate of Peru suggested that it would be desirable for the same wording to be added at the end of 7, Motion for closure of debate, and for the words "before a vote is taken on the proposal" to be deleted therefrom.

2.35 The Chairman thought it would be preferable for the drafting of Rule 13, 7 to remain as it stood.

2.36 The delegate of Australia, speaking generally, believed that it would be impossible for a group as large as the Plenary Meeting to reach a perfect text, and he suggested that the Plenary Meeting should content itself with arriving at a reasonable form of wording and thus be able to move on to its other business.

Rules 14-26

2.37 Rules 14-26 were approved, on the understanding that Rule 17 was pending.

Articles 37 and 38

2.38 Approved.

5th series (Document No. 218)

Resolution K

2.39 The delegate of the Federal Republic of Germany proposed the inclusion in the second operative paragraph of the section beginning "decides" of the words "a separate part of" preceding the words "the budget of the Union" as well as of the words "part of the" preceding the word "budget" at the end of that paragraph. That would appear to reflect more accurately the decision taken by Committee 6.

2.40 The delegates of the United Kingdom and the United States of America supported that proposal.

2.41 Resolution K, as amended by the delegation of the Federal Republic of Germany, was approved.

Resolutions L and M

2.42 Approved.

Resolution N

2.43 The delegate of Ethiopia suggested that, in the preamble, the reference should be to "the Plenipotentiary Conference" rather than to "a plenipotentiary conference".

2.44 The Chairman of Committee 3 expressed the hope that the Plenary Meeting would have a further opportunity to comment on Resolution N in connection with item 3 on the agenda, although he had no objection to its approval on a first reading at the present juncture.

2.45 It was so agreed.

2.46 Resolution N, as amended by the delegation of Ethiopia was approved.

6th series (Document No. 228)

Articles 5 and 6

2.47 The Chairman of Committee 7 noted that difficulties had arisen in respect of the translation of the word "organs" into the Spanish and French languages. Furthermore, the point of reporting by the Administrative Council possibly required additional clarification. He requested, therefore, that Articles 5 and 6 should be held over for the moment with a view to arriving at a more satisfactory drafting.

2.48 It was so agreed.

Article 7

2.49 The delegate of Peru suggested that, in view of the approval of Resolution J, as a result of which the texts concerning the methods whereby various organs of the Union should function would be grouped in the second part of the Convention, the words "and General Regulations" should be deleted from Article 7, 2.

2.50 The Chairman of Committee 8 said that, while he had no objection to that particular deletion, he would not wish it to be seen in the light of a general decision of principle.

2.51 The Chairman indicated that that was also his understanding of the situation.

2.52 The delegate of the United States of America wondered whether the words "(including the General Regulations)" would meet the point made by the delegate of Peru. The delegate of Peru said he could accept "and of the relevant administrative Regulations".

2.53 A lengthy discussion ensued on whether the procedural provisions would continue to be called General Regulations or be known as Part II of the Convention.

2.54 The delegates of Italy, Brazil, Mexico and Lebanon said that legally speaking, the second part of a Convention could not be called Regulations; perhaps the term Regulations could be followed by "(Part II of the Convention)" throughout. In fact, two separate documents would avoid many practical and legal difficulties.

2.55 The delegate of Venezuela pointed out that if the Regulations were known as part of the Convention they could not be amended separately, which was precisely the point being made.

2.56 The delegate of India thought the best solution might be to say "including the General Regulations contained in its second part".

2.57 The Chairman of Committee 9 said that whichever solution were adopted it was obvious that the Editorial Committee would have to be given directives, as the point would occur in numerous texts.

2.58 The Chairman of Committee 8 noted that if the regulations were to form part of the Convention itself the signatures would have to appear after the regulations. He wondered if the concept really needed to be changed.

2.59 The delegates of Zaire, Singapore and France saw no reason to mention the General Regulations as it was well known that the Convention was made up of two parts.

- 2.60 The delegate of Ecuador, seconded by the delegates of the United Kingdom and Nigeria pointed out that the difficulties being encountered arose from adoption of Resolution J earlier in the meeting.
- 2.61 The delegate of Morocco, on a point of order, proposed closure of the debate; the proposal was opposed by the delegate of Senegal.
- 2.62 The Chairman put the motion to the vote and it was rejected by 59 votes to 36, with 24 abstentions.
- 2.63 The delegate of New Zealand wondered why there would be any difficulty in continuing with the practice of using the phraseology "Convention and General Regulations annexed thereto".
- 2.64 The delegates of Malaysia and Pakistan pointed out that Annex 4 also would be transferred to the body of the Convention and preferred to delete mention of "General Regulations".
- 2.65 The Chairman of Committee 8 was reluctant to revise Resolution J, already adopted; perhaps the situation could be met by inserting a footnote by the Editorial Committee.
- 2.66 The delegate of the United Kingdom proposed amendments to Resolution J which would not change the substance or amount to a revision but make the terminology used quite clear. With minor drafting modifications by the delegates of Italy and France, the United Kingdom text read :
- "2. that this Convention of Malaga-Torremolinos shall comprise two parts :
 - a) the first, known as the basic provisions, grouping texts of a permanent character;
 - b) the second, known as the General Regulations, grouping the texts concerning the methods whereby the various organs of the Union shall function;"
- 2.67 The Secretary-General, speaking at the request of the Chairman of Committee 7, thought the proposed amendments would meet the requirements without altering the substance of the resolution.

2.68 There was further discussion on the exact compass of the term "Convention" as used in the provisions of the basic instrument of the Union in which the delegates of Italy, Morocco, the United Kingdom, India, Nigeria, Upper Volta and Peru took part.

2.69 The delegate of the U.S.S.R., supported by the delegate of Australia moved closure of the debate on a point of order and requested that the amendment be put to the vote.

2.70 The delegates of Barbados and Brazil opposed closure of the debate.

2.71 The motion was put to the vote and passed by a large majority, and the amendment to Resolution J was approved by acclamation.

2.72 The delegate of Morocco, supported by the delegate of Nigeria, asked whether the Final and Additional Protocols and the Resolutions, Recommendations and Opinions were not also part of the Convention and should not receive some mention in Resolution J.

2.73 The Secretary-General said that by analogy with the Montreux Convention, the Final Acts of the Conference would comprise the basic provisions, General Regulations, Final Protocol, Additional Protocols, Resolutions, Recommendations and Opinions, combined in a single volume entitled the International Telecommunication Convention (Malaga-Torremolinos, 1973).

From the legal point of view, however, the various elements would not have the same scope.

First of all there was the basic instrument of the Union which was the International Telecommunication Convention consisting of two parts : the basic provisions and the General Regulations. From the legal viewpoint the two parts would have the same binding force on Governments.

Then there were the Additional Protocols which fixed the budget ceiling or formed the basis for action. They were signed separately by the plenipotentiaries and were therefore binding on Members of the Union.

The Resolutions, Recommendations and Opinions were not signed by the plenipotentiaries and gave directives on action to be taken either by the organs of the Union or by Members of the Union without constituting a real obligation for the latter. Although they came into force as soon

as they were adopted, their legal scope was not at all comparable to that of the basic instrument.

Finally, the Final Protocol grouped the statements made by various delegations and could not be regarded as an integral part of the basic instrument. In appending their signatures to the Final Protocol, the plenipotentiaries merely took note of the statements contained therein.

The combination of all the texts just mentioned represented the "Final Acts of the Plenipotentiary Conference".

2.74 The delegate of Belgium pointed out that although in the Montreux Convention the signatures to the Convention preceded the General Regulations, the latter, as one of the annexes to the Convention, were in fact covered by those signatures. The Final and Additional Protocols as stated in their texts were signed separately from the basic instrument. He drew attention to the preamble to the Final Protocol at Montreux (page 127 of the Final Acts).

2.75 In the light of the decision to amend Resolution J for the sake of clarity, it was agreed to delete the words "and General Regulations" from the last line of No. 48.

2.76 Article 7, as amended above, was approved.

Article 8

2.77 With regard to No. 54, the delegate of Argentina said that the word "representative" was inappropriate as it was elsewhere used in the draft Convention to designate persons attending conferences on behalf of recognized private operating agencies. It would be more correct to use "delegate".

2.78 The Chairman of Committee 9 said that the same problem had been encountered at Montreux and proposed that the wording agreed for the Montreux Convention would provide an acceptable solution. He also felt that the word "advisers" on the last line of the same provision could be improved on.

2.79 It was agreed that Committee 9 should attend to the redrafting of No. 54 in the light of the discussion.

2.80 With regard to No. 60, the delegate of Guinea, supported by the delegate of Algeria, said that in accordance with a decision taken in Committee 7 the words "new or" on the third line should be deleted and that that deletion should apply wherever the term "new or developing countries" occurred in the text of the draft Convention.

2.81 The Chairman of Committee 6 said that the matter had been discussed in Committee 6, which had been informed by its Secretary that the phrase "new or developing countries" was the standard terminology in use in U.N.D.P.

2.82 The delegate of Zaire, supported by the delegate of Guinea, said that, as the I.T.U. was a specialized agency and not an internal organ of the United Nations as was the U.N.D.P., it could use what terminology it wished.

2.83 The delegate of Argentina reminded the meeting that the Algiers Charter as well as many organizations, including the United Nations General Assembly, used the term "developing countries" on its own.

2.84 The amendment proposed by the delegate of Guinea was adopted on the understanding that Committee 9 would ensure that the same terminology was applied throughout the draft Convention.

2.85 Article 8, as amended above, was approved.

The meeting rose at 2030 hrs.

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 438-E
30 April 1974
Original : French

PLENARY MEETING

MINUTES
OF THE
EIGHTEENTH PLENARY MEETING

(The amendment concerns the French text only.)



PLENARY MEETING

MINUTES

OF THE

EIGHTEENTH PLENARY MEETING

Friday, 19 October 1973, at 1600 hrs

Chairman : Mr. L. HERRERA ESTEBAN

	<u>Document No.</u>
1. Place of the next Plenipotentiary Conference	296
2. Time limit for depositing statements to be included in the Final Protocol	-
3. Texts submitted by Committee 9 for the first reading	
- Resolution M (5th series)	218
- 6th series	228 + Corr. 37 (Corr.) 190, 283 (Rev.)
- 7th series	229

1. Place of the next Plenipotentiary Conference (Document No. 296)

1.1 The Chairman read out to the meeting a letter from the Deputy Head of the delegation of Kenya (Document No. 296), extending an invitation from the Government of Kenya to hold the next Plenipotentiary Conference in Nairobi. He expressed the thanks of all the delegations at the Conference to the Government of Kenya for its very generous offer and said that the invitation would be considered by the Conference with the greatest attention.

2. Time limit for depositing statements to be included in the Final Protocol

2.1 The Chairman proposed that the time limit for depositing statements to be included in the Final Protocol should be 1800 hrs on 19 October so that such statements could be distributed on 20 October. He proposed that the deadline for submitting any counter-statements be set at 1800 hrs, 23 October.

2.2 It was so agreed.

2.3 The delegates of the United Kingdom, Argentina, the United States of America, the Federal Republic of Germany, India, France, Spain, Belgium, Guinea, Switzerland, Botswana, Yugoslavia, Bolivia and Rwanda reserved the right to make reservations up to the time of signature of the Final Acts of the Conference.

2.4 The delegates of Italy, Venezuela, Ireland and Canada reserved the right to make reservations both up to the time of signature of the Final Acts of the Conference and up to the time of ratification by their governments of the Convention of Malaga-Torremolinos.

2.5 The delegate of Bielorussia, supported by the delegate of Saudi Arabia, pointed out that under Rule 17 (Nos. 744 and 745) of Chapter 9 of the General Regulations of the Montreux Convention, which was still operative at the present Conference, all delegations had the right to make reservations up to signature of the Final Acts. There was therefore no need for them to make specific declarations to that effect.

3. Texts submitted by Committee 9 for the first reading

Resolution N (5th series) (Document No. 218)

3.1 The Chairman of Committee 3 said that Resolution N, which had been kept pending from the previous Plenary Meeting, had been discussed at the last meeting of Committee 3 and fully approved there.

3.2 Resolution N was approved.

6th series (continued) (Document No. 228)

Article 5

3.3 The Chairman of Committee 7 reported that, on a point raised by the delegate of Peru at a previous meeting of Committee 7, that Committee had approved the following amended wording for No. 27 : "the Union shall comprise the following organs".

3.4 With that amendment, Article 5 was approved.

Article 6

3.5 The Chairman of Committee 7 said that in view of the amendment just made to Article 5, there was no further need to amend Article 6.

3.6 Article 6 was approved as it stood.

Article 9

3.7 Approved, with the exception of No. 64 which was not available at the time.

Article 10

No. 68

3.8 After the delegate of Argentina had pointed out that according to a decision of the previous Plenary, the word "representative" on the third line should be replaced by "delegate", it was agreed that Committee 9 would deal with that amendment.

No. 69 ADD

3.9 The delegate of India proposed that the word "conditions" on the second line be replaced by "manner".

3.10 It was agreed that Committee 9 would deal with that amendment.

No. 70

3.11 The delegate of Algeria, supported by the delegates of the U.S.S.R., the German Democratic Republic, Bulgaria, the People's Democratic Republic of Yemen, Zaire and Lebanon, proposed that the words "most effective and economical" on the fifth and sixth lines be replaced by "equitable, effective and economical".

3.12 The delegate of France, supported by the delegates of Australia, Belgium and Brazil, objected to the introduction of the term "equitable". It was outside the terms of reference of the I.F.R.B., as set out in the Radio Regulations, to consider factors other than economy and efficiency when making recommendations. The Board could not act as a judge of equity in the use of the geostationary satellite orbit as that was a matter to be settled by individual agreement between Members of the Union.

3.13 The delegate of Australia, supported by the delegate of Ethiopia, said that provision for equitable access to the geostationary satellite orbit had been made in Article 33 and the delegate of Algeria might find that wording satisfactory for his purpose without the need to amend No. 70.

3.14 On a point of order, the delegate of the Federal Republic of Germany, supported by the delegate of Algeria, moved closure of the debate and requested that the Algerian amendment be put to the vote.

3.15 The motion was carried without opposition.

3.16 A vote was held on the Algerian amendment, which was approved by 65 votes for, 43 against and 12 abstentions.

3.17 The delegate of China said that with regard to the provisions in Article 10 concerning the recording of frequency assignments and that of positions assigned to geostationary satellites, the Chinese delegation had already stated its position at the 16th meeting of Committee 7. The Chinese delegation wished to reiterate that it would make a further study of those provisions and reserved the right to make comments on that matter in future.

3.18 Article 10, as amended above, was approved.

Article 11

No. 73

3.19 After the delegate of Senegal had proposed an editorial amendment to the French text only, it was agreed that Committee 9 would deal with that amendment.

No. 75

3.20 After the delegate of Guinea had pointed out that in accordance with a decision made at the previous meeting the words "new or" should be deleted from the reference to developing countries, it was agreed that the matter would be dealt with by Committee 9.

Nos. 80 and 82

3.21 After a lengthy discussion as to whether the words "General Regulations" in square brackets in the text should remain, be deleted or be replaced by the word "Convention", it was decided that since (in conformity with the clarifying amendment made to Resolution J, paragraphs 2 (a) and (b) at the previous Plenary meeting) the words "General Regulations" referred to a specific part of the text of the Convention, it was in order to retain the term in those provisions.

3.22 Article 11, as amended above, was approved.

Article 12

3.23 Approved

Articles 13, 34, 35, 36, 42, 43, 44 and 45

3.24 Approved.

Article 4

3.25 The Chairman of Committee 8 said that in the English text of Nos. 21 and 22 A the term "in particular" should be aligned with the French and that the word "responsibilities" at the end of No. 22 A should be changed to "possibilities", in accordance with the French and Spanish versions.

3.26 Approved, subject to those changes.

Article 14

3.27 Approved.

Article 16

3.28 The Chairman pointed out that the Plenary meeting had two proposals before it in connection with the Article, the Corrigendum to Document No. 37 proposing Arabic language interpretation at certain conferences and Document No. 190 proposing that German should become an official language of the Union.

3.29 The Chairman of Committee 8 said that the Committee had begun to discuss the former proposal and had asked the General Secretariat to issue a statement of estimated expenditure in that regard, which now appeared in Document No. 283(Rev.). The Committee had further decided to transmit consideration of the proposal to the Plenary Meeting.

3.30 The delegate of Kuwait, introducing the proposal, said that the original proposal submitted to Committee 8, to make Arabic an official language, had been withdrawn in the face of objections that it would impose an unduly great financial burden on the Union. The amended version proposed that Arabic interpretation should be provided only at plenipotentiary and administrative conferences, to enable the Arabic-speaking delegations to participate more effectively in those meetings. Arabic was the official language of some 20 Members of the Union and was spoken by about 500 million people all over the world. It was a versatile language, which could be used for scientific and literary purposes and which had been adopted as an official language in the I.L.O., UNESCO and the U.P.U. It was to be hoped that the compromise proposal would be accepted, so that the Arabic-speaking delegations could play a more active part in the highest policy-making conferences of the I.T.U.

3.31 The Deputy Secretary-General, introducing the statement of estimated expenditure (Document No. 283(Rev.)), pointed out that the words "administrative conferences" in the Kuwait proposal covered both world and regional conferences and that the cost of the latter was borne by the countries of the region concerned and any other participants. The two administrative conferences referred to in the Table on page 1 would, of course, be organized under the Montreux Convention, and the figures given for them had been included as indications only.

3.32 The delegates of Libya, Saudi Arabia, Egypt, China, Nigeria, Senegal, Lebanon, Afghanistan, Cuba and Bangladesh supported the Kuwait proposal.

3.33 The delegate of Guinea also supported the proposal, adding that his delegation was generally in favour of introducing new languages into the Union's deliberations. The financial implications should not be ignored,

but should not serve as insuperable obstacles for the adoption of new languages. The fact that Arabic was widely spoken in Black Africa was an additional reason for his delegation's support of the proposal; but the time might not be too far away when such African languages as Swahili and Bambara would be accepted in international organizations, so that African delegates could express their thoughts more freely.

3.34 The delegate of Equatorial Guinea, supported by the delegate of Argentina, moved the closure of the debate.

3.35 The delegate of Ireland opposed the motion.

3.36 The motion was carried by an overwhelming majority.

3.37 The Chairman invited the Meeting to vote on the Kuwait proposal.

3.38 The proposal was approved by 63 votes to 3, with 41 abstentions.

3.39 The delegate of Iraq made the following statement :

"Mr. Chairman,

In the name of the delegation of the Republic of Iraq and other Arab delegations, I would like to thank all the distinguished delegates who supported this proposal and voted for it, showing such good will, and I would also like to thank you, Mr. Chairman, very much".

3.40 The delegate of the Netherlands pointed out that many Members of the Union, large and small, were prevented by language difficulties from expressing their ideas as freely and effectively as they would like to do. Although his delegation sympathized with the desire of all countries to use their own languages in international debates, it considered that the whole question of the languages of the Union was much broader and more complex than the mere adoption of further languages on the grounds that they were widely used; the problem must therefore be studied in depth with an eye to the future. It should be borne in mind, moreover, that the adoption of new languages placed delegations whose native languages were not used but whose Administrations contributed towards meeting increased costs at the additional disadvantage of having to listen to more interpretation.

3.41 The delegate of the Federal Republic of Germany, introducing his delegation's proposal that German should become an official language of the I.T.U., pointed out that German-speaking people, of whom there were over 100 million in 4 different countries, had made and could continue to make

a considerable contribution to the work of the Union. Indeed, the first Convention of the Union had been signed by Germany, Austria and Switzerland. Further arguments in favour of the proposal were adduced in Document No. 190.

3.42 The delegate of the United Kingdom said that, although his delegation sympathized with the underlying motives of the German proposal, it considered that the addition of a new official language was a fundamentally important step, having considerable financial implications, and therefore supported the proposal of the Netherlands delegate. The broader aspects of the question were being considered in other specialized agencies and in the United Nations itself, inter alia, in connection with the manner in which the additional costs involved were to be defrayed. Accordingly, the time had come for a study of the whole problem in the Union, and his delegation would be prepared to join that of the Netherlands in preparing an appropriate draft resolution for submission to the Plenary Meeting.

3.43 The delegates of the United States of America, Belgium, Japan, the Philippines, India, Brazil, Indonesia and Saudi Arabia supported the Netherlands proposal.

3.44 The delegate of the Federal Republic of Germany suggested that the final decision on his delegation's proposal should be postponed until a draft resolution was submitted to the Plenary Meeting.

3.45 It was so agreed.

3.46 The delegate of the Federal Republic of Germany proposed that the words "permanent organs" in No. 108 should be replaced by "International Consultative Committees", since those were the only organs whose meetings required interpretation, with the exception of the limited services needed by the I.F.R.B.

3.47 The Chairman of the I.F.R.B. said that the adoption of that proposal might have the effect of depriving the Board of the necessary language services. Perhaps the best way of dealing with the problem would be to reintroduce the words "whenever necessary" before "at meetings of its permanent organs", a provision which had given the necessary flexibility to No. 342 of the Montreux Convention.

3.48 The delegate of the United States of America endorsed that view, which his delegation had strongly supported in Committee 8.

3.49 The Deputy Secretary-General pointed out that the decision to delete the words "whenever necessary" had been arrived at, after long debates, because it had been the intention of Committee 8 to deal with meetings of Members of the Union, which were indeed C.C.I. meetings, where the permanent organs were concerned. Linguistic services for the I.F.R.B. were adequately covered in No. 666 of the Radio Regulations. On the other hand, the existing text might create difficulties in the General Secretariat by implying that simultaneous interpretation would have to be provided for internal staff meetings.

3.50 The delegate of Peru, supported by the delegates of Argentina and Panama, proposed that No. 108 should be left as it stood, with the addition of the words "and Arabic" after "five official languages" and the replacement of the word "five" by "six" in the last line.

3.51 The delegate of Spain, supported by the delegates of Brazil and Guinea, proposed that No. 108 should remain unchanged.

3.52 The Chairman, summing up the discussion, pointed out that the Peruvian proposal did not take into account the fact that the Kuwait proposal that had just been approved provided for Arabic interpretation only for plenipotentiary and administrative conferences. The reintroduction of the words "whenever necessary" seemed to be undesirable in the light of the decision of Committee 8 and of the Deputy Secretary-General's explanations. He therefore suggested that the Meeting should approve the proposal of the Federal Republic of Germany.

3.53 It was so decided.

3.54 Article 16, as amended, was approved.

3.55 The Chairman of the I.F.R.B. said he hoped it was understood that the amended text of No. 108 in no way prejudiced the Secretary-General's right to provide the I.F.R.B. with the linguistic services referred to in No. 666 of the Radio Regulations.

Articles 17, 18, 22, 25, 27, 28, 31, 32 and the Final Protocol

3.56 Articles 17, 18, 22, 25, 27, 28, 31, 32 and the Final Protocol were approved.

7th series (Document No. 229)

Resolution U

3.57 The Chairman pointed out that in accordance with a previous decision the words "new or" should be deleted from the title and text of the Resolution.

3.58 Resolution U, thus corrected, was approved.

Resolution V

3.59 The Chairman of Committee 6 said that the last two lines of operative paragraph 3 of Resolution V should be deleted, making the paragraph read as follows : "3. to report to the next Plenipotentiary Conference". The vote in Committee 6 had been taken by secret ballot.

3.60 The delegates of the Federal Republic of Germany, Ireland, Italy, Cuba, Australia, Switzerland, the United Kingdom, France, Canada, the United States of America, Austria and Botswana said that in the absence of any thorough study of the financial, administrative and technical implications of the establishment of regional offices for technical cooperation, they felt obliged to reserve their Governments' position with regard to the financial consequences of the adoption of Resolution V.

3.61 The delegate of Nigeria said that Resolution V bore no relation to Resolution No. 40 of the Montreux Conference, contained no definition of its own terms, and gave no indication as to whether or not the Secretary-General considered regional offices to be necessary.

3.62 The Secretary-General pointed out that he was at the service of the Plenipotentiary Conference and would appreciate precise directives from it as to the action he should take.

3.63 The Chairman put to the vote a proposal by the delegate of Spain, which was opposed by the delegates of Paraguay and Algeria, to close the debate. The proposal was approved by 54 votes to 42, with 14 abstentions.

3.64 At the proposal of the delegate of Argentina, a vote was taken by secret ballot on Resolution V, the delegates of Argentina, Romania and the Ivory Coast acting as tellers at the request of the Chairman.

3.65 The result of the vote was as follows :

For : 45

Against : 68

Abstentions : 4

3.66 Resolution V was therefore rejected.

The meeting rose at 2100 hrs.

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 439-E
30 April 1974
Original : English/French

PLENARY MEETING

MINUTES OF THE NINETEENTH PLENARY MEETING

In paragraph 2.31 on page 15, at the beginning of the statement, read:

"Mr. Chairman,

I have considerable hesitation in asking for the floor. The Netherlands have always felt sympathy for Lebanon, and I want to express with emphasis our sympathy on the occasion of the act of sabotage on the cables in question.

Everyone knows"



INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 439-E

16 January 1974

Original : English

PLENARY MEETING

MINUTES

OF THE

NINETEENTH PLENARY MEETING

Saturday, 20 October 1973, at 0900 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

Subjects discussed :

Document No.

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| 1. Texts submitted by Committee 9 for
the first reading | |
| - 7th series (continued) | 229 |
| 2. Draft Resolution submitted by the
delegation of Lebanon | 326 |



1. Texts submitted by Committee 9 for the first reading

7th series (continued) (Document No. 229)

Resolution V - Regional Offices for Technical Cooperation (continued)

1.1 The delegate of Upper Volta, explaining his vote at the previous meeting, said that the Conference's decision on Regional Offices for Technical Cooperation had caused considerable bitterness among the developing countries, whose administrations had seen regional offices as capable of providing a valid and satisfactory solution to technical cooperation problems.

1.2 The Mexican delegate wished it to be placed on record that his delegation had not had an opportunity to speak in the debate on the draft resolution. He endorsed the view expressed by the Algerian delegate at the previous meeting that it had not been a true debate because only speakers opposing the resolution had been given the opportunity to speak before the motion for closure had been adopted.

1.3 The Chairman stated that the floor had been given without any distinction whatsoever to the speakers who had requested it before closure of the debate was moved.

1.4 He would answer the Ethiopian delegate's question as to the fate of Montreux Resolution No. 40 at a later stage.

Articles 39 and 40

1.5 Approved.

Article 41

1.6 The delegate of Ethiopia, speaking as Chairman of Committee 8, proposed deletion of the words "General and" in paragraph 2 A.

1.7 The delegate of Argentina, supported by the delegate of Zaire, pointed out that paragraph 1 was not in accordance with Resolution J.

1.8 It was agreed that the whole of Article 41 should be referred to a small group consisting of the delegates of Ethiopia, Argentina and Zaire, so that they could produce an amended text of Article 41 for discussion in Plenary.

Article 48

1.9 Approved.

Articles 52 and 53

1.10 The delegate of Argentina proposed that Article 52 should say "Contracting States" and not "Contracting Governments" because Governments were subject to change. If the word Government were retained in Article 52, it would endanger the legal continuity of the Convention, since a new Government, without having denounced it, might consider itself as not bound by the Convention.

1.11 The delegate of Yugoslavia, supported by the French delegate, said that he preferred the existing text. If "Government" were changed to "State", it would have implications for the procedure of ratification of the Convention, which would become a much lengthier process.

1.12 The United States delegate said that the text should remain unchanged. If existing relations were between Governments and not States it was because the Territories signatories of the Convention were not States.

1.13 The Brazilian delegate suggested the possibility of replacing "Governments" by "Members" in Article 52, and "States" by "Countries" or "Parties" in Article 53, and that suggestion received support from the delegates of Italy, Peru, Argentina, Algeria and France.

1.14 The delegate of Ethiopia, speaking as Chairman of Committee 8, said that that point had been discussed at length in Committee 8 and it had been concluded that since it was not possible to arrive at a completely satisfactory solution which would be valid for all Articles of the Convention, it was better to retain the language of the Montreux Convention, which had not given rise to insuperable difficulties in the past. He further pointed out that the Preamble to the Convention as approved said Governments.

1.15 That view was endorsed by the delegates of France, Ireland, Singapore, New Zealand, Canada and Australia.

1.15 The Chairman proposed, in view of the implications of changing Articles 52 and 53, that the text should be approved unchanged, and those delegates who had reservations should submit them in writing.

1.16 It was so agreed.

Article 55

1.17 Approved.

Article 56

1.18 The delegate of Ethiopia, speaking as Chairman of Committee 8, pointed out that the date of 1 January 1975 for entry into force of the Convention was subject to discussion and approval in Plenary.

1.19 After discussion three views emerged :

1) that in view of possibly complicated ratification procedures, 1 January 1975 was too soon and the date should be changed to 1 January 1976. That view was supported by the delegates of Italy, France, Nicaragua, Federal Republic of Germany, Liberia and Austria;

2) that the date of 1 January 1975 allowed approximately the same length of time as had been available for ratification of the Montreux Convention, that because of rapid changes in telecommunications the Convention would already be becoming obsolete if not ratified until 1976, and that Article 18, No. 250 contained provisions covering the situation of those countries which could not ratify the Convention by 1 January 1975. That view was supported by the delegates of Argentina, Australia, the United States of America, Algeria, U.S.S.R., Malaysia, Zaire, German Democratic Republic and Tanzania;

3) a compromise date of 1 July 1975 was proposed by the Cuban delegate.

1.20 After closure of the debate had been moved by the delegate of the U.S.S.R., the Chairman asked whether the Conference could accept the compromise date of 1 July 1975, and it was so agreed.

1.21 Article 56, as thus amended, was approved.

- 1.22 The delegate of Malaysia asked for clarification regarding possible accounting difficulties for contributions which might be caused by the adoption of that date.
- 1.23 The 7th series of texts (Document No. 229) was approved at first reading.
2. Draft resolution submitted by the delegation of Lebanon (Document No. 326)

- 2.1 The delegate of Lebanon made the following statement :

"Mr. Chairman,

My country, Lebanon, has just been the object of a deliberate act of destruction of its most vital means of telecommunication.

It is my sad duty, Mr. Chairman, to read you the telex message I have just received from my superior, Mr. Toni Frangie, Minister of the Lebanese P.T.T., whose reliability and honesty are known to all delegates here. I quote :

"Attention: Mr. Maurice Ghazal

Subject : Damage to cables

The investigation to determine the sites of damage gave the following results :

1. The Beirut-Alexandria cable is damaged in two places 25 metres apart, 800 metres from the coast and at a depth of 23 metres.
2. The Beirut-Marseilles cable is damaged in three places, the first two 2 metres apart and the last two 30 metres apart, 600-700 metres from the coast and at a depth of 15 metres.

The operation was carried out in two successive stages :

In the first stage, the explosives were laid and connected to a floating fuse which was lit during the second stage.

It should be noted that the attack took place in Lebanese territorial waters.

Signed : Toni Frangie
Minister of the P.T.T."

This act of destruction and systematic barbarism is contrary to the spirit of the Convention, which for all countries represented here is the inviolable instrument of the Union.

Mr. Chairman, we have been here in Torremolinos for five, almost six weeks.

We all left our homes, our families, our children, in short, everything that is dearest to us, to meet here in order to finalize this legal instrument, the International Telecommunication Convention, which we have solemnly adopted and respected in the past. All this to what end, Mr. Chairman!

So that a Member of the Union, called Israel, may betray the undertakings and noble principles embodied in our Convention by damaging the Beirut-Marseilles and Beirut-Alexandria cables and, moreover, by the use of explosives by specialists in the matter.

The Lebanon, Mr. Chairman, a small country of 2 million people which has traditionally been regarded by all as a link between peoples, races and religions is not a belligerent in the situation which exists at present in the Middle East.

The Lebanon has never been a bellicose country.

The Lebanon has always been a peaceful state and a peaceful nation advocating peace and cooperation among the peoples of the world.

Our sorrow and our indignation are so much the greater.

We do not understand, Mr. Chairman!

This honourable assembly cannot understand, Mr. Chairman.

How can such a thing happen?

Can one imagine the disastrous consequences for our country, for the friendly countries and partners with which we have relations, the political consequences, the economic consequences the human consequences?

Mr. Chairman, this honourable assembly, made up of eminent engineers and distinguished personalities, can, I am sure, understand the harm done to my country and its partners and the damage caused by this act of destruction which is without precedent in the history of international telecommunications.

Such an act, Mr. Chairman, must be judged and severely condemned by this assembly.

My delegation therefore is obliged to submit to you the draft Resolution in Document No. 326 and hopes that it will be supported, unreservedly, by all delegations.

Thank you, Mr. Chairman."

In the interventions which followed, delegates were unanimous in expressing their sympathy to Lebanon for the prejudice caused to its telecommunication facilities.

2.2 The delegate of Italy expressed the deepest sympathy of his delegation and of the whole assembly to the delegation of Lebanon in face of the serious act of sabotage that had been committed, which was undoubtedly contrary to the provisions of the Montreux Convention. Lebanon as a freedom-loving, civilized and non-racist country merited the esteem and sympathy of all. However, since the work of the Conference had already been delayed by several debates of a political nature, he appealed to the Lebanese delegate, in a spirit of cooperation and self-sacrifice, to agree to delete the last paragraph of his draft Resolution. If that were done, he believed that the Conference could then adopt the draft Resolution unanimously by acclamation and express its sympathy towards the Lebanese people by paying them one minute's silent tribute.

2.3 The delegate of Lebanon thanked the Italian delegate for the sympathy he had expressed and said that he would leave it to the Chairman and to the Conference as a whole to decide what action should be taken on the Italian delegate's proposal.

2.4 The delegate of Saudi Arabia made the following statement :

"The delegation of Saudi Arabia fully and wholeheartedly supports the resolution proposed by our brothers of Lebanon in Document No. 326.

We believe that the adoption of this Resolution is the least this Conference could do to express its bitter feeling towards those who besides violating all human rights are violating the basic principles of our Convention taking jungle laws of force as guide in all their actions. So instead of fostering the creation, development and improvement of telecommunication networks as stated in Provision 23 of our Convention, this Member so called Israel does all his best and by all the modern and destructive means made available to it to damage such an international telecommunications network as the one mentioned in Document No. 326 linking directly three continents of the world.

The resolution before us is the least that this Conference would justly and unanimously approve without the amendment proposed by the previous speaker."

2.5 The delegate of Egypt strongly supported the Lebanese draft Resolution. The sabotaged submarine cable was not merely the property of Lebanon; it was a means of international telecommunication linking the Middle East with the continents of Africa, Europe and America. The cable, moreover, was one of the most up-to-date types and had been in service for only about a year.

2.6 The delegate of the U.S.S.R. made the following statement :

"Mr. Chairman,

We have listened to the statement by Lebanon, which cannot leave any Member of the Union indifferent.

The Israeli military clique is using lethal weapons against peaceful inhabitants and civilian targets and is even carrying out attacks on territories, shipping and telecommunication facilities of governments which are not participating in the war.

The Israeli ruling circles are increasing their aggression against Arab governments and they are flouting the resolutions of the United Nations Security Council and General Assembly on the Middle East.

All of us present here are telecommunications workers and we well know, by painful experience, that the first thing an aggressor always does is to destroy telecommunication facilities. Destruction of international telecommunication lines is yet another symptom of a further expansion of aggression.

It is impossible to put up with the new crimes of the Israeli aggressors, at whose will countless innocent people are again perishing in the Middle East and the material values created by the labour of the people, including international telecommunication lines, are being destroyed. The aggression cannot remain unpunished and the aggressor must bear the strict responsibility for his activities.

The Soviet delegation strongly condemns the barbaric bombardments and shellings of civilian targets and of the peaceful population by the Israeli armed forces and demands a severe condemnation of Israeli aggression and a strict observance by Israel of the rules of international law, including those relating to international telecommunication lines.

We see in the activities of the Israeli aggressors a direct breach of the International Telecommunication Convention and we wholeheartedly support the denunciatory measures proposed in the draft Resolution, which we consider however to be too mild."

2.7 The delegate of Morocco said that when he had first read the draft Resolution he had been amazed and almost disappointed at the moderate terms in which it was couched. On reflection, however, he understood that peaceloving Lebanon had expressed itself so moderately with the aim of avoiding the creation of serious trouble in the Conference.

2.8 Faced by the international scourge of Zionism, all delegations must take steps to combat it. The Jews, who had been so badly treated by the Nazis, were now behaving towards their neighbours in a much worse manner than the Nazis had ever behaved towards them, and were carrying out a series of criminal acts of aggression in the Middle East. That nation, which must be condemned, was acting in complete contradiction of Article 4, Nos. 17, 18 and 24 of the Convention which referred to international cooperation to promote peaceful communication between peoples and ensure the safety of life. He urged the Conference to adopt the draft Resolution by acclamation.

2.9 The delegate of China made the following statement :

"Mr. Chairman,

The Chinese delegation expresses its indignation at the innumerable crimes committed by Israeli Zionism. Over a long period of time, Israeli Zionism has forcibly occupied vast expanses of Arab territories and driven from their homeland the Palestinian and other Arab peoples who have lived there for generation after generation, thus subjecting them to grave

national disaster. The Israeli Zionist authorities are exercising fascist rule in the occupied areas, cruelly persecuting the Palestinian and other Arab peoples and flagrantly and crudely encroaching upon the sovereignty and territorial integrity of other countries. On October 6, Israel once again brazenly launched an armed aggression on Egypt and Syria. Furthermore, it damaged the submarine cables off the coast of Lebanon a few days ago. It has thus committed new crimes against the Arab peoples. The reason why the Israeli aggressors have been so daring and unbridled is that they have the support and connivance of the superpowers.

The Chinese Government and people deeply sympathize with the Palestinian and other Arab peoples who are subjected to aggression and bullying, and firmly support their just struggle to resist aggression, recover the lost territories and restore the right to national existence. The Chinese delegation strongly condemns the Israeli Zionists for the numerous crimes they have committed against the Palestinian and other Arab peoples. We hold that the International Telecommunication Union should uphold justice and adopt due measures of sanction against the Israeli Zionist authorities, including the suspension of the membership of and even the exclusion of Israel.

Thank you, Mr. Chairman."

2.10 The delegate of the United States of America, while expressing his delegation's sincerest sympathy to the Lebanese Government and people in their predicament, said that he did not believe it was within the competence of the Conference to consider the draft Resolution. The Conference was not a legal body capable of condemning a sovereign state; such matters could only be dealt with in the United Nations itself.

2.11 The delegate of Equatorial Guinea demanded that the Conference should condemn the acts of barbarity and injustice being perpetrated by Israel and should also condemn the country which was supplying mercenaries to aid Israel. His delegation strongly and wholeheartedly supported the draft Resolution.

2.12 The delegate of Algeria said that everyone must sympathize with Lebanon, the victim of a despicable and reprehensible criminal act which constituted an arrogant measure of defiance towards the whole international community and to the Conference in particular. Although I.T.U. was a specialized agency and the question had many political aspects, it could not remain silent in the face of such flagrant aggression. He fully supported the draft Resolution.

2.13 The delegate of Cuba strongly supported the Lebanese draft Resolution. The serious acts of aggression committed by Israel against the Arab countries were constantly increasing in magnitude and Israel was being supported both politically and militarily by the United States of America. How long could that state of affairs be allowed to continue? He urged the Conference to take immediate steps to condemn the barbarous action in question.

2.14 The delegate of Somalia associated himself with those who had supported the draft Resolution and condemned the act of aggression intended not only for Lebanon itself, which was not party to the hostilities in the Middle East, but against the international network and thus all participants in the Conference. The continuous aggression engineered by the so-called State of Israel, planted in the heart of Arab lands, to persecute the Palestinian people and occupy Arab territory by force could not be tolerated and had to be condemned with all the means in the Conference's power. Israel had continued to ignore all international laws and regulations, defied all appeals and refused all understandings. He considered that the expulsion of the so-called State of Israel was called for in order to protect telecommunication interests.

2.15 The delegate of Yugoslavia said his delegation condemned the State of Israel for the destruction of the cable linking three continents which was a barbarous act going far beyond a simple breach of the Telecommunication Convention and he therefore fully supported the draft Resolution.

2.16 The delegate of Zaire said his delegation was dissatisfied with the draft Resolution in the sense that it was over-moderate and did not reflect adequately the gravity of the situation. He requested its adoption as a mark of the Conference's disapproval of the aggressor state.

2.17 The delegate of Czechoslovakia condemned the criminal aggression perpetrated by Israel despite all United Nations resolutions. It was a violation of the International Telecommunication Convention which could not be ignored. He fully supported the draft Resolution, considering that it was, if anything, too moderate in tone.

2.18 The delegate of Kuwait said that occupation of Arab lands - the consequence of United Nations resolutions being ignored - was condoned by the civilized world; the whole series of tragic events was caused by the expansionism of the so-called State of Israel. During the discussion on the expulsion of South Africa and Portugal, his delegation had pointed out the similarity of those two Members with a third Member occupying the

territories of three other Member States of the Union. That Member was not only trying to annex more territories but attacking the peace-loving people of Lebanon. The Conference could not accept the presence of a Member already condemned in numerous United Nations resolutions. He therefore proposed formally that the so-called State of Israel be expelled from the Plenipotentiary Conference and all forthcoming meetings of the I.T.U.

2.19 The delegates of Bulgaria, Byelorussia, the Hungarian People's Republic, Ukraine, the People's Republic of Poland and the German Democratic Republic condemned such acts of aggression directed against the international community and in contravention of the Convention and supported the draft Resolution.

2.20 The delegates of Guinea, Togo, Dahomey, Upper Volta and Senegal all agreed that such an act of aggression could not be condoned and that the draft Resolution represented the minimum measure of condemnation; they strongly supported the draft Resolution.

2.21 The delegate of Barbados was not satisfied that either the telex message or anything else in the document indicated clearly the authors of the destructive act in question and he had no intention of coming to a firm conclusion on the evidence submitted; for that reason he could not condemn the State of Israel on those grounds. He also noted that the Conference was neither a court of law nor a political forum.

2.22 The delegate of Iraq made the following statement :

"Mr. Chairman, distinguished delegates,

To our delegation the question of the structure and policies of the so-called State of Israel is very simple : this is a state based on war and expansion. It could only exist by war and expansion because it was created by powers who wanted to divide and rule the Arab nation.

Some people may, naively or with malice, ask why the Arab countries cannot accept and live in peace with the State of Israel. But these people would also ask the African countries why they do not accept and live in peace with South Africa and Rhodesia. In fact we wonder why the whole world did not accept and live in peace with Nazi Germany.

South Africa represses and discriminates against the black people. But Israel does better than that : it expels the original population and expands to make secure boundaries against those who want to return to their land.

South Africa considers the black man as less than human. Likewise Israel considers the Arabs, within its present boundaries and without, all Arabs, as hordes of savages. It continues to direct abuse and mockery at humans whose aspirations are to be respected no less than the aspirations of other humans.

It is no wonder that the best of relations exist between Israel and South Africa.

The Arab people aspire to use their resources and manpower for the development of their countries and for making their mark in the advance of mankind in all fields of development, including the field of telecommunications. This fortress called Israel is forcing Arab countries to divert their resources and manpower for their own defence.

I think the time has gone when people are trodden on and keep quiet. I would like, however, to pay respect to the words of the distinguished delegate from Cuba who reminded us that it is not in this assembly, important as it certainly is, that battles are won, but on the front itself. In our case, his words have turned into a prophesy.

I would also like to quote the Egyptian Foreign Minister who, when his country was accused at the United Nations of aggression, replied very simply that all they did was raise the Egyptian flag over Egyptian territory.

The act that Israel has committed, to cut the telecommunication links between Eastern and Western Arab countries and between them and Europe, during the convening of this Conference, is a singularly deplorable act. For this act, for its policy of war and expansion, and for its racist policy against the Arab people, our delegation is of the view that Israel deserves nothing less than the exclusion of this Member from this and all other conferences and meetings of the Union. We second the formal proposal of Kuwait to amend the Lebanese draft Resolution.

Thank you, Mr. Chairman".

2.23 The delegate of Argentina deplored the act of destruction carried out by one nation against another. He hoped the matter would be submitted to the Security Council of the United Nations so that a peace formula could be found. The delegate of Canada said that the regrettable act was committed within the context of a conflict to which only pacific means could put an end. Canada had often stated its position which was that the only valid basis for peaceful regulation of the conflict was in the renewal of the mission of Ambassador Jarring. The question raised by the delegate of Lebanon was a matter for the United Nations.

2.24 The delegates of Turkey, Greece, Tanzania, Lesotho, Panama and Cyprus agreed that the destruction of the cable link was an action which merited unreserved condemnation.

2.25 That view was also shared by the delegate of Mauritius.

2.26 The delegate of Malawi said his delegation fully supported the condemnation of any interference with telecommunications as such action contravened the I.T.U. Convention. However, his delegation had not been provided with sufficient information on the incident nor had had sufficient time to study all aspects of the matter and consult the Government. His delegation would therefore not be able to support the naming of a specific country in Document No. 326.

2.27 The delegate of Afghanistan said his delegation supported the draft Resolution wholeheartedly and strongly condemned the policies of the so-called State of Israel which continued to exercise aggression against the Arab nations; the recent act of sabotage against the submarine cable linking Lebanon to the American and African continents was clearly a violation of the International Telecommunication Convention.

2.28 The delegate of Ethiopia said it was obvious that such acts of aggression should be condemned; he understood certain countries' hesitation in thinking that the facts available were insufficient but in the absence of a document of denial, he felt the information in the Resolution should be accepted.

2.29 The delegate of Nigeria said the important question was not one of legality but whether the aims of the Union had been violated. It was evident that in the case in point there was very wide support for the draft Resolution.

2.30 The delegate of Switzerland condemned the attack made on the Lebanese submarine cable and was prepared to support any resolution intended to protect telecommunication facilities, which constituted an instrument for peace, harmony and friendship between peoples. However, his delegation would not be able to support the draft Resolution in its present form as it had insufficient information to establish with certainty the identity of the authors.

2.31 The delegate of the Netherlands made the following statement :

"Mr. Chairman,

I have considerable hesitation in asking for the floor.

Everyone knows that the Netherlands is a peaceful country which abhors any act of brute force and destruction.

However, we cannot agree to the text of the Resolution in Document No. 326.

Some delegates have proposed the immediate exclusion of Israel, others that the Resolution should be adopted unanimously, while still others have expressed doubts on legal grounds. All delegates are agreed in condemning acts of sabotage.

In order to ensure unanimity, the Netherlands would therefore propose that the Resolution be amended as follows :

on page 1, delete "noting" and the paragraph below;

on page 2, after "condemns" read "strongly and unreservedly such a policy of destruction". Delete the rest of the sentence. Delete also "resolves" and the following paragraph, since it is not clear what procedure would be followed if any repetition occurred after the Plenipotentiary Conference, Malaga-Torremolinos."

2.32 The delegate of the United Kingdom said his delegation also had serious difficulties with the Resolution as drafted since it had always maintained that the Union was not a political forum. For that reason, the delegation reserved its position with regard to adoption of the Resolution.

2.33 The delegate of France made the following statement :

"Mr. Chairman,

The French delegation has listened to the honourable delegate from the Lebanon with genuine and deep emotion, not only because our two countries are linked by century-old friendship, which was never belied by deeds, but also because one of the damaged cables has its termination in France.

The damage caused is extremely harmful to my country, but what is equally important is that this act, as Mr. Ghazal has pointed out, is contrary to the principle of international cooperation.

You will therefore understand, Mr. Chairman, that the French delegation shares the feelings of the delegation from the Lebanon. However, in view of the description of the act in question, the French delegation wonders whether the matter does not fall rather within the competence of the Security Council of the United Nations : as the draft Resolution states, the sabotage was carried out in Lebanese territorial waters.

The French delegation, Mr. Chairman, is extremely disturbed and deeply saddened by the situation in the Middle East.

Before ending this brief statement, I should like through you, Mr. Chairman, to address myself to the honourable head of the Lebanese delegation, my friend Mr. Ghazal, and to say that what is most important is that the connections should be re-established - France is quite aware of that. It is equally important that everything should be done to see that such things do not happen again.

Thank you, Mr. Chairman."

2.34 The delegate of India said that such aggressive action went against the spirit of international cooperation. He welcomed the constructive suggestion made by the previous speaker.

2.35 The delegate of Morocco noted that the only arguments heard against the Resolution were those of insufficient proof and that the I.T.U. was not a suitable forum for such a matter. He wished to point out that the latest act of sabotage followed a series of similar acts committed by the same individuals (including the attack on Beirut airport and the destruction of a Libyan commercial airliner) none of which had been denied.

The Conference had no right to disbelieve the telex sent by a member of a Sovereign Government. The same delegations who now argued that a political question was out of order had themselves brought up political matters at the time when the signature of Rhodesia was deleted. The I.C.A.O. had condemned formally the act committed by Israel at Beirut airport. He hoped that the draft Resolution could be approved by acclamation.

2.36 The delegate of Malaysia acknowledged the document's credibility since there had been no denial. His delegation sympathized with the Arab people in their efforts to regain their territories. There had been no progress in the bringing about of a just settlement and the so-called State of Israel had remained indifferent to world opinion and to various diplomatic efforts. The Conference had to mark its disapproval by adopting the Resolution.

2.37 The delegate of Austria said the best statement of condemnation would be a unanimous one, and that could only be achieved on a compromise basis. He wondered whether the delegate of Lebanon was prepared to accept deletion of the final paragraph, as had been suggested by various speakers.

2.38 The delegate of Liberia made the following statement :

"The delegation of the Republic of Liberia, like most other delegations sympathizes with the unfortunate situation whereby two submarine cables linking Lebanon with three continents were put out of action.

The delegation further notes that the purposes and intent of the Union is to promote the development of technical facilities with a view to improving the efficiency of telecommunication services, and in this light it is incumbent upon this Assembly to take such action as may be deemed necessary if the action of any of its Members is out of line with the purposes of the Union.

The delegation of Liberia supports the draft Resolution in No. 326 in principle but is of the opinion that there has been insufficient evidence submitted to this Plenary as to the perpetrators of this act of sabotage. Furthermore, it is not clear as to how the "Resolves" part of the draft Resolution might be implemented.

Thank you, Mr. Chairman."

2.39 The delegate of Cameroon, on a point of order, asked that the debate be closed and a vote taken.

2.40 The delegate of Lebanon, seconded by the delegates of Kuwait, Cuba and Niger, requested a roll-call vote.

2.41 The Chairman put to the vote the draft Resolution in Document No. 326.

2.42 The result of the voting was as follows :

Voted in favour, the delegations of :

Afghanistan, Algeria, Saudi Arabia, Argentina, Bangladesh, Byelorussia, Bulgaria, Burundi, Cameroon, Central African Republic, China, Cyprus, Congo, Ivory Coast, Cuba, Dahomey, Egypt, United Arab Emirates, Spain, Ethiopia, Gabon, Guinea, Equatorial Guinea, Upper Volta, Hungarian People's Republic, India, Indonesia, Iraq, Kuwait, Lebanon, Libya, Malaysia, Malagasy Republic, Morocco, Mauritania, Mongolia, Niger, Nigeria, Oman, Uganda, Pakistan, Panama, Peru, Poland, German Democratic Republic, Ukraine, Roumania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanzania, Chad, Czechoslovakia, Togo, Trinidad and Tobago, Tunisia, Turkey, U.S.S.R., Yemen Arab Republic, People's Democratic Republic of Yemen, Yugoslavia, Zaire (64)

Voted against, the delegations of :

Barbados, the United States of America, Netherlands, the Territories of the United States of America (4)

Abstained, the delegations of :

Federal Republic of Germany, Australia, Austria, Belgium, Burma, Botswana, Brazil, Canada, Vatican, Korea, Costa Rica, Denmark, Dominican Republic, El Salvador, French Overseas Territories, Finland, France, Ghana, Greece, Iran, Ireland, Iceland, Italy, Jamaica, Japan, Lesotho, Liberia, Liechtenstein, Luxembourg, Malawi, Mauritius, Mexico, Monaco, Nicaragua, Norway, New Zealand, Paraguay, Philippines, United Kingdom, Singapore, Sweden, Switzerland, Thailand, Uruguay, Viet-Nam (45)

2.43 The draft Resolution was therefore adopted.

2.44 The delegate of Lebanon made the following statement :

"Mr. Chairman,

I could not leave without thanking the delegates who have demonstrated their confidence in us. And I should like to add that for the Lebanese delegation, those who abstained were also in favour."

The meeting rose at 1305 hrs.

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 440-E

16 January 1974

Original : English

PLENARY MEETING

MINUTES

OF THE

TWENTIETH PLENARY MEETING

Saturday, 20 October 1973, at 1535 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

Subjects discussed

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1. Explanations of vote on the resolution in Document No. 236

1.1 The following statements were submitted in explanation of the vote taken on the resolution in Document No. 326 :

1.2 Botswana :

"Although we were on the list to speak before the vote, due to termination of the debate this was not possible.

Mr. Chairman we must explain that although we are very sympathetic to the distinguished delegate of Lebanon and to the people of Lebanon, we did not have sufficient information or time at our disposal and it was therefore necessary for us to abstain".

1.3 Denmark :

"Our abstention has no connection with the substance of the question which we consider to fall outside the competence of our Conference".

1.4 Federal Republic of Germany :

"The delegation of the Federal Republic of Germany expresses its full sympathy with the delegation of Lebanon in its condemnation of the destruction of the submarine cables Beirut - Marseille and Beirut - Alexandria. This the more so as the Federal Republic of Germany has infeasible rights of user in the cable Beirut - Marseille.

However, the Federal Republic abstained in the vote due to the fact that it could not agree to the "resolves" part of the draft resolution for juridical reasons. The Montreux Convention now in force contains no provision for sanctions against a Member nor does it provide for excluding a Member.

Moreover, the Federal Republic of Germany is of the opinion that this act is to be seen within the framework of the Middle East conflict and accordingly has to be dealt with by the United Nations".

1.5 Malawi :

"The delegation of the Republic of Malawi abstained during the vote on Document No. 326 for reasons outlined in our statement".

1.6 Norway :

"Without passing any judgement on the substance of the resolution in Document No. 326, the Norwegian delegation abstained in the vote.

It is our opinion that the International Telecommunication Union as a United Nations specialized agency of a technical nature, is not the proper forum for political decisions".

1.7 Spain :

"Our delegation voted in favour of Resolution 326 submitted by the delegation of Lebanon. This vote is not inconsistent with Spain's traditional position, which is that political matters should not be dealt with in the I.T.U.; in the view of our delegation, the Lebanese resolution directly concerns telecommunication problems".

1.8 Sweden :

"Since the text of the draft resolution was discussed shortly after it had been distributed it was not possible to consult our country's appropriate authorities for foreign affairs. However, in this connection we wish to declare that we are of the opinion that the matter treated in the draft resolution should not be dealt with at this Conference.

The abstention of the Swedish delegation on the vote regarding the draft resolution does not imply the taking of any position on the substance of the resolution".

1.9 Uruguay :

"The delegation of Uruguay profoundly deplores the severe damage caused to the means of communication of the Lebanese Republic and on learning of what happened from Document No. 326, which has just reached our work desk today, it wishes to express its genuine sorrow.

I would add that Uruguay, being a peace-loving country, has always favoured the peaceful settlement of disputes and earnestly hopes that in this dramatic conflict some arrangement may be found which will ensure progress and tranquillity for the peoples involved in it".

1.10 Barbados :

The delegate of Barbados said he had voted against the proposal because he was not satisfied that the authors of the attack had been clearly defined.

1.11 Belgium :

The delegate of Belgium said he had abstained, despite the sympathy he felt, because he felt there were insufficient elements enabling responsibility for the acts to be clearly determined.

1.12 United Kingdom :

The delegate of the United Kingdom said he had always maintained that the Union was not a political forum and therefore found it necessary to abstain because of the form of the Resolution.

1.13 Mauritius :

The Mauritian delegate said he was compelled to abstain when voting the resolution mentioned in Document No. 326, as he was not convinced that sufficient proof was provided to enable the "resolves" part to be included in the text of Document No. 326.

2. Consideration of Article 56 (Document No. 229)

2.1 The delegate of Malaysia repeated the request he had made during the 18th Plenary Meeting for clarification about the accounting difficulties that might arise as a consequence of the Conference's decision that the Torremolinos Convention should enter into force on 1 July 1975, namely, in the middle of the financial year.

2.2 The Deputy Secretary-General explained the financial and accounting situation that would obtain as a result of that decision, especially the problems of entry into force on a date other than the first of January of a particular year.

2.3 After a short discussion in which the delegates of Argentina, Ireland and Cuba took part, the Chairman proposed that the Meeting should annul the decision taken at the 18th Plenary Meeting on the date of entry into force and should decide that the Torremolinos Convention would enter into force on 1 January 1975.

2.4 It was so decided.

3. First report of Committee 4 and related draft resolutions
(Documents Nos. 221, 230 and 267)

- 3.1 The Chairman invited the Chairman of Committee 4 to introduce the first report of Committee 4 (Document No. 221).
- 3.2 The Chairman of Committee 4 introduced section 1 of the report and drew attention to Resolution O in Document No. 230.
- 3.3 Resolution O was approved.
- 3.4 The Chairman of Committee 4 introduced section 2 of the report and drew attention to Resolution P in Document No. 230.
- 3.5 Resolution P was approved.
- 3.6 The Chairman of Committee 4 introduced section 3 of the report and drew attention to Resolution Q in Document No. 230.
- 3.7 Resolution Q was approved.
- 3.8 The Chairman of Committee 4 introduced section 4 of the report and drew attention to Resolution R in Document No. 230.
- 3.9 Resolution R was approved.
- 3.10 The delegate of Nicaragua expressed his country's gratitude to Committee 4 for recommending unanimously that his Government's request should be granted, and to the Conference for approving Resolution R.
- 3.11 The Chairman of Committee 4 introduced section 5 of the report and drew attention to Resolution S in Document No. 267. The question of settlement of accounts in arrears had given rise to a lengthy discussion in Committee 4, and Resolution S was an attempt to reach a compromise solution. If it transpired that the resolution could not be approved in its entirety, each of the four proposals it contained might perhaps be put to the vote separately, in order to ensure that they were not all rejected out of hand.
- 3.12 The Chairman invited comments on Resolution S.

3.13 The delegate of Rwanda made the following statement :

"Please forgive my delegation for speaking again in this Plenary Meeting on a subject which has been discussed at length in recent meetings of Committee 4.

Before reverting to the question which has been causing our delegation and all the other Members some concern, our delegation feels it necessary to give you a brief explanation of the economic and demographic situation of our country, which is known to all under the name of the Republic of Rwanda.

As all are aware, Rwanda is in Central Africa and is completely landlocked, being surrounded by Uganda on the north, by Tanzania in the east, by Burundi in the south and by Zaire in the west.

What our delegation would like to impress on this Assembly is that Rwanda is a small country and is one of the poorest among the 25 poor countries according to United Nations statistics.

Its population is at present 4 million, living in an area of 26,338 km², which gives a population density of 114 inhabitants per sq.km. Like so many other countries, Rwanda still lacks sufficient foreign investment for industrialization. Three quarters of its area (which is not enough for our needs) are cultivable and the remainder consists of land denuded by erosion.

It is said that little drops of water wear away a stone, and it is precisely on this principle that it is the duty of each member of our population to work, like everyone else, to remedy their present situation so that they will have enough to eat and clothes to wear.

To enable it to communicate with other nations by telecommunications, our country has contracted debts which are being repaid.

In short, to revert to the question of the accounts in arrears of the nine countries listed in draft Resolution S (Document No. 267), the delegation of Rwanda wishes to state that it would be prejudicial to its country's interests if these arrears were to become a charge on the entire Membership of the Union.

The first Report of Committee 4 (Document No. 221) proposes, on page 3, paragraph 5.2 and 5.5, that the total interest of 3,074,398.63 Swiss francs due from the nine debtor countries should be transferred from the debtor account to a special interest on arrears account and should be paid by all the Members of the Union in the manner set forth in draft Resolution S. All the delegates discussed this point at length and the conclusion reached did not satisfy our delegation.

This measure seems to be unfair to countries which have contributed regularly to defraying the Union's expenditure. It is not right that a country which discharges its obligations to the Union, often at the cost of considerable sacrifice, should then be rewarded by having to pay the debts of other Member countries.

Everyone should be responsible for his own actions, and no one should have to bear the responsibility for the actions of others.

In our view, the debts due to interest on arrears should be transferred to a special interest on arrears account, which would itself be free of interest and the debts should be settled by the debtors themselves. The sums of 6,302,918.23 and 259,703.70 Swiss francs representing unpaid contributions and charges for publications should likewise be transferred to the special account to which No. 222 of the Montreux Convention would not be applied.

In case this Assembly should take an irrevocable decision to make the Members of the Union as a whole responsible for paying the 3,074,398.63 Swiss francs, the delegation of Rwanda, in view of the circumstances it has mentioned which are such a heavy burden on its national economy, wishes to express in advance the wish to be exempted from the application of Resolution S (Settlement of Accounts in Arrear).

A decision contrary to our wish would further complicate our country's situation since, it must be remembered, one cannot spend beyond one's means".

3.14 The delegate of the Netherlands, referring to the list of countries in paragraph 4 under "resolves", said that the name "Yemen" should be corrected in order to make it quite clear which of the two countries of that name was concerned.

3.15 The Chairman said that the country referred to was the Yemen Arab Republic and that the necessary correction would be made.

3.16 The delegate of the People's Democratic Republic of Yemen said he would be grateful if such errors could be avoided in future documents.

3.17 The delegate of the United States of America considered that the amount due in respect of interest on arrears should be wiped off the Union's books. Consequently, he proposed that under the heading "resolves", the words after "account" in paragraph 2 and the whole of paragraph 5 should be deleted.

3.18 The delegate of Botswana said that his country was one of the 25 least developed countries, and that his Government was unwilling to increase its financial contributions to the Union to help cover other countries' shortfalls. He therefore reserved his delegation's position on Resolution S.

3.19 The delegate of Guatemala shared the view of the United States delegate. Furthermore, it was not clear to what use the special account mentioned in paragraph 2 under "resolves" would be put.

3.20 The delegate of Argentina also agreed with the remarks by the United States delegate. It was preferable to exonerate the countries concerned from payment of interest on arrears than to ask all Members to pay. The situation might be alleviated if Resolution T (Document No. 230) was modified in an appropriate way and put into effect immediately, before the entry into force of the Torremolinos Convention.

3.21 The Secretary-General said that the provisions contained in Resolution T would enable situations such as the present one to be avoided in the future. However, the issue at stake was that of how to remedy a situation which had its origin in the past. The amounts owing in both unpaid contributions and interest on arrears had been entered into the Union's accounts as income, as if they had actually existed, and had been taken into account when calculating the contributory unit. The sum in question was approximately 10 million Swiss francs, composed of arrears of over 6 million and interest on arrears of about 3 million. That sum could not simply be wiped off the books, because the money had actually been spent and there was therefore a real deficit, not merely an accounting deficit, in the Union's budget. If the Union was to function on a sound financial basis as from 1 January 1974, there was no alternative but to apply all the provisions contained in Resolution S.

3.22 The delegate of Lesotho said that his country's economic situation was such that his ~~Government~~ could not agree to assume part payment of the sum owing in interest on arrears and therefore reserved the right to take any action it deemed appropriate should the resolution be adopted.

3.23 The delegate of Bolivia made the following statement :

"First may I thank you on behalf of my country for the understanding attitude and interest which was displayed in the Finance Committee's discussions on the various problems which have led to arrears in the payment of the contributions due to the Union.

This understanding attitude is reflected in the Report before the Plenary meeting, which is in favour of waiving interest, though not the debt. The basic reason for this result is the realization by the international community that restrictions cannot be placed on a country's participation because it happens to be in difficult economic circumstances, particularly when communications are involved, which are a vital factor in maintaining the peaceful co-existence and international understanding to which we all aspire.

I should like to take this opportunity of emphasizing that neither Bolivia, which I have the honour to represent at these meetings, nor so far as I am aware, any of the other countries at present faced with economic and financial problems, have come to this meeting to ask the nations of greater or lesser capacity to take over responsibility for overdue commitments.

What we have done, rather, is to explain situations which we consider to be temporary and due to world economic conditions and which are not unknown to any of my colleagues.

We understand that the solution proposed by the United States would not affect the Union's finances, and we therefore feel confident that the Plenary Assembly will vote for a complete waiver of the arrears of interest. Resolutions like this have in the past been adopted by other international bodies without impairing their proper operation or reflecting discredit on the members in material difficulties.

Finally, may I thank, on behalf of my country, the delegations which, with so much generosity and such comprehension of the problems I have explained, have supported us and have thereby made possible the creation

of a climate of understanding and a realistic search for solutions which will no doubt be adopted at the end of this important meeting".

3.24 The delegate of Australia had serious misgivings about the proposals in Resolution S. The sums in question should not have been spent as if they had actually existed. The most appropriate solution would be for savings to be made in expenditure over the coming years until the missing sum had been recovered. He therefore supported the proposal by the United States delegate.

3.25 The delegate of Indonesia said that although his Government was prepared to pay its new annual contribution, it did not subscribe to the principle that the interest on arrears should be paid by all Members.

3.26 The delegate of Senegal reserved his delegation's position in respect of the consequences of the adoption of Resolution S.

3.27 The delegate of Sierra Leone expressed strong reservations in respect of Resolution S.

3.28 The delegate of Argentina said that he could support the United States amendment provided that the phrase in paragraph 2 whose deletion had been proposed by the United States delegate was replaced by a phrase along the following lines : "and that the Administrative Council shall study the ways and means of absorbing this debt".

3.29 The delegate of Morocco, supported by the delegate of the United States of America, said that the issue at stake had already been discussed at great length. The time had come to take a decision on the resolution and the amendments proposed to it.

3.30 The delegate of Malawi said that the United States amendment could not be considered in isolation from the other parts of the resolution. It might be useful to set up a small drafting group to rectify the anomalies in the text that would result from adoption of that amendment.

3.31 The delegate of Italy shared the views expressed by the Moroccan delegate. He supported the United States amendment and said that his delegation would be obliged to file a reservation concerning the resolution if that amendment was rejected.

3.32 The delegate of Ireland said that the United States proposal was in fact a proposal to turn a blind eye to the Union's indebtedness. The sum corresponding to the interest on arrears had actually been spent and, in his view, there was no point in acting as if that was not the case. Irrespective of whether or not the United States amendment was adopted, his delegation reserved its position in respect of discharging part of the debt incurred by other countries.

3.33 Replying to a question by the Chairman, the Chairman of Committee 4 said that Resolution S was the somewhat unsatisfactory result of a very lengthy discussion in Committee 4. It was therefore highly improbable that a drafting group would be able to produce a revised text that was more satisfactory unless it was given a clear indication of the Plenary Meeting's reaction to the four proposals contained in the resolution.

3.34 The delegate of the United States of America, supported by the delegate of Argentina, proposed the following amendments to Resolution S : in operative paragraph 2 replace the phrase beginning "and paid by all" by the words "and that the Administrative Council should examine how this account is to be disposed of"; delete operative paragraph 5.

3.35 The Chairman put the United States amendment to the vote.

3.36 The United States amendment was approved by 95 votes to 2, with 3 abstentions.

3.37 The delegates of Ghana, the Ivory Coast, Niger and Ireland reserved their Governments' position with regard to any increase in their contributions arising out of the application of paragraph 4 of Resolution S.

3.38 The delegate of Nigeria considered that the resolution should contain directives on how the deficit was to be dealt with.

3.39 The delegate of the U.S.S.R. said he had abstained in the voting on the United States amendment and would also abstain on the resolution as a whole, since it made no contribution to solving the problem.

3.40 The Chairman put Resolution S, as amended, to the vote.

3.41 Resolution S, as amended, was approved by 54 votes to 8, with 49 abstentions.

3.42 The delegate of Barbados made the following statement :

"The delegation of Barbados hereby reserves its position on the above resolution.

The Government of Barbados became a Member of the International Telecommunication Union in 1967 and was not therefore in any position to participate in the control of the revenue and expenditure for years prior to 1967. In addition Barbados is a developing country with very limited resources and is not in a financial position, and does not intend, to assume responsibility for the payment of any part of the arrears due by other Members of the Union".

3.43 The delegate of Botswana made the following statement :

"Further to our previous stated reservations concerning accounts in arrears, we wish to ensure that our reservation also extends to include paragraph 4.2 of Resolution S, Document No. 267".

3.44 The delegate of the Central African Republic made the following statement :

"Our delegation, having abstained from voting on Resolution S, does not feel prepared to observe the provisions of that resolution, should the Administrative Council, after studying the matter, charge the interest to the other Members of the Union.

Our delegation expresses its thanks to Committee 4 for the spirit of understanding shown to the nine debtor countries and proposes that the arrears of interest should simply be written off".

3.45 The delegate of Malawi made the following statement :

"The Delegation of the Republic of Malawi, realizing that its country is one of the 25 least developed countries, but nevertheless has always paid its contribution to the Union, wishes to reserve the right of its Government on the question of the interest accrued by the said 9 members (para. 2, page 2, Resolution S, Document No. 267).

The right of our Government is also reserved regarding addition to the Contributory Unit resulting from paragraph 4 of Resolution S in Document No. 267".

3.46 The delegate of the Malagasy Republic made the following statement :

"The delegation of the Malagasy Republic expresses the strictest reservations concerning the adoption of Resolution S, should such adoption lead to an increase in its contributory share for 1973 and 1974".

3.47 The delegate of New Zealand made the following statement :

"New Zealand reserves the right not to accept the obligation to make any additional contribution to Union funds arising from the application of paragraph 4 of Resolution S".

3.48 The delegate of Poland made the following statement :

"The Polish Delegation abstained from voting on draft Resolution S, because it considers that the Members of the Union should themselves discharge their financial commitments to the Union, which they contracted of their own free will, and that the other Members cannot be expected to cover the debts of Members in arrears by means of an increase in the amount of the contributory unit".

3.49 The delegate of Roumania made the following statement :

"Considering that Resolution S cannot solve the financial problems of the I.T.U. although it leads to an increase in the contributory share for 1974, the Roumanian delegation declares that it cannot accept any increase in its contributory share due to application of this resolution".

3.50 The delegate of Swaziland made the following statement :

"Due to the adoption of Resolution S contained in Document No. 267 (Settlement of Accounts in Arrear), by the Plenipotentiary Conference (Malaga-Torremolinos 1973), the delegation of the Kingdom of Swaziland hereby reserves the right of its Government to refuse to honour any additional contributory shares to the Union, which may arise as a result of an implementation of the above-mentioned resolution".

3.51 The delegate of the People's Democratic Republic of Yemen made the following statement :

"The Delegation of the People's Democratic Republic of Yemen declares that it reserves its Government's right to accept, or not to

accept, the consequences of the adoption of Resolution S, "Settlement of Accounts in Arrear", Document No. 267, page 2, especially if such an adoption would lead to an increase in its contributory share in defraying the expenses of the Union".

3.52 The delegate of Togo made the following statement :

"We dispute the allegation that interest on unpaid contributions has no effect on the final amounts of accounts in arrears, for when the Union is in financial difficulties due to non-payment of contributions, it contracts loans on which it has to pay interest which should normally be partly or entirely covered by the interest on contributions in arrears, if we are to have proper management of our budget.

Togo has already established its budgets for 1973 and 1974 and we cannot run the risk of committing our financial services here and now to making the extra payments which might be requested of us.

For these reasons the delegation of Togo reserves its position on the proposal, more particularly on the draft resolution of the Finance Committee concerning the unpaid interest account.

All that our delegation can say is that the Togo services concerned will do all in their power to safeguard the balance of Union finances".

3.53 The delegate of Morocco said he had abstained on Resolution S because it failed to suggest how the Administrative Council should solve the problem. Draft Resolution on the Finances of the Union (Document No. 221, page 14).

3.54 The Chairman of Committee 4 read out paragraphs 5.7 and 5.8 of the Committee's first report and introduced the draft resolution on the finances of the Union.

3.55 The draft resolution (Document No. 221, page 14) was approved.

4. Second report of Committee 4 and related draft resolutions
(Document Nos. 223, 224 + Corr., 252)

4.1 The Chairman of Committee 4, introducing the Committee's second report, drew attention to paragraph 1.6 which contained a new provision to be introduced into Article 15 of the Convention.

- 4.2 The delegate of Cuba said he was opposed to the application of sanctions in a technical body such as the Union. However, if such a system were introduced, it should be modified along the lines of the Indian proposal contained in Document No. 181.
- 4.3 The delegate of Guatemala supported the Cuban proposal.
- 4.4 The delegates of Uruguay and Brazil opposed the introduction of sanctions in the I.T.U.
- 4.5 The delegate of Gabon said that, consequent upon the adoption of Resolution S, it was essential to take measures to prevent Members from continuing to accumulate arrears.
- 4.6 After listening to explanations by the delegate of the Federal Republic of Germany, the Chairman of Committee 4 and the Secretary-General, the delegate of India said it would appear that a Member making a 49% part payment of its contribution would escape sanctions for 4 years.
- 4.7 The delegate of Nigeria suggested that the final phrase of the new provision be amended to read : "... if the aggregate amount of its arrears equals or exceeds the total amount of the contribution due ...".
- 4.8 The delegate of Cuba said he would withdraw his proposal.
- 4.9 The Chairman of Committee 9 pointed out that the Editorial Committee had already examined the draft text and had produced an edited version in paragraph 6A on page 5 of Document No. 252. He requested the Conference to examine the new version rather than the original text.
- 4.10 The delegate of Mexico pointed out that the proviso in paragraph 1.6 of the second report of Committee 4, namely : "it being understood that this new provision would not apply to the arrears covered by Resolution S of this Conference", must accompany the text.
- 4.11 At the suggestion of the Secretary-General, it was agreed to add the phrase to the text of Resolution S.
- 4.12 The delegate of the Netherlands suggested that the new text in Document No. 252 be amended to read : "A Member which is in arrears in its payments to the Union shall have no right to vote as defined in 14 and 15 as long as the amount of its arrears ...".

- 4.13 The Chairman said the suggestion would be conveyed to Committee 9.
- 4.14 The delegate of Zaire drew attention to the corresponding provision in the UNESCO Constitution which allowed for the suspension of sanctions when failure to fulfil obligations was judged to be beyond the control of the defaulting Member.
- 4.15 The Chairman put the proposed new provision on page 5 of Document No. 252 to the vote.
- 4.16 The provision was approved by 79 votes to 11, with 17 abstentions.
- 4.17 The Chairman of Committee 4 introduced the part of the Committee's second report relating to the financing of Union expenditure. He drew attention to the conclusions reached by the Administrative Council which were summarized in paragraph 2.2. Committee 4 had not agreed to the first conclusion, preferring the present arrangement, but had agreed to the three following conclusions. It therefore proposed to the Conference the maintenance of the present system for financing Union expenditure.
- 4.18 The delegate of Mexico introduced Document No. 224, the purpose of which was to introduce a rational and just method for calculating the contributory shares of Members, based on the United Nations scale. As the figures in Annex 1 eloquently demonstrated, the countries with relatively weak economies were paying considerably more than they should and those with strong economies less than they should.
- 4.19 The delegate of Iraq analysed the statistics in Annex 1 to show that the relatively poor countries of Africa, Asia and Latin America were paying considerably more towards the administrative expenses of I.T.U. than was justifiable on the basis of the United Nations scale. He further drew attention to Annex 2 which contained General Assembly resolutions urging the specialized agencies to bring their scale of contributions into line with the United Nations system.
- 4.20 The delegate of Argentina expressed his support for the proposal in Document No. 224. It should be noted that it made provision for dealing with income from the recognized private operating agencies, which would be placed in a special fund for technical cooperation.
- 4.21 The delegates of Zaire, Somalia and Afghanistan also supported the proposal in Document No. 224.

4.22 The delegates of the Netherlands and Australia said that, while sympathizing with the aims of the sponsors of Document No. 224, they considered that the present system was satisfactory.

4.23 The delgate of Peru drew attention to the plight of Bolivia, the Dominican Republic and El Salvador under the present system. In view of the adoption of sanctions by the Conference, it would be unjust to continue with the system of free choice. A further point he wished to make was that the developing countries were obliged by technical specifications to buy equipment that was manufactured solely in the developed countries.

4.24 The delegate of the United States of America strongly urged the maintenance of the present system, as recommended by the Administrative Council and Committee 4. He firmly opposed the introduction of any new system of compulsory measures that would force Members to alter their class of contribution against their will. He further opposed any action that would sizeably increase the United States contribution. Such a measure was totally unacceptable to his Government, which had instructed him to inform the Conference, before a vote was taken, that if the proposal contained in Document No. 224 was adopted, the United States might be compelled to enter a reservation declaring its non-acceptance of that decision. In that case there was a strong likelihood that his Government would not ratify the Convention.

4.25 The delegate of the U.S.S.R. recalled that the Administrative Council had unanimously decided to recommend that the existing system be retained. Committee 4 had studied that recommendation and voted in favour of it. The U.S.S.R. delegation therefore strongly opposed the proposal in Document No. 224 and was against taking a vote on it. Should it be adopted, he might be unable to sign the Final Acts of the Conference.

4.26 The delegates of Italy and the Federal Republic of Germany expressed their opposition to the proposal contained in Document No. 224 and reserved their position with regard to the signature of the Convention should the present system of financing Union expenditure be changed.

4.27 The delegate of Poland made the following statement :

"Our delegation is strongly opposed to putting the problem of changing the principles of financing the I.T.U. to the vote at this Conference. We consider that a problem which is so important for the working of the Union cannot be settled hastily and should not be the subject of proposals submitted only a few days before being discussed and at the end of our Conference. Proposals of this nature should be submitted

in proper time according to the provisions of Chapter 4 of the General Regulations so that each delegation may study them in detail in consultation with the appropriate authorities of their respective countries.

I address my remarks in particular to the representatives of the 27 countries co-sponsors of the draft resolution, which were members of the Administrative Council and which took part in its deliberations and decision on this matter.

Our delegation would point out that, to judge from the statements and reservations already made by a number of delegations, the adoption of this resolution might jeopardize the very existence of our Union. We also wish to state that the adoption of this resolution might make it impossible for the Polish delegation to sign the Torremolinos Convention".

4.28 The delegate of Japan made the following statement :

"The delegation of Japan is strongly opposed to the concept of Document No. 224 and adheres to the present financial system of the Union, i.e., the free choice of the contribution. The delegation would reserve all its further rights concerning this subject".

5. Statement by the delegate of Ethiopia

5.1 The delegate of Ethiopia asked the Chairman to convey to the Spanish Government the sympathies of the Conference in connection with the natural disaster that had befallen the provinces of Murcia, Granada and Almeria.

5.2 The Chairman thanked the delgate of Ethiopia on behalf of his Government and said he would be pleased to transmit the message.

The meeting rose at 2005 hrs

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

PLENARY MEETING

MINUTES

OF THE

TWENTY-FIRST PLENARY MEETING

Sunday, 21 October 1973, at 1035 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

Subjects discussed :

Document No.

- | | |
|--|--|
| 1. Statement by the observer of the Universal Postal Union | - |
| 2. Statement by the delegate of Israel | - |
| 3. Third report of Committee 4 | 260 |
| 4. Texts submitted by Committee 9 for first reading | 230, 252, 254, 264,
267, 280, 328, 329,
338, 224 + Corr. |

1. Statement by the observer of the Universal Postal Union

1.1 The observer of the Universal Postal Union reminded the Conference that the U.P.U. and the I.T.U. had worked side by side for over 100 years in complementary branches of communications.

1.2 The question of preparing a Constitutional Charter which the current Conference had considered had confronted the U.P.U. at its Ottawa Congress in 1957, when it had decided, as the I.T.U. had done, to have the matter studied in greater detail. That study had resulted in the adoption of a Constitution and General Regulations at the Vienna Congress in 1964. The U.P.U.'s experience in that regard was at the disposal of the I.T.U. bodies which would be considering the question between Conferences; the U.P.U. had reciprocally drawn upon various I.T.U. administrative and financial provisions in drafting its Constitution. It had also carefully studied the 1969 Vienna Convention on the Law of Treaties, but had retained its specific procedures with regard to reservations. A feature common to the two Unions was the fact that their budgets were drawn up in Swiss francs, which had made it easier for them than for other specialized agencies to deal with recent monetary difficulties.

1.3 The two organizations also cooperated closely in technical assistance matters and had set up very useful joint training centres in several parts of the world. He could assure the Conference that the U.P.U. would continue that collaboration in the future and expressed the hope that its new decisions would open even greater opportunities in that regard.

2. Statement by the delegate of Israel

2.1 The delegate of Israel said that his delegation had learned with sorrow of the natural disaster that had struck the host country, causing the death of over 100 people and leaving over 10,000 homeless. In proffering its condolences to Spain and to the bereaved families, his delegation wished to suggest that the excursions fixed for Wednesday, 24 October, should be cancelled, that the manpower thus freed should be offered to give all possible assistance and that voluntary contributions should be raised for the benefit of the stricken.

2.2 The Chairman expressed his wholehearted gratitude to the delegate of Israel for his statement.

3. Third report of Committee 4 (Document No. 260)

3.1 The Chairman of Committee 4 said that the Committee had carefully examined all aspects of the third construction phase of the Union building and had decided unanimously that the Conference should state in a Resolution that it could not undertake the third phase for the moment. That was the content of Draft Resolution DD in the 12th series of texts (Document No. 280, page 19).

3.2 Draft Resolution DD was approved.

4. Texts submitted by Committee 9 for first reading (Document Nos. 230, 252, 254, 264, 267; 280, 328, 329, 338, 224 + Corr.)

4.1 The Chairman invited the Meeting to consider the texts submitted by the Editorial Committee for first reading and expressed the hope that the non-controversial parts of those texts would be approved rapidly.

4.2 The delegate of Morocco, referring to Article 15 as set out in the 9th series of texts (Document No. 252), said that, although his delegation had been one of the sponsors of the proposal to adjust I.T.U. contributions to the United Nations scale (Document No. 224), it now wished to advance a compromise proposal, in view of the surprising and disappointing attitude adopted by certain important delegations, which had threatened not to ratify the Convention if the proposal was adopted. In that connection, Nos. 251 and 253 of the Montreux Convention should be borne in mind; nevertheless, to avoid an unpleasant situation, the Moroccan delegation now proposed that the problem should be referred back to the Administrative Council, with more precise directives than those which had resulted in its failure to produce any specific proposal for the current Conference. For example, the Council might be instructed to study the possibility of adjustment to the United Nations system or perhaps to base contributions on the international telephone traffic figures in the latest World Plan, and to submit the results of its studies to all Members in good time before the next Plenipotentiary Conference.

4.3 The delegate of Cuba said that his delegation, too, wished to submit a compromise proposal, to the effect that the system of free choice of class of contribution should be maintained, that the ceiling of contributions should be raised to 40, 50 or even 60 units and that the Administrative Council should submit the results of its study to Members two years before the next Conference.

4.4 The delegate of India agreed that the ceiling of classes of contribution should be raised, but considered that the current Conference should go further, by adopting an Opinion requesting the wealthy developed countries to choose a higher class of contribution in order to improve the Union's financial situation.

4.5 The delegate of the Byelorussian S.S.R. said that his delegation did not regard the United Nations system of assessing contributions as entirely satisfactory, since it failed to take into account various aspects of life in individual Member countries. In the case of the Byelorussian S.S.R. for instance, the economic effects of the climatic conditions and the enormous amounts spent on post-war rehabilitation were not reflected in the United Nations contribution system, and his delegation would find it difficult to sign the Convention if that system was applied in the I.T.U.

4.6 The Chairman suggested that a Working Party should be set up to consider the compromise proposals that had been introduced.

4.7 The delegate of Argentina said he was surprised that the proposal in Document No. 224, which had been submitted by over 20 countries, was to be passed over in favour of compromise proposals with which many delegations could not agree. The proposal should be thoroughly debated before it was decided whether or not to set up a Working Party.

4.8 The Chairman read out a list of five speakers and declared the list closed.

4.9 The delegate of Argentina made the following statement :

"Mr. Chairman,

As you will all remember, we started yesterday the debate on the proposal contained in Document No. 224 concerning the application of the United Nations scale by the I.T.U.

I wish first of all to express the satisfaction felt by the co-sponsors of this proposal at the fact that no delegation cast any doubt on the fairness of the United Nations scale, which is already applied by all the specialized agencies of the United Nations except the Universal Postal Union and the International Telecommunication Union.

I merely heard complaints concerning questions of procedure and presentation and the financial implications which its application would involve for some administrations.

Since everybody accepted the justice of the principle on which the United Nations' scale is based, I should like to go into the questions of procedure which were raised in greater detail.

The most important points are that, as the Administrative Council and Committee 4 of this Conference have expressed themselves in favour of maintaining the existing system, it would not be appropriate for the Plenary Meeting to review the matter. Gentlemen, it is not the first time that such a situation has arisen, and that the Plenary Meeting has decided to go back on a measure adopted by the Committees. There is a recent precedent for this : allow me to remind you that Committee 6 proposed the establishment of regional offices and that the Plenary decided against the decision, while the delegations which considered such a measure to be desirable entered the appropriate reservations. Others stated that the matter was being considered under pressure and submitted at the last minute. Gentlemen, the problem had already been discussed by the Administrative Council and by Committee 4.

In other words, it is not a new topic that we are raising for discussion. For those who are not on the Administrative Council and have not worked on Committee 4, I would recall that, through the agency of the General Assembly Resolution attached to Document No. 224 as Annex 2, the United Nations recommended the application of the United Nations' scale, and so it seemed logical that those recommendations should be discussed in the appropriate place - i.e., at the present Plenipotentiary Conference. I can understand that for financial reasons many delegations have been instructed to oppose this plan strongly, and it is only reasonable for anyone to defend his own interests, if necessary, vigorously, since it is his legitimate right to do so. The sponsors of Document No. 224 are in no way trying to jeopardize the interests of other Members of the I.T.U.

It is clear that Members also have the right to keep an eye on the budgetary implications of such questions and in the present case, all except 18 Member countries, are handicapped by a system which compels them to contribute to the I.T.U. to an extent beyond their economic capabilities as recognized by the United Nations.

I feel sure that, depending upon the decisions taken, there will be either 18 or 122 reservations on the system of contribution, for whatever the outcome there are bound to be some Members who will feel that they are affected financially. We view this point with equanimity, Mr. Chairman. The United Nations' scale is operative in all the United Nations specialized agencies except the U.P.U. and the I.T.U.

I therefore find it impossible to believe that the reservations which have been made are intended to hamper the work of this Conference or the operation of the I.T.U.

As a rule, every country acts consistently in the various organizations, and so it may readily be assumed that the same reservations as have been expressed here by some of the delegates have been made previously in the specialized agencies in which the United Nations' scale is applied; however, so far as I am aware the reservations have not had the slightest effect on the operation and efficiency of the specialized agencies.

To sum up, I would ask you to bear the following points in mind :

1. This question is one with which all the Plenipotentiaries are very familiar.
2. The purpose is to align the Union's financial policy.
3. The financial policy recommended in the Resolution has already been adopted by all the specialized agencies except the U.P.U. and the I.T.U.
4. Any reservations likely to be made will not affect the efficiency and proper operation of the Union.
5. The countries sponsoring Document No. 224 have a legitimate right to defend their interests.
6. Given the economic and financial conditions of the countries affected, they will be able to cope with the financial repercussions without any great difficulty if the United Nations' scale is accepted.
7. Given the economic and financial situation of the countries at present adversely affected by the free choice system, continuance of the system will give rise to difficulties for these countries.

I therefore earnestly request this Assembly to accept the financial policy recommended by the United Nations, which will enable each individual country to contribute to defraying the expenses of the Union in a manner commensurate with its economic and financial capability."

4.10 The delegate of Lebanon pointed out that his delegation had expressed views similar to those of the Moroccan delegate at the 8th meeting of Committee 4 (Document No. 237, point 1.9). In carrying out its study, the Administrative Council might consider how the technical cooperation funds supplied by U.N.D.P. would affect contributory shares. He supported the idea of establishing a Working Party and moved the closure of the debate.

- 4.11 The delegates of Argentina and Mexico opposed the motion. All the speakers on the Chairman's list should be heard.
- 4.12 The Chairman observed that under No. 707 of the Convention, a delegation could move the closure of the debate at any time.
- 4.13 The motion for closure of the debate was carried by 63 votes to 30, with 9 abstentions.
- 4.14 The Chairman suggested that the Working Party should be established.
- 4.15 It was so agreed.
- 4.16 After a long procedural discussion, during which some delegates expressed the view that the Working Party should take Document No. 224 and Article 15 into account during its discussions, others urged that votes should be taken on that document and on Article 15, and yet others said they thought that the Working Party should confine its terms of reference to the compromise proposals submitted, it was decided by 76 votes to 11, with 16 abstentions, that the Working Party's terms of reference should be to prepare a draft resolution instructing the Administrative Council to continue its study of the question, bearing in mind the various possibilities mentioned during the debate, including the proposal in Document No. 224.
- 4.17 The Chairman of Committee 4 observed that the Additional Protocol on financial ceilings could not be completed until all the relevant documents had been dealt with and suggested that a final meeting of Committee 4 should be held for that purpose.
- 4.18 It was so agreed.

8th Series of texts (Document No. 230)

Resolution T

- 4.19 In answer to a question from the delegate of Malawi, the Secretary-General explained that as payments into the Reserve Account consisted solely of any savings made by the Union during the financial year together with any interest accruing from the investment of contributions, the Reserve Account had no effect on the contributory unit.
- 4.20 Resolution T was approved.

Resolution W

4.21 Subject to the deletion of the words "new or" in the second line of paragraph (c) under "noting", Resolution W was approved.

9th Series of Texts (Document No. 252)

Resolution Y

4.22 Subject to editorial corrections indicated by the Chairman of Committee 6 and the delegate of the United Kingdom, Resolution Y was approved.

Article 15

4.23 In accordance with the discussion which had taken place earlier in the meeting, it was decided to keep Article 15 pending until the report of the Working Party on Contributory Shares was available.

Chapter 27

4.24 The delegate of Mexico proposed that consideration of Chapter 27 be postponed until a decision had been taken on Article 15 as the substance of the two texts was related.

4.25 It was so agreed.

Article 9

4.26 Subject to editorial corrections indicated by the Chairman of Committee 6 and the delegate of Nigeria, Article 9 was approved.

10th Series of Texts (Document No. 254)

General Regulations, Part II : Chapters 8, 9, 11, 12, 14, 15, 19, 23 and 24

4.27 Approved.

Resolution X

4.28 Approved.

11th Series of Texts (Document No. 267)

Chapter III : Articles 33 and 54

4.29 Approved.

Part IV : Rules 15, 21 and 23

4.30 Approved.

Part V : Chapter 26

4.31 Approved.

Chapter 29

4.32 The delegate of Peru said that the wording of the first two paragraphs of Chapter 29 might lead the reader to suppose that recourse to arbitration was compulsory. Since many countries did not consider arbitration an effective solution to disputes between States, he proposed that the text be amended to make it quite clear that arbitration was an optional and voluntary procedure.

4.33 The delegate of Cuba, supported by the delegate of the United States of America, said that the voluntary nature of the arbitration procedure was quite clear from the full text of the Convention. The principle of voluntary recourse to arbitration was laid down in provisions contained in the main body of the Convention (in Article 28 of the Montreux Convention, now Article 54 of the draft Malaga-Torremolinos Convention), while the text of Annex 3 to the Montreux Convention, now Chapter 29 of the draft Malaga-Torremolinos Convention, merely detailed the rules to be followed once such a course of action had been decided. Since the system before the Conference for approval had been in use in the Union for many years and had proved perfectly satisfactory, he was opposed to any change in it.

4.34 The Deputy Secretary-General mentioned that at Montreux separate provision had been made outside the Convention, in the Optional Additional Protocol, for countries who had wished to bind themselves to compulsory arbitration in case of dispute.

4.35 The delegates of the U.S.S.R., Yugoslavia, Italy, Indonesia, Roumania, Trinidad and Tobago and Poland wished it recorded that their interpretation of the provisions of the Convention was that arbitration was an entirely optional and voluntary procedure.

4.36 The delegate of Nigeria felt that the paragraphs relating to the drawing of lots needed clarification.

4.37 The delegate of Brazil said that replacing the word "notice" in the fourth line of the first paragraph of Chapter 29 by "invitation" might be a satisfactory solution to those who wished it clearly indicated that the procedure was optional.

4.38 The Chairman of Committee 8, supported by the delegate of Ireland, said there had been lengthy discussion in Committee 8 on the subject and it had clearly emerged there that arbitration was considered as optional. The wording of the texts before the Plenary had served the Union quite satisfactorily for many years. He therefore appealed to the Plenary not to amend the wording as that might lead to legal difficulties of interpretation later.

4.39 The Deputy Secretary-General said that the difficulty might be that there was no explicit reference in Chapter 29 to the main provisions of the Convention in which it was implicit that arbitration was voluntary. The action envisaged in Chapter 29 could only proceed effectively if there were agreement between the parties. He suggested that a solution might be to follow the practice used in the Montreux Convention and place in brackets under the heading "Chapter 29" the words "(see Article 54)".

4.40 With the addition proposed by the Deputy Secretary-General, Chapter 29 was approved as it stood.

Chapter 30

4.41 The Chairman of Committee 8 reported that, following the practice used in the Montreux Convention, it had been agreed in that Committee to make the list of definitions an Annex to the draft Malaga-Torremolinos Convention.

4.42 In reply to the delegate of Nigeria, who felt that the definitions ought to be in the main body of the Convention, as they applied to the terms used therein, the Deputy Secretary-General explained that the provisions of Article 55 of the draft Convention (formerly Article 52 of the Montreux Convention) made the definitions contained in the Annex an integral part of the Convention.

4.43 On the understanding that the text would become an Annex to the Convention, and with the exception of No. 587 which was still pending, Chapter 30 was approved.

Chapter 31

4.44 Approved.

Part VII : Chapters 32 and 33

4.45 Approved.

Optional Additional Protocol C

4.46 In reply to a query from the delegate of the U.S.S.R., the Deputy Secretary-General and the Chairman of Committee 8 confirmed that Optional Additional Protocol C would be signed. It could be published separately from the Malaga-Torremolinos Convention, as occurred at Montreux.

4.47 On that understanding, Optional Additional Protocol C was approved.

Resolutions AA, Z, BB and CC

4.48 Approved.

12th Series of Texts (Document No. 280)

Part I : Chapters 1, 2 and 3

4.49 Approved.

Chapter 4

4.50 Subject to an editorial correction to the English text only indicated by the Chairman of Committee 7, Chapter 4 was approved.

Chapters 6 and 28

4.51 Approved.

Additional Protocol E

4.52 Following a proposal by the delegate of Argentina, it was decided to keep Additional Protocol E pending until a decision had been reached on Article 15.

13th Series of Texts (Document No. 328)

Chapter 25 : Rule 17

4.53 Approved.

Chapters 5, 7, 16 and 17

4.54 Approved.

14th Series of Texts (Document No. 329)

Chapters 18, 20, 21 and 22

4.55 Approved.

Resolution EE

4.56 The delegate of China made the following statement :

"Mr. Chairman,

The Chinese Delegation will not take part in the adoption of Draft Resolution EE, entitled "Collaboration with International Organizations Interested in Space Radio-communication". The Chinese Delegation deems it necessary to state as follows :

1. Ever since 1 October 1949, the day when the People's Republic of China was founded, the Chiang Kai-shek clique has had no right whatsoever to represent China. The Chiang Kai-shek clique has, by usurping the name of China, acceded to some treaties, agreements and conventions concerning the peaceful use of outer space, including the 1967 Treaty on Principles Governing the activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. All the signatures affixed by the Chiang Kai-shek clique on these treaties, agreements and conventions are illegal and null and void. The Chinese Government does not undertake any obligations to them. The Chinese Government will decide as to whether it will accede to these treaties, agreements and conventions or not, after it has made a study of them.

2. At present, there are still elements of the Chiang Kai-shek clique participating in some of the international organizations by usurping the name of China. This is illegal. These elements of the Chiang Kai-shek clique should be expelled from these organizations.

Thank you, Mr. Chairman."

4.57 The Conference took note of that statement and approved Resolution EE.

Resolution FF

4.58 Due to pressure of time, it was decided that discussion of Resolution FF, to which an amendment had been proposed by the delegate of Sweden, should be postponed to the following Plenary meeting.

Resolution GG

4.59 Subject to an editorial correction indicated by the delegate of the Federal Republic of Germany, Resolution GG was approved.

15th Series of Texts (Document No. 328)

Resolution Nos. HH, II and JJ

4.60 Approved.

The meeting rose at 1410 hrs.

The Secretary-General

M. MILI

The Chairman

L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 442-E

16 January 1974

Original : French

PLENARY MEETING

MINUTES

OF THE

TWENTY-SECOND PLENARY MEETING

Monday, 22 October 1973, at 0900 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

Subjects discussed.

Document No.

- | | |
|--|---------------|
| 1. Document No. 224 on contributory shares | 224 |
| 2. Third and final report of Committee 7 | 231 |
| 3. First and second reports of Committee 8 | 161, 233, 264 |



1. Document No. 224 on contributory shares

1.1 The delegate of Iraq, supported by the delegates of Peru and of Paraguay, asked that Document No. 224 should be considered at the same time as Document No. 362.

1.2 It was so agreed.

2. Third and final report of Committee 7 (Document No. 231)

2.1 The Chairman of Committee 7 briefly introduced Document No. 231. He recalled that it had been preceded by two other reports (Documents Nos. 98 and 100) and that the Committee's deliberations had culminated in two draft resolutions, one on the election of the members of the International Frequency Registration Board and the other on the definition of the terms "telegraphy" and "telephony".

2.2 As there were no comments, Document No. 231 was approved.

3. First and second reports of Committee 8 (Documents Nos. 161, 233, 264)

3.1 The Chairman of Committee 8 called attention in particular to the following points in the reports of Committee 8 :

- a) elimination of the Category of Associate Member and preparation of a special protocol to protect the rights of the only existing Associate Member until it acquired the status of full Member;
- b) removal of Article 47 from the draft Constitutional Charter;
- c) deletion from the Convention of the expression "group of territories";
- d) replacement of "two-thirds" by "a majority" in No. 7 of the draft Constitutional Charter.

The Chairman thanked everyone for his cooperation and expressed special gratitude to the Secretariat for the effective assistance it had given him.

3.2 With regard to paragraph (1) on page 2 of Document No. 161, the delegate of Spain said that the word "country" was rather ambiguous and not quite satisfactory from either the legal or the political point of view. The word "State" was much more appropriate and it was important to make a very clear distinction between that concept and the concept of "country". However, to facilitate the work of the Conference his delegation was prepared to accept the word "country" in the body of the Convention provided the term "State" were used in the Preamble and in Article 1. Should the Conference decide otherwise, the Spanish delegation would be obliged to formulate a reservation on the question.

3.3 The delegate of the United Kingdom pointed out that the word "country" had been used in the I.T.U. Convention for a very long time without giving rise to any difficulty. It would be prudent, therefore, to keep it.

3.4 The delegates of the Argentine Republic and of the Ivory Coast did not agree with the previous speaker and were in favour of the Spanish proposal.

3.5 The delegate of France felt that consideration should be given without delay to the question concerning groups of territories which had been the subject of lengthy and heated debate. In view of the impression which he had gained in his personal contacts with other delegations, he proposed that the term "group of territories represented by the French Overseas Post and Telecommunication Agency" should be replaced in Annex 1 to the Convention by "group of administrations whose international representation is assumed by the French Ministry of Posts and Telecommunications". The choice of such a term would avoid offence to certain delegations and would constitute an acceptable compromise pending a final solution of the problem at the following Plenipotentiary Conference, since time solved many difficulties and confidence should be placed in the future. He then invited the meeting to vote on his proposal by secret ballot.

3.6 The delegate of Italy approved the foregoing statement and requested that a vote should be held by secret ballot.

3.7 The Chairman, supported by the delegates of Bolivia and Spain, said that the problem of the words "country" and "State" should first of all be solved.

3.8 The delegate of the United Kingdom, supported by the delegate of the United States of America, said that the first point to settle was that relating to territories and groups of territories, since the ensuing discussion would cover the problem as a whole and might affect the choice made between "country" and "State".

3.9 The delegate of Argentina said that the French proposal should not be considered until after the break, since it had been made unexpectedly and the delegations should be enabled to discuss it among themselves before expressing a view in the Plenary Meeting.

3.10 The Chairman requested the delegations present to make known their views by a show of hands; fifty delegations voted in favour of adjourning consideration of the French proposal.

3.11 In a spirit of cooperation, the degelate of France declared his readiness to agree to a short suspension of the meeting.

3.12 Before the suspension, the delegate of the United Kingdom wished to make some comments on the matter of territories and groups of territories. The various discussions which had been raised by the issue had frequently caused a degree of confusion. It was a fundamental issue, since it bore on the situation of territories and groups of territories which were at present Members of the I.T.U. His delegation was firmly opposed to any action calculated to deprive a Member of its rights and drew the meeting's attention to the repercussions which might result from such a step. Since the I.T.U. was to adopt an interim Convention, the Administrative Council might be invited to make a thorough study of the matter and to submit to the following Plenipotentiary Conference a detailed report on the effect which the exclusion of territories and groups of territories might have on the I.T.U. He also proposed to amend slightly the term "Overseas territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible", at present contained in Annex 1 to the Convention to reintroduce Articles 46 and 47 in the draft Charter with a wording which excluded the expressions "territories, group of territories" or "United Nations Trust Territories".

3.13 The delegate of Canada said that, in his view, the proposals just made by the delegates of France and the United Kingdom were perfectly compatible and mutually complementary. He was quite prepared to agree to them, and he also supported the request for a vote by secret ballot. Furthermore, the draft amendment to the first Article, which he had co-sponsored and which was contained in Document No. 184, might be supplanted by the proposals now advanced by the delegates of France and the United Kingdom.

3.14 The delegate of the United States of America said that the decision adopted by Committee 8 to eliminate the territories and groups of territories from Membership of the Union was very far-reaching and that all the implications had not been maturely considered. The territories of the United States of America had always played a constructive part in the Organization and it would be unwarranted to exclude them from Membership of the I.T.U., particularly considering the contribution they had made to the achievement of the Union's objectives. He subscribed to the opinions expressed by the delegates of France and the United Kingdom and proposed that the term used to describe the territories of the United States of America in Annex 1 to the Convention should be amended. Moreover, in view of the statements made by the two aforementioned delegations, he was quite prepared to abandon the amendment proposed in Document No. 184, and considered that the deletion of Article 47 should be considered with the greatest attention.

3.15 The Chairman requested the delegates of Canada, the United States of America, France and the United Kingdom, who were the sponsors of the above-mentioned document, to submit after the recess a new text containing, if possible, the various proposals made during the meeting.

3.16 After a recess, the delegate of the United Kingdom read out in English the proposal prepared jointly by the delegations of the United States of America, France and the United Kingdom with a view to employing new terms in place of the expressions "territories" and "Groups of territories" contained in the list of Members in Annex 1 to the Montreux Convention.

3.17 The United Nations observer said that as a result of the suppression of the category of Associate Member, Committee 8 had decided to delete Article 47 of the draft Convention which stipulates that the United Nations shall have the right to accede to the Convention on behalf of any territory placed under its administration which would become in effect an Associate Member. Such a deletion had been made on the understanding that the United Nations organization would have the opportunity to make its views known in Plenary meeting, which was the reason for Document No. 264.

3.18 Although the number of trust territories had decreased considerably since the adoption of the Charter in 1945, some still remained and consequently any change in the trust system would require a revision of Chapter 12 of the United Nations Charter; which could not be done by the Plenipotentiary Conference.

3.19 Also, the United Nations might, by decision of the General Assembly or the Security Council, become responsible for certain territories. West Irian was a case in point and there might be others in the near future.

3.20 Moreover, the deletion of territorial membership created problems because certain trust territories were included.

3.21 For all those reasons, he appealed to the Conference's wisdom to ensure that the rights of the United Nations were maintained; if necessary the organization could accept certain drafting amendments to Article 47.

3.22 The delegates of Senegal, Equatorial Guinea and Ivory Coast reserved the right to take the floor at a later stage of the discussion.

3.23 The delegate of Zaire made the following statement :

"Thank you, Mr. Chairman.

It seems to me that you have followed a procedure which obliges us to protest. We decided by a large majority to adopt the Spanish proposal to vote for or against the word "country" or "State". Now that you have given preference to the four countries defending colonialism, we must come back to a very important issue. You will, I am sure, Mr. Chairman, allow the delegation of Zaire to make a brief comment. What is happening here is most embarrassing. All the delegations here know which countries are interested in the suppression

of both the term and the concept of "territories" or "groups of territories". This morning two of the countries refusing this deletion are leading the debate in spite of the cards raised by countries who are positively interested in the suppression of this concept. To us this procedure is unfortunate but as we are defending a noble cause, both from the legal and political standpoint, we do not think we shall be overcome by such manoeuvres.

Mr. Chairman, the position of the delegation of Zaire is very clear. It has been explained more than once and is recorded in the minutes of this Conference. The Republic of Zaire has no interest in championing colonialization but it is forced to suffer the damage this phenomenon has caused. That is speaking from the political point of view, and it reminds us of Portugal and other countries which are still colonising the countries of Africa.

The problem which concerns us here is not political only, it is a legal one. We have noticed with surprise, since we do not have much experience in I.T.U. affairs, that this organization is deviating from the normal behaviour of international organizations today and particularly the specialized agencies of the United Nations. We have here, since the word "colony" is not generally accepted, political entities which do not have the status of "States" and which are recognized in the Montreux Convention as having the same rights and obligations, i.e. the quality of Member of the Union, as independent States. Legally this situation is no longer acceptable. We are not in the era of the League of Nations. The United Nations itself has not provided for the admission of a political entity not a State to Membership of the United Nations. We have heard, to our regret, someone in this meeting who claims to represent the United Nations, speak on behalf of colonialization and support a particularly regrettable position in the name of the United Nations. Such a stand may well prove costly because our countries will be obliged to ask the Secretary-General of the United Nations what right it had to send an observer to deny sovereign States the right to do what they wish when preparing a new International Telecommunication Convention. We can imagine the United Nations becoming a country one day and having colonies which it would govern like the other imperialist countries. But until further notice we are all part of the United Nations and it is not for an international official, whatever his title, to come here to teach us a lesson on the modification of the Charter. It is not international officials who will modify the United Nations Charter but Member States. It is a great pity to hear a United Nations representative speak it this way when all developing countries count on the United Nations to settle decolonialization problems.

Mr. Chairman, we have been credited with intentions which we did not have by people who forget that it is dangerous to interpret the thoughts of someone who is present and able to explain clearly and make himself understood. We did not say that all territories or groups of territories which have the status of Member of the Union are colonies. The countries which are responsible for the external relations of these territories or groups of territories can call them what they wish, consider them how they wish, maintain whatever kind of relationship with them they like, that is all a matter of internal policy. My delegation takes the liberty of repeating this. What we do refuse is to pass over the concept of the legal equality of States within an international organization or to reduce our countries, our States, to the level of territories or groups of territories whose political position is not sufficiently recognized by the countries responsible for them for us to accept dealing on an equal footing with political entities which are politically underdeveloped.

We need only look at most of the conventions drawn up by the international organizations to see what status is usually attributed to these political entities and we then see that the I.T.U. practice is abnormal. We have been given explanations which were used in 1947 to admit these colonies or other territories as Members of the International Telecommunication Union. To our mind, these explanations of 1947 are no longer valid. This is proved by the fact that no delegation here has had the courage to inform us about them; we have learnt about them in the corridors. But these are weak arguments concerning the settlement of accounts between big powers and does not interest us. We say that legally our position is well-founded because we do not want our States to be on the same footing as territories whose external relations are still directed by other Members of the Union. For us, that is a duplication, and for the countries concerned a useful one because they have two votes. It is good for the Union because financial contributions are paid on behalf of those territories. But this is not enough to sanction colonialization, otherwise you could be asked to take the Republic of Zaire, make it an overseas territory and the country which will direct its external relations will pay very large contributions to the Union. If you then want to begin a new colonial policy all over again you can ask us to consider all your colonies as Members of the Union and ask our States to leave it, since it is no longer a forum for independent States. We are not afraid, politically or legally, to defend our cause since it is a noble one. We are defending the rights of man and the fundamental liberties, the right of each people to self-determination and for us the problem is not ideological, it is a problem we feel strongly about and a scourge on our backs. We ask countries with colonies to keep them if they do not want to free them politically. As this delegation has already said, countries which have colonies or territories are in a poor situation, legally speaking. Let them keep those colonies as a matter of internal affairs, but let them not preach their depravity.

No country has the right to say to us today that it has colonies and wants not only to keep them but to impose them on us as political entities with the same rights and obligations as States.

Savings are being proposed since financial problems are your great worry. Stop paying contributions to the Union on behalf of these territories. If you want to make a generous gesture, increase your own contributions to the Union. We cannot accept that an international organization, called a Union and set up to facilitate communications and understanding between peoples, sanctions a policy of colonialization, simply because there are big financial powers which provide contributions. This is what this delegation calls unlawful benefits. And as there are no legal grounds for taking advantage of this depravity, the I.T.U. has no right to defend these positions. We want our purpose to be understood. We think that this way of looking at the situation also reflects the desires of most developing countries represented here and even of certain developed countries. It must be recognized that even the underdeveloped countries can, at a certain moment, become aware of an abnormal situation and draw attention to it.

Mr. Chairman, this is the position of the delegation of Zaire at this stage. It reserves the right to intervene on every point of detail and considers it regrettable that the meeting was interrupted. We were told that the break would allow delegations to negotiate a compromise solution. The delegation of Zaire was sorry to see that the countries which negotiated were those interested in the retention of territories or groups of territories in the Convention and that unfortunately they forgot to deal with the countries opposed to it. The countries in favour deliberated on their side on a text to be submitted to the others. The countries who want these groups of territories to be deleted, not only from the Convention but also from Annex 1 so that they are no longer Members of the I.T.U. on the same basis as States did not negotiate. The African Group did not see the representative of the United States of America, the United Kingdom, France or any other country. Let them not try to persuade us that a compromise was found.

Mr. Chairman, the delegation of Zaire regrets having to speak in French because it is not an African language. But it is certain that in speaking French, it can make itself understood by other delegations without being interpreted, thus we could at least have had contact with other French speakers. But no-one talked to us about this and we think it is easy enough to ignore the wording proposed, which is a mere replacement. For us, it is not a question of words - whether in English, Chinese, French or Arabic - what we want is to know what is being designated; replacing the terms "territories" or "groups of territories" by "administration" or

"group" or "region" does not change anything. We want it to be understood that they are not States and on these grounds should be deleted from the list of "Members" in Annex 1.

Thank you, Mr. Chairman."

3.24 The Chairman said that it was not his intention to prevent anyone from taking the floor to express his views and he apologized if he had given that impression at any time.

3.25 The delegate of Italy said that now that all opinions had been heard, he requested closure of the debate and a vote on the United Kingdom, United States of America and France joint proposal.

3.26 The delegate of Argentina said that he had asked for the floor before the previous speaker and submitted a point of order which should have priority. He protested strongly against the fact that international officials had precedence over representatives of Members of the Union and sought to influence the course of the debate, despite Resolution 1514 of the United Nations General Assembly concerning the efforts made to decolonize the trust territories. He asked that the United Nations Special Committee be informed of the complete statements made at the I.T.U. Plenipotentiary Conference by the observers of the United Nations so that the whole question facing the Union could be evaluated. He said that he was very surprised that a request for closure of the debate had been made at the present stage of the discussion.

3.27 The Chairman asked the delegate of Italy whether the speakers on the list could be heard.

3.28 The delegate of Italy refused because in his view it served no purpose to hear lengthy speeches which could add nothing to what had already been said on both sides. He therefore maintained his request for closure of the debate.

3.29 No support being forthcoming, the Chairman said he would close the list of speakers which now stood at twelve.

3.30 The delegate of Somalia reserved the right to speak at a later stage, most of the points he had wished to raise having been covered by the delegate of Zaire.

3.31 The delegate of Panama made the following statement :

"The delegation of Panama is opposed to acceptance of any compromise on the subject of "territories" or the disguising of such concepts under other names such as "group of administrations", "regions",

"entities" etc. All those terms savour of colonialism or neocolonialism which is the cancer undermining the liberty of freedom-seeking countries. Panama, which has been and is still a victim of this terrible disease, is strongly opposed to any compromise and considers that the words "territories" or "groups of territories" should be eliminated completely and any other words with the same meaning, and that they be given the right to vote as if they were sovereign states."

3.32 The delegate of the People's Republic of the Congo associated himself with the statement made by the delegate of Zaire and asked for the United Nations observer to sign the text of the note contained in Document No. 264. The delegate of the Republic of Rwanda supported that request.

3.33 The request was noted.

3.34 The delegate of the Republic of Equatorial Guinea said he was surprised to see that colonial interests were being manifested at the Conference which seemed to be controlled by those seeking to defend a cause which was in flagrant contradiction to the spirit animating the Union. He agreed with the opinions expressed by the delegates of Argentina and Zaire and also with the request just formulated by the delegate of the Congo.

3.35 The delegate of the Federal Republic of Nigeria supported both the Argentine request for publication in extenso of the statement made by the United Nations observer and the Congolese request. He also thought that plenipotentiaries at the Conference should be able to obtain in printed form all the statements made on the fundamental question under discussion.

3.36 The delegate of the Republic of Guinea noted the tenaciousness and perseverance with which the delegates of France, the United Kingdom and the United States of America insisted on their concept of "territories". The legitimate intransigence of countries which refused to accept it could only be strengthened by the debate. As there was little to add to the statement made by the delegate of Zaire, he illustrated by a few examples the situation of his own country and its desire to help brother nations suffering from oppression and to set up a non-racial system on the lines of the Plenipotentiary Conference where people of all races fraternised.

The efforts made to split up and Balkanize Africa were now recoiling against their authors. Thanks to their understanding and cohesion, the Africans, with the support of many progressive countries weighed heavily in decision-making. The past had to be forgotten if men were to live in harmony and that was only possible if the African countries could freely defend their interests.

In conclusion he requested that all references to "territories" or "groups of territories" in any form whatsoever be removed from the Convention.

3.37 The delegate of Argentina made the following statement :

"Mr. Chairman,

Discussions have been going on since the very beginning of this Conference about the question of the "groups of territories" referred to in the Preamble and Article 1 of the Montreux Convention. The very fact that these discussions have gone on so long shows how important the subject is. The Argentine proposal to eliminate such terms from the Convention - a perfectly legitimate one in view of the colonialist connotation of the phrase - met with opposition based on a whole range of arguments - pseudo legal, political, financial, technical and geographical. Most of the time the arguments advanced were ambiguous and imprecise. Discussion of the question was postponed on a number of occasions not for any organizational reason connected with the Conference but for strategic reasons, to gain time and to whittle away the substance of the problem. In the opinion of the Argentine delegation, these endeavours were nothing more than rhetoric, legalistic Byzantinism and attempts to create a favourable climate with a view to winning over those who were still undecided.

The discussions went on for more than a month. Finally however a decision was taken. During the meetings of Committee 8 the whole subject of groups of territories was buried under an avalanche of votes, in an election which was a democratic act, as it should be, at which the majority supported our point of view. After this it will not be necessary for me to take my shoe off and hammer the table to drive home our arguments. We have arguments that may be less aromatic but which are more juridical, more just, more political, more humane and we have spared no efforts in putting them before this assembly. To insist on them any further would be to insult the intelligence of the Chairman and the delegates. I don't want you to say like Cicero "How much longer Catilina?..." Nor do we wish to take to the barricades with our speeches. We are tired of reasoning; we are tired of feeling the pressures of imperialism on the living flesh of our country. We are tired of the domination of our land by foreigners and the control of our economy by the potentates of international finance.

It is for this reason that we fight against imperialism of whatever shade. Our conception of justice is based on a new vision of man, on a vision of true and unfettered freedom, on a vision of brotherly love, on a vision of man who is levelled only before death and before God.

It is by virtue of this conception, Mr. Chairman, that we have added our voice to those who plead for the independence of other

peoples and we consider that we have made a contribution to this ideal by supporting Resolutions 101 and 102 on Portugal and South Africa and by requesting the deletion of Articles 46 and 49 from the Torremolinos Convention.

I have already had occasion to state that we are no strangers to the phenomena of colonialism. Our fight against it has been going on for over 160 years and we have still not succeeded in rooting out its traces from our country.

Since 1830 a fragment of our territory has been under the domination of a foreign power. It was in 1830 that the United Kingdom occupied the Malvinas Islands which it continues to rule over. The occupation of this territory was carried out by an act of force which flouted the rules of international law, political relations between peoples, the trend of history, human rights, geographical realities. This act of occupation has never been recognized by Argentina and it never will be. Sooner or later the United Kingdom of Great Britain will have to return the Malvinas Islands to its legitimate owners. We base our struggle on law and on the principle that what is obtained by force cannot generate law.

How can anyone expect us, Mr. Chairman, to accept that an international instrument should include principles, concepts or provisions which are at variance with our national interests and with our whole concept of life?

Mr. Chairman, let us again leave it to the opinion of the Conference, the delegates of which already know that the Rubicon has been crossed.

On a previous occasion, Mr. Chairman, I heard you say that Spain, this beautiful country of my distant ancestors, could lose many things but that it could never lose its youth or gaiety. Let me take up this expression, Mr. Chairman, and amplify it somewhat. We shall not lose our youth or our gaiety either. Nor shall we lose hope.

Many thanks, Mr. Chairman."

3.38 The delegate of Algeria supported wholeheartedly the statements made by the delegates of Zaire and Argentina.

3.39 The delegate of the United Kingdom recalled that his country's position with regard to the Falkland Islands was stated in Final Protocol (L) of the Montreux Convention, 1965.

Speaking on the substance of the question, he said that the prime concern was to determine whether the Plenipotentiary Conference wished to deprive of their rights territories which were Members of the Union.

3.40 The delegate of Togo was in full agreement with the statement of the delegate of Zaire. The I.T.U. was an organization for peace and progress and any encouragement given to the resurgence of colonialism was a step backwards.

As for the procedure, he observed that a text in which mention was made of a decision to suppress the term "group of territories" had been voted upon and adopted by Committee 8. The discussion showed that if the text were put to the vote it would be approved by a majority. He therefore failed to understand why the Conference permitted the submission of new proposals aimed at amending the Convention in another direction. If there were to be a vote, it should be on the decision and the text originating in Committee 8.

3.41 The Chairman and the delegates of France and the United Kingdom read out in the different language versions the joint United Kingdom, United States of America and France proposal.

3.42 The delegate of Gabon asked whether the new proposal was a substitute for that in Document No. 184; he also wanted to know what would happen if the new proposal was rejected and asked for it to be reproduced and distributed.

3.43 The delegate of Upper Volta asked what regions were referred to and supported the Togolese proposal.

3.44 In reply to the delegate of Argentina, the Chairman said that acceptance of the joint proposal would imply a simple substitution of terms and consequently the maintenance of the "double vote".

3.45 The delegate of Togo repeated his request for a vote on the approval or rejection of the Committee 8 decision, namely the deletion of the terms "territories" and "groups of territories" from the list of Members annexed to the Convention. Proposals for amendment or re-arrangement which had been presented later and had not yet been examined should not be taken into account.

3.46 That view was supported by the delegate of Argentina, who considered that the Conference should first of all take a decision on the substance.

3.47 The delegate of Iraq raised a point of order under No. 738 of the Convention. He considered that the proposal which was the furthest from the original draft of the Convention, submitted to the Conference and the current Plenary meeting, was the one from Committee 8 requesting the deletion of "territories" and "groups of territories" from the List in Annex 1 to the Convention; the vote on the Committee 8 decision therefore had priority.

3.48 In the course of a lengthy debate on the procedure, the proposal by the delegate of Togo endorsed by the delegate of Iraq was supported by the delegates of Rwanda, Morocco, Algeria, Zaire, Ivory Coast, Argentina, Guinea and Senegal. The delegate of France, on the other hand, requested a vote by secret ballot on the joint United Kingdom, United States of America and France proposal and that request was supported by the delegates of Italy, Canada, the United States of America and the Netherlands.

3.49 The delegate of Morocco said it seemed to him that the joint proposal was unsatisfactory since it made no mention of the Spanish territories and the Portuguese provinces.

3.50 The delegate of Spain said that the Spanish delegation had refrained from speaking throughout the debate which demonstrated clearly the position adopted on the question. He said that Spain would abstain in the vote, in other words his delegation would abide by the Conference's decision.

3.51 The delegate of France having requested a vote on the new joint proposal, on a point of order, a number of speakers manifested their dissatisfaction at the procedure and following interventions by the delegates of Zaire and Morocco it was finally decided, on a point of order raised by the delegate of Argentina and after an intervention by the Chairman of Committee 8, to vote on the substance, i.e. the decision by Committee 8 that no mention whatever be made of the five Members listed in the Montreux Convention, 1965, as "territories", "groups of territories" etc. If the decision were rejected, then the Members in question would be reintroduced, possibly under another denomination.

3.52 The delegates of the United Kingdom, and New Zealand protested against that procedure which was, however, acclaimed by several delegations.

3.53 The delegate of the United Kingdom said that if the Conference was to take a decision on the terms "territories" or "groups of territories" it was because they were inappropriate. If, however, it was to be a decision on a proposal aimed at deleting from Annex 1 a number of Members designated under those terms, then the United Kingdom, United States of America and France proposal should be regarded as an amendment and therefore be put to the vote first.

3.54 The Chairman closed the debate and said that the Conference would decide in favour of or against the deletion of any mention of the terms in question, i.e. it would approve or reject the conclusion of Committee 8 as it appeared in paragraph 5 on page 3 of Document No. 161.

3.55 The delegate of the Ivory Coast asked for the vote to be by secret ballot and the request was supported by several delegations.

3.56 The Chairman designated the delegates of Congo, Brazil and Italy to act as tellers.

3.57 The conclusion of Committee 8 was approved by 61 votes to 51, with 12 abstentions, and consequently there would be no mention whatever in any part of the Convention or its annexes of the Members heretofore known as "territories", "groups of territories", "provinces" in the Montreux Convention, 1965.

3.58 The delegate of the United Kingdom said that in the opinion of his delegation the procedure that had been followed in resolving the question had not been in accordance with Nos. 727, 728 and 737 of the General Regulations annexed to the Montreux Convention.

3.59 That opinion was endorsed by the delegates of the United States of America and France, the latter again requesting a vote on the joint proposal.

3.60 The delegate of Guinea thanked all those who had contributed to the result just achieved. He then made the following statement :

"The representative of the Republic of Guinea is pleased to inform you that he has just received a telegram from his Government asking him to submit the candidature of the State of Guinea-Bissau for Membership of the Union, in accordance with Document No. 295 dated 16 October 1973 addressed to the Secretary-General by Mr. Francisco Mendes, President of the Council of State of Guinea-Bissau. My delegation therefore requests you, Mr. Chairman, to add this item to the agenda for this afternoon's meeting.

The meeting rose at 1400 hours.

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

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16 January 1974
Original : English

PLENARY MEETING

MINUTES

OF THE

TWENTY-THIRD PLENARY MEETING

Monday, 22 October 1973, at 1530 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

<u>Subjects discussed :</u>	<u>Document No.</u>
1. First report of Committee 8 (continued)	161, 351
2. Texts submitted by Committee 9 for first reading	
- 16th series	351
- 10th series	254 (p. 2)
3. First and second reports of Committee 8 (continued)	233



1. First report of Committee 8 (Documents No. 161, 351) (continued)

1.1 The Chairman invited the Conference to proceed to a secret ballot on the proposal jointly submitted at the previous meeting by the delegates of France, the United Kingdom and the United States of America. He requested those delegates who had acted as tellers for the preceding ballot to continue in their functions.

1.2 The delegates of Argentina, Congo, Morocco, Sierra Leone, Upper Volta, Senegal, Togo, Zaire and Lebanon contested that procedure. In their view the decision taken by the Conference at its twenty-second meeting to delete the expression "territories or groups of territories" from the Convention precluded a vote on the joint proposal. In that respect they drew attention to No. 736 of the Montreux Convention.

1.3 The delegates of France, the United Kingdom and the United States of America maintained that the joint proposal should have been voted on before the question of principle, in accordance with No. 737 of the Montreux Convention. Moreover, as a proposal duly submitted and discussed, it should be voted on in accordance with No. 692. Finally, they pointed out that it had been clearly understood at the morning meeting that a vote would be taken on it, at the present meeting, by secret ballot.

1.4 The Chairman of Committee 8 and the delegates of Canada and Ireland thought that a vote should be taken on the joint proposal.

1.5 In accordance with a suggestion by the delegates of Iraq and Guinea, contested by the delegate of France, the Chairman invited the Conference to decide on whether or not it wished to proceed to a vote by secret ballot on the proposal jointly submitted by France, the United Kingdom and the United States.

1.6 The proposal was rejected by 63 votes to 43, with 15 abstentions.

1.7 The delegate of the United States of America, supported by the delegates of the United Kingdom and France, protested against the procedure followed by the Conference, which had resulted in denying the right of membership to the territories represented by them. In their view, the Conference had acted in violation of Nos. 737, 692 and 727 of the Montreux Convention.

1.8 The delegates of Zaire and Argentina expressed their gratitude to all those delegates who had supported their cause.

1.9 The Secretary-General said he would like to indicate the action taken by him since the Montreux Conference with regard to Rhodesia. In the first place he recalled the statement made by the delegate of the United Kingdom on 12 November 1965 declaring that his Government remained responsible for the international relations of Rhodesia. He then read out Administrative Council Resolution No. 599 on the situation concerning Rhodesia. The Secretary-General and the Administrative Council had always seen to it that the instructions contained therein were adhered to rigorously. Following the usual practice however, Rhodesia was considered to be still a Member of the Union under the terms of the last Convention to which it was bound.

1.10 The delegates of Zaire, Morocco, Senegal, Guinea and Algeria proposed the deletion of Rhodesia from the list of countries in Annex 1.

1.11 The delegate of the United Kingdom said that the action of the Union with regard to Rhodesia had been in line with the decisions taken by the United Nations and that, as far as the United Kingdom was concerned, there was no need to proceed further.

1.12 It was decided to delete Rhodesia from Annex 1.

1.13 The delegate of Australia asked for the deletion of the words "Commonwealth of" after the name of his country in Annex 1.

1.14 At the suggestion of the Chairman of Committee 8, the Chairman proposed that the meeting should consider the 16th series of texts submitted by the Editorial Committee (Document No. 351) at first reading, in conjunction with the 1st Report of Committee 8 (Document No. 161).

1.15 It was so agreed.

1.16 The Chairman invited the meeting to consider the possibility of replacing the word "country" by the word "State" in the preamble and Article 1 as proposed by the delegate of Spain and supported by other delegates.

1.17 The delegates of Argentina and Peru supported the Spanish proposal saying that in view of the Conference's decision to delete the term "groups of territories" from the Convention there was no longer any reason to retain the word "country".

1.18 The delegates of the United States of America and the United Kingdom strongly opposed piecemeal amendment of the Convention without full study of its implications, since such a procedure might lead to difficulties in ratification.

1.19 After a further discussion, in which solutions such as the use of the word "country" in the English text, "pays" in the French text and "Estado" in the Spanish text, or the retention of the word "country" in the Preamble, with a definition in the list of definitions explaining that it was equivalent to "State" were proposed and rejected, the delegate of Ireland, supported by the delegate of Italy, moved closure of the debate.

1.20 The Chairman put to the vote the Spanish proposal to replace the word "country" by the word "State" in the Preamble and Article 1.

1.21 The Spanish proposal was rejected by 54 votes to 38 with 17 abstentions.

1.22 The Chairman of Committee 9 explained that since it had been decided to have a Convention and not a Constitution the square brackets in the title could be removed and the title could read "International Telecommunication Convention".

1.23 It was so agreed.

1.24 With the title as amended, the Preamble, as in Document No. 351, was approved at first reading.

1.25 The delegate of Senegal proposed that Article 1, 1.a) should read : "the Members listed in Annex, who sign and ratify, or accede to, the Convention;".

1.26 It was so agreed.

1.27 The delegate of Gabon, supported by the delegate of the Ivory Coast, proposed that the word "countries" should be substituted for the word "Members" in Article 1, 1.a).

1.28 It was so agreed.

1.29 The delegate of the Malagasy Republic pointed out that as a consequence the names of countries listed in Annex 1 would have to be amended.

1.30 The delegate of Canada made the following statement, in connection with Article 1, 1.c):

"Mr. Chairman,

Our Plenary Assembly has before it today the Report of Committee 8 and in particular a recommendation to admit new Members to the Union by a simple majority. The delegation of Canada abstained from speaking during the discussions in Committee but we feel today that we cannot remain silent on so important a question.

I must say straightaway that my delegation is very strongly opposed to the introduction of a simple majority as an adequate criterion for the admission of new Members to our Union.

If the Conference were to take such a decision we do not think that anything would be gained; on the contrary, we are sure that it would involve serious legal, practical and psychological disadvantages.

With regard to the legal and practical aspects, it is clear that, except for two cases where the integrity of human life or even life itself in our biosphere were at stake (I refer here to the World Health Organization and to the International Atomic Energy Agency), international bodies such as ours have never trusted the idea of a simple majority as a test of the legitimacy of the claims of a candidate for admission. The legal and practical reasons behind this tradition are readily understood and have their roots in history. The birth of a State and its emergence as a bona fide member of the international community are generally the result of a complicated process ending in the creation of a web of de facto relationships which in turn finally command recognition by a majority of other States. The specialized agencies of the United Nations have never sanctioned the principle of admission of new members by a simple majority (except for the obvious exceptions to which I have previously referred) and we too fail to see any specific reason why the I.T.U. should rely on the principle of a simple majority for admission of a new Member.

The exclusion of a Member from our Union has so far been impossible and must remain so. Consequently, the admission criteria must continue to be stringent yet just and fair. The two-thirds majority rule fully meets these criteria. Even though some States may have felt that the threshold of the I.T.U. was not as easy to cross as they would have liked, we can nevertheless congratulate ourselves on the fact that as a result of applying this very rule of a two-thirds majority, the I.T.U. now numbers

some 140 Members. In that respect, and still with the two-thirds rule, our Union offers an excellent example of the application of the principle of universality.

There are also important psychological considerations behind such a legal and practical tradition, for what sort of welcome would the Union give a new Member if it were possible for nearly half of us to be opposed to its admission? Which of us would be happy to take our seat here unless we knew that from the outset we could count on the cordiality of at least two-thirds of our colleagues? Our Secretary-General proposed right from the beginning of our Conference that it be placed under the sign of friendship, and many have since then stressed the spirit of cooperation and mutual aid which should mark our words in particular and the activities of the Union in general. What meaning could we attach to these words if we had to give legal sanction in the Convention to the possibility of a new Member joining our ranks to find only a lukewarm welcome and even hostility awaiting it from nearly half of the Union membership? For the reasons which I have tried briefly to explain here the measure envisaged does not seem to us to be in line with the course of history or with the Union's best interests. May I therefore ask this Plenary meeting of the Conference, through you, Mr. Chairman, to confirm the maintenance of the two-thirds rule for the admission of new Members of the I.T.U. To this end I have the honour to ask for a secret ballot.

Thank you, Mr. Chairman."

1.31 The delegates of Ireland, Pakistan, the United States of America, Belgium and the United Kingdom endorsed the Canadian delegate's statement and supported the proposal for a vote by secret ballot.

1.32 The delegate of Morocco proposed the adoption of the Canadian proposal by acclamation, since no one had spoken against it.

1.33 The delegates of the U.S.S.R., Poland and Roumania objected to that procedure.

1.34 A vote was taken by secret ballot on the Canadian proposal, the delegates of the People's Republic of the Congo, Brazil and Italy acting as tellers at the request of the Chairman.

1.35 The result of the vote was as follows :

For	:	71
Against	:	43
Abstentions	:	5

1.36 The Canadian proposal was thus adopted.

1.37 Article 1, as thus amended, was approved.

1.38 The delegates of Roumania and the German Democratic Republic reserved their right to submit a written statement in connection with Article 1, l.c) (see Annex 1).

1.39 The Chairman of Committee 8 pointed out that as a consequence of the Plenary's decision regarding the two-thirds majority requirement for the admission of new members, No. 485 of the Draft Constitutional Charter, which had been deleted by Committee 8, would have to be re-introduced, and might be submitted to Committee 9, as having received its first reading.

2. Texts submitted by Committee 9 for first reading

2.1 16th series (Document No. 351)

Recommendation B

Approved.

2.2 Opinion No. 1

Approved.

2.3 Resolution KK

The delegate of Israel made the following statement :

"Mr. Chairman,

Distinguished delegates,

The delegation of Israel, like many other delegations, came here leaving behind tasks and duties - urgent and pressing - in order to contribute its humble part in the all-embracing effort of the I.T.U.; an effort to give yet another push forward to the development of telecommunications; to promote the development of recent and future techniques. Regretfully, some delegations have taken another course, and tried instead to exploit this professional forum as yet another platform for their fallacious propaganda against my country.

Mr. Chairman,

My delegation is shocked that this august body, composed of engineers and other experts in the field of communications, could fall victim to this kind of propaganda and reach conclusions without the presentation of any evidence at all - and in the absence of the only representative of Israel.

I should add in passing :

The religious reasons, which account for my foreseeable absence on Saturday, have been fully explained to the Chairman on Friday last. The Chairman promised me solemnly that if anything of concern to Israel came up, he would do all that was in his power to delay consideration until after Saturday. Some of you will know, I am sure, that for an observant Jew - and I try my best to be one - Saturday is not merely a holiday, or an off day. My religion dictates strict commands and prohibitions, which cannot be overruled unless there exists an imminent danger to life.

We are dismayed and filled with sorrow that a mere accusation has been accepted as irrefutable evidence, and that a sovereign state should be condemned before a single shred of proof was placed before this forum. In fact, my Government has, since the news of the interruption of the cables, denied any part, direct or indirect, in this action. I have before me a Telex, signed by the Director General of my Administration which, Mr. Chairman, with your permission I will read in full :

'22 OCT 1973

MINISTRY OF FOREIGN AFFAIRS INFORMS ME THAT ON THE SAME DAY AS THE ALLEGATION OF SABOTAGE BEIRUT-SUBMARINE CABLES WAS MADE, THE ISRAEL SPOKESMAN DENIED ANY RESPONSIBILITY WHATSOEVER FOR THIS OCCURRENCE

S. SOROKER

GENTEL JERUSALEM'

Mr. Chairman,

It is now for the fourth time in the last 25 years that the remnants of my people, the people of Israel, have been obliged to fight for our liberty, to fight for our lives, to fight for our very existence.

On October 6th, Egypt and Syria launched a sudden attack against Israel, across the cease-fire lines. This treacherous aggression was launched on the Day of Atonement, when - by reasons of the special sanctity of the holiest day in the Jewish calendar - the everyday routine of life in the country gives way to spiritual reflection, fasting and prayer, throughout the nation. To the baseness involved in the choice of this particular day, Egypt and Syria have added the cynical falsehood, which alleged that Israel - on the Day of Atonement, with all that this day means for Jews - began the fighting. The inconceivable falsehood of this allegation was fully exposed by the military facts, and by the reports received from the United Nations observers.

The Egyptian and Syrian attacks - which have been joined since by several other Arab states - are manifestation of the implacable policy of falsehood, blind hatred, hostility and warfare pursued against Israel.

We have defended ourselves with the means at our disposal and have taken such actions as we felt essential to our survival as a nation and a people. However, we have never denied or refused responsibility for any action we felt impelled to take.

In this case of the cables' disrapture we must state emphatically that we deny any connection with it. In fact, logic and the physical evidence themselves disprove such a charge.

The cable itself is owned, in large part, by European as well as United States interests, whose sympathy and understanding we seek. Why should we wish to endanger these sympathies and damage the property of friendly nations?

Why, also, if we wished to carry out such an action, would we undertake it so close to shore, where detection would be easy and repair relatively simple?

In this case as in the past, acts of sabotage of internal origin have taken place. Oil pipelines have been damaged before, embassies of Arab states have been invaded, high officials of Arab states have been assassinated, planes have been hijacked, hostages have been taken. In all these instances, it was one group within the Arab states acting against another. Here, too, I suggest the facts lend themselves to such conclusions. Dissident Arab groups do operate in Lebanon. Why, only several days ago such a group, in Beirut, took as hostages some 50 innocent local inhabitants, and played around with their lives. These groups have the

minimum skills necessary to handle explosives and to perform this kind of sabotage, and the means to reach the points where the damage allegedly took place. In one stroke they can take revenge for wrongs, real or imagined, and in the current climate place the blame on Israel.

We understand that when Lebanon first reported the cable break, and asked ITALCABLE for assistance in restoration of service via alternate routes, they themselves referred to the cable break as an act of sabotage. Only later did it occur to them that this incident could be utilized for propaganda purposes.

Typically enough also in the case of the present draft resolution the Arab group chose purposely Saturday to stab Israel from behind, whilst undefended. The multitude of the Arab countries and their, shall I say, 'friends' from behind the Iron Curtain, play the act of the poor robber. It is well known where people are oppressed -- even their own people; it is well known to those to whom the life of human beings has no value at all; where freedom is oppressed and basic human rights and dignity are denied.

As for my country, Mr. Chairman, we are an open, free and democratic society. Hundreds of thousands of visiting statesmen, journalists and tourists come to our country and see it for themselves.

Honourable Delegates,

My country is surrounded by bitter enemy countries, heavily armed with the most sophisticated Soviet-made weapons. These countries strive for many years, by all means, to rob the poor man's lamb - to totally destroy the State of Israel - and to throw us into the sea!

Will you condemn a small state, battling for survival, on the basis of blunt accusations? Just for the sayings of unrestricted enemies? without any evidence? against any sense of justice?

I address myself to my colleagues who represent small, new and developing nations. Many of you, too, have large, rich and powerful opponents.

Much of your safety - as ours - lies in the rule of law; in a world where proof is demanded before conclusions are reached; where nations act out of a sense of justice and not merely in response to the pressures of wealth, armaments or oil. Will you act here on irresponsible charges, inflammatory speeches, wild accusations, implied threats, or will you demand hard evidence, cold facts and indisputable proof?

I appeal to all of you; I appeal to Africa - which has been exploited for years by the Arab slavery trade; I appeal to Asia; I appeal to Europe; I appeal to the Americas; I appeal to friends; I appeal to the conscience of the unfriendly. For the sake of our Union; for the sake of justice; do not let this shameful draft resolution stain our Union.

For, my dear friends, just as justice is indivisible so is injustice. You never know where it will strike next. Furthermore, where evil persists abstention alone has no power to avoid it.

I formally request that the draft resolution be rejected and that it shall be put to a secret vote in the course of this reading.

With the abiding faith that my people have always had, that justice will triumph in the world, I repeat my unequivocal denial of the charges and now I leave the result of the vote in your hands, Honourable delegates - to your sense of equity and fair play.

Thank you Mr. Chairman."

2.4 The Chairman said that the Resolution had already been voted on and approved at the 19th Plenary, on Saturday. Re-discussion of its substance was impossible now that the meeting was concerned with the first reading of texts.

2.5 The delegate of Israel said that the first reading had been provided by the regulations precisely for the purpose formally requested by his delegation. The draft Resolution had been hastily considered, in the foreseen absence of the only representative of Israel. New facts had been put forward in his statement and he insisted that a secret vote be taken in the course of the first reading of the text.

2.6 The delegate of the United States of America repeated the views he had expressed at the 19th Plenary, namely that the reference to Israel in the draft Resolution was inappropriate as no adequate proof of the charge existed. In the light of the Israeli statement, he therefore supported the call for a secret ballot.

2.7 The delegate of the Netherlands said that the present statement by the delegate of Israel justified a further vote in view of the fact that at the debate in the 19th Plenary on Resolution KK one of the arguments for retaining the sentence under "noting" had been that no denial of the act concerned had come from Israel.

2.8 The delegate of Barbados, supporting the delegates of the United States of America and the Netherlands, said that he was not satisfied that sufficient evidence existed either to justify the charge made against Israel or to ignore her denial of it. As there was reasonable doubt as to the authorship of the act in question, delegates motivated by a sense of justice ought to vote against the Resolution.

2.9 The Chairman considered that the debate on the substance of the Resolution could not be reopened as the issue had been fully discussed at the 19th Plenary and the results of the vote taken at that time had been perfectly clear. All that could be done would be to take note of the reservations expressed.

2.10 It was so agreed.

2.11 The delegate of Israel then made the following statement :

"Thank you, Mr. Chairman,

For the reasons put forward in my previous statement, I hereby declare that this draft Resolution has no legal or moral basis. It has been dealt with out of order, and it runs inherently against the most elementary practices of justice; as such it is void of any standing or validity whatsoever.

In much the same way it could easily be decided here that it is noon now in Spain, or that the sun is cycling around our earth and not vice-versa. Today we happened to be the victim of this evil, tomorrow it may strike anyone else - nay! the Union itself, as such.

In conclusion, Mr. Chairman, I shall say what has been uttered by David, King of Israel, in olden days :

'If it had not been the Lord who was on our side, now may Israel say;

If it had not been the Lord who was on our side, when men rose up against us;

Then they had swallowed us up quick, when their wrath was kindled against us;

Then the waters had overwhelmed us, the stream had gone over our soul;

Then the proud waters had gone over our soul;

Blessed be the Lord, who hath not given us a prey to their teeth;

Our soul is escaped as a bird out of the snare of the fowlers; the snare is broken, and we are escaped; Our help is in the name of the Lord, who made Heaven and earth."

Thank you Mr. Chairman.'

2.12 Resolution KK was then approved as it stood and note was taken of the reservations expressed.

2.13 The Chairman of Committee 9 pointed out that Resolution KK lacked a title and suggested that the words "Destruction of cables in the Eastern Mediterranean" might serve the purpose.

It was so decided.

2.14 10th series (Document No. 254, page 2)

Adopted.

3. First and second reports of Committee 8 (continued) (Document No. 233)

3.1 Introducing the second and last report of Committee 8, the Chairman of Committee 8 said that most of the substance of the report had already been dealt with in the first reading of texts. The items for action were points (1), (2) and (3) of paragraph 3, page 1. The proposal in (1) arose from the inability of Committee 8 to agree on the action to be taken on Article 34, which had had such a long history in the I.T.U. The proposal in (2) had been made because Committee 8 felt that sight should not be lost of the Articles mentioned as they would be useful for the next Plenipotentiary Conference when deciding between a Constitution and a Convention. The proposal in (3) was intended to ensure that the next Plenipotentiary Conference would benefit from clearer directives on credentials than those provided in the Montreux Convention. Due to pressure of time, Committee 8 had not been able to undertake that task itself at the present Conference.

With regard to paragraph 3 (1), the Chairman of the I.F.R.B. felt that the Board was in a position to give the Secretary-General useful information on Article 34 and requested that the I.F.R.B. too be consulted on that point.

3.2 Document No. 233 was approved.

3.3 The Chairman, on behalf of the Conference, warmly thanked the Chairman of Committee 8 and those who had participated in that Committee's deliberations for the brilliant work they had accomplished.

The meeting rose at 2100 hrs.

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

Annex : 1

A N N E X

For the Socialist Republic of Roumania

The Delegation of the Socialist Republic of Roumania declares on behalf of its Government that it does not consider the provisions of Article 1, paragraph c) of the International Telecommunication Convention (Malaga-Torremolinos, 1973) to be in accordance with the principle that international multilateral treaties the purpose and objective of which concern the international community as a whole must be open to universal participation.

INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 444-E
21 January 1974
Original : English

PLENARY MEETING

MINUTES
OF THE
TWENTY-FOURTH PLENARY MEETING

Tuesday, 23 October 1973, at 0910 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

<u>Subjects discussed</u>	<u>Document No.</u>
1. Text submitted by Committee 9 for second reading :	
- 2nd series	342, 357
- 3rd series	352
2. First and second reports of Committee 3	215, 297
3. Second report of Committee 5	205, 327 (Rev.)
4. Commentary on the Convention	298

1. Texts submitted by Committee 9 for second reading :

- 2nd series (Documents Nos. 342 and 357)
- 3rd series (Document No. 352)

1.1 The Chairman invited comments on the second series of the texts submitted by the Editorial Committee to the Plenary Meeting for second reading (Document No. 342).

1.2 The Chairman of Committee 9, referring to the heading "Resolution J" on page 2 of the document under consideration, drew attention to an omission that affected the French text only.

1.3 The delegates of the United States and Argentina drew attention to the proposal to add a new paragraph, No 153 bis, contained in Document No. 357.

1.4 The delegate of Brazil had no objection to the substance of the proposal in Document No. 357, but considered that the phrase "in the case of an inconsistency" which appeared twice in the proposed text, should be replaced by a more appropriate form of wording.

1.5 After a short discussion, the Chairman suggested that the substance of the proposal in Document No. 357 should be approved and that Committee 9 should be requested to make appropriate drafting changes.

1.6 It was so agreed.

1.7 The second series of texts submitted by the Editorial Committee to the Plenary Meeting for second reading (Document No. 342), as amended, was approved.

1.8 The Chairman invited comments on the third series of texts submitted by the Editorial Committee to the Plenary Meeting for second reading (Document No. 352).

1.9 The Chairman of the I.F.R.B., referring to page 12 of Document No. 280 (Document No. 352, page 6), made the following statement :

"At the 20th meeting of Committee 7 I raised the question of the scope of the new provision introduced in the General Regulations under No. 267A and according to which the Secretary-General provides legal advice to the organs of the Union. The delegate of the United States of America and the Deputy Secretary-General made statements to the effect that the new provision did not modify the

responsibilities of the International Frequency Registration Board as stipulated in the Convention and the Radio Regulations. I should like this to be included in the minutes to facilitate possible references."

1.10 Document No. 352 was approved.

2. First and second reports of Committee 3 (Documents Nos. 215 and 297)

2.1 The Chairman of Committee 3 introduced the first and second reports of Committee 3 (Documents Nos. 215 and 297). Thanks to the excellent arrangements made by the Spanish Government and the generosity and efficiency of the Spanish Administration, the actual cost of the Conference had been lower than the estimates. Good management by the General Secretariat had also enabled savings to be made in the I.T.U. budget. Should there be any last-minute changes in the estimates contained in the annex to Document No. 297, Committee 3 would report to the Plenary Meeting on 25 October 1973.

2.2 He proposed a vote of thanks to the Spanish Government.

2.3 The proposal was adopted by acclamation.

2.4 The Chairman thanked the Chairman of Committee 3 for his kind words and the meeting for its expression of thanks.

2.5 The first and second reports of Committee 3 were approved.

3. Second report of Committee 5 (Documents Nos. 205 and 327(Rev.))

3.1 The Chairman of Committee 5 introduced the second report of Committee 5 and the annexed draft resolution (Document No. 205). In view of the small number of delegations present at the last meeting of Committee 5, it had not been possible to take any decision on the question of salaries of elected officials by vote. He therefore suggested that the amendment proposed in Document No. 327(Rev.) to the draft resolution annexed to the Committee's report should be considered before the draft resolution itself.

3.2 The Chairman invited comments on the proposal contained in Document No. 327(Rev.).

3.3 The delegate of the United States of America said that the draft resolution annexed to Committee 5's report was a very carefully worked out compromise. The arrangement proposed therein was favourable for I.T.U.'s elected officials. His delegation would oppose any measure the effect of which would be to destroy that delicate compromise.

3.4 The delegate of India, as a co-sponsor of the proposal in Document No. 327(Rev.), said that I.T.U. was no longer a small organization and that its increased status should be reflected in the salaries of its elected officials.

3.5 The delegate of Lebanon considered that the status quo with regard to elected officials' salaries no longer corresponded to reality, since the Union's activities, budget and staff had expanded substantially since the last Plenipotentiary Conference. The proposal in Document No. 327(Rev.) was therefore perfectly justified and ought to be adopted unanimously.

3.6 The delegates of Australia, the United Kingdom, the Federal Republic of Germany and Upper Volta supported the stand taken by the United States delegation.

3.7 The delegates of Saudi Arabia and Panama associated themselves with the views expressed by the delegates of India and Lebanon.

3.8 The delegate of Ireland expressed the view that the present salaries of the elected officials could not be considered as inadequate. However, in a spirit of compromise, he would be prepared to accept the proposal contained in the draft resolution annexed to Committee 5's report.

3.9 The delegate of Nigeria supported the proposal in Document No. 327(Rev.).

3.10 The delegate of Poland said he was categorically opposed to the increases proposed in Document No. 327(Rev.). The Union's financial situation was not good, and the decisions already taken by the Conference had substantial financial implications. Consequently, he supported the compromise solution proposed by Committee 5.

3.11 The delegate of Italy thought that an acceptable compromise solution might consist in setting the percentage figures halfway between those contained in Committee 5's proposal and those proposed in Document No. 327(Rev.).

3.12 The delegate of Senegal said that it was very difficult for his delegation to support the proposal contained in Document No. 327(Rev.), in the light of the Conference's rejection of the draft resolutions relating to the establishment of regional offices and direct technical assistance to the least developed countries.

The financial situation of the Union was not such that it could afford to increase unproductive expenditure to the detriment of the more important demands made on it. If the salaries of the Union's elected officials were aligned to those of United Nations officials, it would be only logical to align Members' financial contributions to the United Nations scale of contributions.

3.13 The delegate of Argentina said that his delegation did not share the view that salaries should be increased and had not been convinced by the arguments put forward in support of that view.

3.14 The delegate of Austria said that his delegation had agreed to co-sponsor the proposal in Document No. 327(Rev.) only on condition that its adoption would not result in increased expenditure for the Union. His delegation's understanding of that proposal was that the post adjustment would be reduced by a corresponding sum in order to avoid any repercussions on the Union's budget.

3.15 A vote was taken by secret ballot on the proposal in Document No. 327(Rev.), the delegates of Burma, Burundi and Switzerland acting as tellers at the request of the Chairman.

3.16 The result of the vote was as follows :

For	: 39
Against	: 78
Abstentions	: 4

3.17 The proposal in Document No. 327(Rev.) was therefore rejected.

3.18 The second report of Committee 5 and the annexed draft resolution (Document No. 205) were approved.

4. Commentary on the Convention (Document No. 298)

4.1 The delegates of Australia and Ethiopia said that they had submitted their proposal for an annotated version of the Convention in the light of their experience as Chairmen of Committees 7 and 8, respectively. Much time and effort could have been saved if participants had been better informed about the historical background of various provisions and the reasons for certain changes, and the proceedings of future Plenipotentiary Conferences could be greatly shortened by reducing the time spent on amending the basic instrument and the General Regulations. That approach had been used successfully in the U.P.U.

4.2 The observers of the Universal Postal Union said that, since the Buenos Aires Congress of 1940, the U.P.U. had published an Annotated Code which was reviewed after each Congress and was sometimes used for the insertion of proposals. The publication had been of great assistance in the transformation of the U.P.U. Convention into a Constitution and had rendered excellent service to all those dealing with international postal law.

4.3 The delegate of Japan supported the draft resolution, but thought that a sentence should be added at the end to the effect that, in order to improve the Malaga-Torremolinos Convention, the texts should include a simplified summary of concrete and constructive suggestions, especially concerning the form of the Convention as a whole or parts of the Convention.

4.4 The delegate of Belgium said that although the proposal was useful and acceptable, the financial implications should be borne in mind. Perhaps the work could be done by a Working Group of volunteers from Administrations, rather than by the General Secretariat with outside help. Furthermore, the help of the members of the I.F.R.B. and the Directors of the CCIs should be enlisted.

4.5 The delegate of India agreed the latter suggestion and stressed that the work must be done by experienced people.

4.6 The delegates of the United States of America, Morocco, Somalia and Argentina supported the principle of an annotated Convention, which must be prepared by experts, but considered that the work could be done in the I.T.U., within the limits of the budget. Paragraph 2 under "instructs the Secretary-General" should therefore be deleted.

4.7 The delegate of the Federal Republic of Germany agreed with the preceding speakers, but suggested that the work could be financed through the publishers of the volume.

4.8 The delegates of the Byelorussian S.S.R. and France stressed that the work should be done by the General Secretariat in collaboration with the I.F.R.B. and the CCIs.

4.9 The delegates of Nigeria and the United Kingdom pointed out that even if the work was entrusted to the General Secretariat, the whole exercise was bound to entail some expenditure. Deletion of the paragraph on the engagement of outside staff provided no solution: the main point was to ensure that production costs were not met out of Members' contributions and that any expenditure would be covered by sales of the volume.

4.10 The Deputy Secretary-General endorsed those views. The existing resources of the General Secretariat, including the services of the Legal Advisor, were being used to the maximum degree, and if the Belgian delegate's suggestion was followed with contributions by members of Administrations there would be interpretation and other meeting expenses paid. Perhaps the best solution would be to leave it to the Administrative Council to make the necessary arrangements, probably under the Publications Budget, in the light of available resources and decisions on the financial ceilings.

4.11 The delegate of Rwanda stressed the value of the annotated Convention to newly-independent countries, which had no ready access to any constitutive documents prior to the 1965 Convention.

4.12 The delegate of Ethiopia pointed out that what was involved was fulltime research work for two to three years, mainly at I.T.U. Headquarters, where the source material was located. It therefore seemed practically impossible to entrust the work entirely to the existing staff. Spread over that period, the sum of 120,000 Swiss francs associated with the Publications Budget did not seem to be excessive, in view of the demand that the volume would be likely to command and of the very much larger sums, in the order of millions of Swiss francs, that could ultimately be saved by shortening Plenipotentiary Conferences.

4.13 The delegate of Poland said that a decision on the annotated Convention seemed to be premature. In any case, the adoption of a Constitution at the current Conference would have rendered that decision unnecessary, but since a Constitution was still being contemplated, it would surely be better to postpone the matter until the next Plenipotentiary Conference, when the final form of the Union's basic instrument would probably be decided.

4.14 The delegate of Peru said he thought that the analogy between the experience of the U.P.U. and the I.T.U. had been stretched rather too far. It was of course important for postal administrations to know the sources of various decisions, but I.T.U. Conventions bore to a far greater extent on relations between States. The criteria adopted by the authors of the annotated edition of the Convention would be in question : perhaps political consideration would play a part where compromise clauses were concerned. His delegation therefore could not support the proposal, especially if it entailed an additional burden on the Union budget.

4.15 The Chairman of the I.F.R.B. and the Directors of the CCIs said that they would be prepared to collaborate in the work, in a form to be studied, especially in the Coordination Committee.

4.16 The delegate of Barbados, supported by the delegates of the United States of America and Australia, suggested that the first operative paragraph of the draft resolution should remain unchanged, except for a reference to the collaboration of the members of the I.F.R.B. and the Directors of the CCIs, and that in subsequent paragraphs the Secretary-General should be instructed to invite Members of the Union to make available the services of experts on a voluntary basis, to make appropriate arrangements for the accomplishment of the task after approval by the Administrative Council and to submit progress reports to the Council and texts for its approval. Finally, the Council should be requested to approve the administrative arrangements, ensuring that no costs were charged to the ordinary Union budget and to review progress and approve texts for publication.

4.17 That suggestion was approved, subject to drafting in the form of a resolution.

The meeting rose at 1300 hours

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

PLENARY MEETING

MINUTES OF THE

TWENTY-FIFTH PLENARY MEETING

Tuesday, 23 October 1973, at 1730 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

<u>Subjects discussed :</u>	<u>Document No.</u>
1. Third, fourth and fifth reports of Committee 6	232, 247, 295
2. Draft Additional Protocol relating to Papua-New Guinea	388
3. Texts submitted by Committee 9 for first reading	
- 9th series	252
- Report by Working Group on contributory shares	224, 362
- 12th series	280
- 14th series	329
- 17th series	386
4. Report by the Working Group "Radiocommunications"	234
5. Second report of Committee 2	265
6. Draft Opinion "More favourable treatment"	166
7. Draft Resolution "Documentation Centre"	255

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| 8. Draft Resolution "Joint Inspection Unit" | 299 |
| 9. Draft Resolution "Official and working languages" | 345 |
| 10. Draft Resolution "World Telecommunication Day" | 339 |
| 11. Draft Opinion "Telecommunication Exhibitions" | 340 |
| 12. Proposed Additional Protocol "Possibility for
the United Nations to apply the Convention" | 393 |
| 13. Collection for the flood victims in the
Granada/Murcia area | |

1. Third, fourth and fifth reports of Committee 6
(Documents Nos. 232, 247, 295)

1.1 The Chairman of Committee 6 introduced the reports, pointing out that the Recommendation in the fourth report to apply the United Nations system of salaries and allowances was the result of the contention by some delegates that unattractive conditions were preventing the Union from recruiting the best-qualified experts. In connection with the fifth report, a Mexican proposal that meetings and conferences should be held outside Geneva whenever possible, to facilitate the fuller participation of the developing countries, had been referred to Committee 4.

1.2 The reports were approved.

2. Draft Additional Protocol relating to Papua-New Guinea
(Document No. 388)

2.1 The Chairman of Committee 8 introduced the document.

2.2 The delegate of Peru suggested that the terms of No. 15 of the Montreux Convention should be inserted in paragraph 2 of the Draft Protocol, since otherwise there would be no provision covering the situation when the Montreux Convention was superseded by that of Malaga-Torremolinos.

2.3 Document No. 388 was approved, subject to that amendment.

3. Texts submitted by Committee 9 for first reading (Documents Nos. 252, 280, 329, 386)

9th Series (Document No. 252)

3.1 The Chairman said that Article 15 in that document should be considered together with the report by the Working Group "Contributory Shares" (Document No. 362) and the proposal in Document No. 224.

3.2 The delegate of Morocco, Chairman of the Working Group, said that the Group had unanimously approved a draft resolution (Document No. 362) for submission to the Plenary Meeting, subject to some transitional measures that the delegations of Mexico and Peru wished to propose during the meeting.

3.3 The delegate of Peru said that the proposals which his delegation and that of Mexico wished to submit were not in fact transitional. In any case, those delegations regarded the Working Group's draft as a measure for the future and believed that the meeting should discuss the proposal in Document No. 224 and take a decision on it.

3.4 The delegate of Argentina said that the Working Group's draft was purely formal. His delegation hoped that the meeting would adopt the rational solution proposed in Document No. 224.

3.5 The delegate of Mexico said he had thought that the Working Group established to reach a compromise solution would have considered seriously all the figures set out in Annex 1 to Document No. 224. Yet that seemed not to have been the case : the Group had failed to take into account the acute situation of countries with weak economies which were liable to be submerged by debts due to excessively high contributory unit charges. The argument that countries would choose the class of contribution most suitable to their economies was groundless, in view of the limited choice open to the poor countries.

3.6 Certainly, the current situation differed from that obtaining in 1965; although the Administrative Council had not carried out the instructions of the Montreux Conference and had failed to produce any recommendations, efforts had been made during the present Conference to give facts and figures in support of the proposal for a more rational contributory system.

3.7 Whereas there was certainly room for an exhaustive study of all the possibilities by the Administrative Council, that should not exclude a decision on the immediate solution of the problems of the poorest countries, at least on a provisional basis. The Mexican delegation therefore proposed that the range of contributory units should be extended to include 1/8 unit and 1/4 unit classes.

3.8 The delegate of Iraq said that the proper basis for sharing was obviously a well-defined method of percentage distribution. The United Nations system was logically based on national income, whereas the I.T.U. system was arbitrary, with the result that smaller and poorer countries paid more than they should.. The Working Group's draft resolution merely delayed a decision which those countries badly needed, since the system of free choice militated against their interests.

3.9 The delegate of Peru said that many delegations expected the Conference to correct certain injustices in the I.T.U. contributory system. Leaving the choice of class to the good will of individual countries placed many unknown parameters in the balance. Moreover, the 1:60 range was not broad enough to reflect various criteria and potentialities. Peru reserved the right to choose a class of contribution corresponding to the United Nations scale before ratifying the Malaga-Torremolinos Convention.

3.10 The delegate of Switzerland, speaking also as Chairman of Committee 4 and as a member of the outgoing Administrative Council, said that the purely financial aspect of the question should be placed in its

true perspective. One half of a contributory unit for 1974 would represent some 35,000 Swiss francs, roughly the cost of the travel and subsistence allowance of one or two delegates to the present Conference; moreover, that half unit represented a contribution of about one-thousandth of the total expenditure of the Union. Many decisions with financial implications had been adopted by the Conference at the behest of members who did not intend to bear more than a fraction of the cost.

3.11 Unlike the Mexican delegate, he did not believe that the Administrative Council had failed to examine all aspects of the question. On the contrary, the Council had taken into account the procedures of all the specialized agencies, and had found that only four of them applied the United Nations system without adjustments. Moreover, the Council, whose composition reflected that of the Union, had adopted the advice of an outside expert on the subject. It could not be said that the Council had taken an unconsidered decision on the matter, or that the decision of Committee 4 on Article 15 was in any way invalid.

3.12 The Swiss P.T.T. was currently contributing 10 units; although that amount would be approximately halved if the United Nations system were adopted, his delegation supported the Working Group's draft resolution.

3.13 The delegate of Morocco, supported by the delegate of the Federal Republic of Germany, moved the closure of the debate.

3.14 The delegates of Argentina and El Salvador opposed the motion.

3.15 The motion for closure of the debate was carried by 76 votes to 22 with 10 abstentions.

3.16 The Chairman said that, since the Working Group's draft resolution was compatible with Article 15 as drafted by Committee 4, Document No. 224 should be voted on first, as the proposal farthest removed from the basic proposal.

3.17 The delegates of Switzerland, New Zealand and Japan endorsed that procedure.

3.18 In reply to the delegates of the Federal Republic of Germany, Poland and the U.S.S.R., the delegate of Argentina explained that under the proposal in Document No. 224 the contributions of the private operating agencies and the scientific or industrial organizations would continue to be decided by the Administrative Council, but would be paid into the newly-established Technical Cooperation Fund, instead of the regular Union Budget. The same would apply to any voluntary contribution made in excess of the 30-unit ceiling.

3.19 A vote was taken by secret ballot on the proposal in Document No. 224, the delegates of Barbados, the Federal Republic of Germany and Kuwait acting as tellers at the request of the Chairman.

3.20 The result of the vote was as follows :

For : 48
Against : 67
Abstentions : 3

3.21 The proposal in Document No. 224 was therefore rejected.

3.22 After a brief discussion, the draft resolution in Document No. 362 was approved with the title "Contributory shares for the expenses of the Union".

3.23 The Chairman invited the Meeting to approve Article 15 as it appeared in the 9th series of texts (Document No. 252).

3.24 The delegate of the United Kingdom said that, since the C.C.I.s were among the permanent organs mentioned in No. 93, the reference to Plenary Assemblies and meetings of the C.C.I.s in No. 94A was redundant. That number might perhaps be deleted and the words "including Plenary Assemblies and meetings of the International Consultative Committees" added at the end of No. 93.

3.25 The Deputy Secretary-General said he agreed that No. 94A was redundant. In view of the revision of Article 5, which now defined the permanent organs perfectly clearly, it would be wise to delete No. 94A and to add nothing to No. 93, in order to avoid legal arguments concerning general and specific references in the Convention.

3.26 It was so agreed.

3.27 The delegate of Mexico, supported by the delegates of Peru, Bolivia, El Salvador, Guatemala and Uruguay, proposed that, on a provisional basis, the scale of contributions in No. 95 should be broadened to include 1/8 and 1/4 unit classes pending a decision by the next Plenipotentiary Conference.

3.28 The delegate of India proposed that the scale should be made more flexible by allowing for the choice of any whole number between 2 and 30.

3.29 The delegates of Ethiopia, the U.S.S.R. and the United States of America objected to the introduction of proposals after the debate on the whole issue had been closed and the Working Group's compromise resolution had been approved.

- 3.30 The Chairman said that, after voting on Document No. 224 and approving the Working Group's draft resolution, the Meeting logically had to consider Article 15 as it appeared in the 9th Series of texts.
- 3.31 The delegate of Peru pointed out that a United Kingdom amendment to the Article had already been approved. Adoption of the Mexican and Indian amendments would remedy the present anomalous situation in which the poorest countries could not choose a class of contribution which really reflected the weakness of their economies.
- 3.32 The delegate of the Federal Republic of Germany moved the closure of the debate.
- 3.33 The delegates of Paraguay and Guatemala opposed the motion.
- 3.34 The motion was carried by 91 votes to 9, with 7 abstentions.
- 3.35 The Chairman invited the Meeting to vote on the Mexican proposal.
- 3.36 The delegates of Canada, Ethiopia, Australia, Denmark and the United States of America objected to that procedure. In view of the approval of the compromise resolution the proposal, which would have the effect of broadening the scale from 1 : 60 to 1 : 240, should have been ruled out of order.
- 3.37 The Chairman pointed out that the resolution was not incompatible with Article 15, since the Administrative Council could proceed with the study entrusted to it irrespective of the scale adopted.
- 3.38 The delegate of Peru asked for a vote by secret ballot on the Mexican proposal.
- 3.39 It was so agreed and the proposal was rejected by 70 votes to 38, with 7 abstentions.
- 3.40 Subject to the amendments made previously, the text of Article 15 (pages 4 and 5 of Document No. 252) was approved.

Chapter 27 (pages 6 to 8)

- 3.41 In reply to a comment by the delegate of India, regarding the usefulness of defining in the Convention the expression "financial year" which appeared in Chapter 27, the Secretary-General said that the terms used in the I.T.U. for many years had never given rise to difficulty.
- 3.42 Chapter 27 was approved unchanged.

12th Series (Document No. 280, page 18)

- 3.43 Approved.

14th series (Document No. 329, pages 8 and 9)

3.44 The delegate of Sweden said that his government's policy concerning assistance to the least developed countries had always been to contribute to the United Nations Development Programme, and suggested amending paragraph 3 on page 8 by replacing the words "budgets of the Union" in the fourth line by "U.N.D.P.". The same correction should be made to paragraph 2 on page 9 (second line).

3.45 The Secretary-General said that U.N.D.P. reserved special funds for the least developed countries of which at least a part would be allocated to telecommunications; the Union hoped to receive credits which it could use for the countries concerned.

3.46 The suggestion made by the delegate of Sweden was approved by the delegates of Lesotho, Norway, the United States of America, Nigeria the United Kingdom and Japan.

3.47 The Secretary-General, referring to his previous intervention, proposed :

i) to end paragraph 3 on page 8 as follows :

"by taking an active part in the work carried out through U.N.D.P.";

ii) to delete paragraph 2 on page 9.

3.48 The delegate of Morocco, who had chaired Committee 6 (Technical Cooperation) said that the Committee had retained in draft Resolution FF the expression "Union budgets" because it grouped the ordinary budget of the I.T.U., the technical cooperation budget provided by U.N.D.P., the Special Fund and other sources. In view of the discussion he proposed that the end of paragraph 3 on page 8 be amended to read :

"using the Union's technical cooperation Special Fund and other sources".

A corresponding change would have to be made to paragraph 2 on page 9 which would end :

"from the technical cooperation Special Fund and other sources".

Those amendments would have the effect of allocating Special Fund resources to the least developed countries.

3.49 The delegate of Switzerland made the following statement :

"As far as Resolution FF is concerned, the delegation of Switzerland supports the Swedish proposal. If the Resolution were to be approved in its present form the Swiss delegation would reserve the position of the government on the allocation of funds from the Union's budget for the special measures covered by the Resolution.

In the opinion of the Swiss Government, it is for the U.N.D.P. to provide the necessary resources for multilateral technical cooperation and to coordinate their use."

3.50. The delegate of Finland made the following statement :

"The Finnish delegation is very much in favour of the views expressed here by the delegation of Sweden. In view of our budgeting system in Finland, it might cause some difficulty in our Parliament if this document were accepted as it stands now. For this reason, Mr. Chairman, I would like to second the proposal made by the distinguished delegate of Sweden to amend paragraph 3 of the draft Resolution FF on page 8 of Document No. 329. If the text were accepted as it stands now, I would have to make a reservation regarding the decision under Rule 17, Chapter 9 of the General Regulations of the Montreux Conference, 1965."

3.51 The delegate of Ukraine considered that mention should be made in paragraph 3 on page 8 of the U.N.D.P. budget which constituted the basis of technical assistance credits.

3.52 The delegate of Belgium also supported the point of view expressed by the Swedish delegate but was nevertheless prepared to accept the modification proposed by the Secretary-General.

3.53 The delegate of Sweden said he would prefer to change slightly his proposed amendment to paragraph 2 on page 9 so that it read :

"from available U.N.D.P. funds and other sources".

3.54 The delegate of Lesotho pointed out that a word was missing in the English version in paragraph 3 on page 9 and it was agreed to make the necessary correction.

3.55 The Deputy Secretary-General explained that in accordance with the new U.N.D.P. programming funds could only be used for certain specific projects (country or regional programmes, special programmes for the least developed countries, etc.) and for administrative work.

3.56 The delegate of the Federal Republic of Germany endorsed the views expressed by the delegate of Sweden and said that his government would have the greatest difficulty in accepting draft Resolution FF in its present form.

3.57 The delegate of Denmark was also in favour of the Swedish proposal; if it were not accepted he would be obliged to make a similar reserve to that of the Finnish delegate.

3.58 The delegate of Dahomey thought that the draft Resolution could be approved without changes.

3.59 The delegates of the United Kingdom and France said they could agree with the suggestion made by the Secretary-General to delete paragraph 2 on page 9.

3.60 The delegate of Ireland, whose opinion was shared by the Chairman, thought that there was no disagreement on the question itself but rather on the wording of draft Resolution FF.

3.61 The delegate of Upper Volta considered that the title of the draft Resolution was inconsistent with the measures advocated during the discussion. He failed to see the benefit of such a text as the intention was in fact to affirm that no special arrangement could be made within the I.T.U.

3.62 The delegates of India and Somalia and the Deputy Secretary-General were in favour of the amendment proposed by the delegate of Morocco.

3.63 In reply to a question by the delegate of India on the "other sources" mentioned in the draft Resolution, the Deputy Secretary-General explained that it could include assistance in kind, etc.

3.64 At the invitation of the Chairman, the meeting decided to adopt the amendment proposed by the Moroccan delegate.

17th Series (Document No. 386)

Annex C

3.65 Corrections to Annex C were indicated by the delegates of Afghanistan, Bolivia, Panama, Paraguay and Somalia.

3.66 Annex C, as so amended, was approved.

Number 587 (Annex B)

3.67 The delegate of the United Kingdom drew attention to an editorial correction required to the English text only.

3.68 The Chairman of Committee 9 proposed an editorial correction to all three language versions.

3.69 Number 587, as so amended, was approved.

Additional Protocol D

3.70 Introducing Additional Protocol D, the Chairman of Committee 4 read out the budget ceiling figures which had been approved at the final meeting of the Committee and were still missing from the text before the Plenary. The figures were published in the fourth and last report of Committee 4, to be issued very shortly.

3.71 Additional Protocol D, with the insertion of those figures, was approved.

4. Report by the Working Group "Radiocommunications" (Document No. 234)

4.1 The Chairman of the Working Group introduced Document No. 234 and drew attention to an editorial correction to be made to the text of Annex 3.

4.2 The Chairman of the I.F.R.B. indicated an editorial correction to the French text only of Annex 3.

4.3 Subject to those amendments, the report was approved and the three Annexes adopted.

5. Second Report of Committee 2 (Document No. 265)

5.1 The Vice-Chairman of Committee 2, who had conducted the work of the Committee in the absence of its Chairman, introduced the report. The credentials of all but two delegations had been found in order.

5.2 The delegate of Saudi Arabia informed the Conference that he had received a message from the Jordanian Ambassador to the effect that proper credentials for the Jordanian delegation were expected to arrive in Torremolinos on the following morning.

5.3 The Conference took note of the Saudi Arabian statement and approved Document No. 265.

5.4 The Chairman thanked the Vice-Chairman of Committee 2 and all those who had taken part in the work of that Committee for their valuable contribution.

6. Draft Opinion "More favourable treatment" (Document No. 166)

6.1 The delegate of Mexico introduced Document No. 166 which had been drawn up in a spirit of cordiality with a view to ensuring that allowance was made in telecommunication agreements between stronger and weaker countries for the latter's lack of bargaining power. There were a few editorial corrections to be made to the text and he proposed that they be left to Committee 9 to handle.

6.2 Subject to those amendments, Document No. 166 was approved.

7. Draft Resolution "Documentation Centre" (Document No. 255)

7.1 Approved.

8. Draft Resolution "Joint Inspection Unit" (Document No. 299)

8.1 Approved.

9. Draft Resolution "Official and working languages" (Document No. 345)

9.1 The delegate of the Netherlands recalled that the Arabic-speaking states had agreed to the draft Resolution solely on condition that the position of Arabic in the I.T.U. would not be affected by it. At the same time, however, he felt that as two specific languages (Arabic and German) had been discussed at the Plenipotentiary Conference, both should be referred to in the draft Resolution.

9.2 The delegate of the U.S.S.R., supported by the delegate of Ireland, considered on the other hand that the reference to German (point 5 on page 2) should be deleted as the draft Resolution ought to apply to all languages equally without distinction.

9.3 The delegate of the Federal Republic of Germany objected to that proposal on the grounds that Document No. 190 had not been fully discussed at the Plenipotentiary Conference due to pressure of time. If that deletion was approved he would feel obliged to call for discussion of Document No. 190 at the present meeting.

9.4 In the light of the discussion, the draft Resolution was approved as it stood.

10. Draft Resolution "World Telecommunication Day" (Document No. 339)

10.1 The proposal by the delegate of the United States of America to replace the word "any" on the second line under "instructs the Secretary-General" by "the" was adopted.

10.2 There was some discussion on the intervals that should elapse between successive World Telecommunication Days.

10.3 The delegates of Zaire, Nigeria and the Ivory Coast fully supported annual celebration of World Telecommunication Day and pointed out that the Day was very valuable to the administrations of developing countries, where telecommunication networks were not extensive, as it afforded an opportunity to publicise the benefits of telecommunications and highlight the progress made by their countries in the telecommunication field so as to ensure favourable reception for further projects from the public and the government.

10.4 The delegates of the United States of America, India, the Federal Republic of Germany, Australia and Ireland, while not denying the great value of World Telecommunication Day to many countries, felt that countries should be free to celebrate that Day or not as they wished and at whatever intervals they wished. The delegate of the United States of America considered that the impact of the Day on public opinion might be greater if it was not an annual event and proposed that the text of the first line under "invites" include the words "or at longer intervals at their discretion".

10.5 The Secretary-General pointed out that the use of the word "invites" in the draft Resolution implied that no obligation to celebrate World Telecommunication Day was involved and also that countries were free to base the celebration on any telecommunication topic they wished.

10.6 On that understanding, the draft Resolution was approved.

11. Draft Opinion "Telecommunication exhibitions" (Document No. 340)

11.1 The delegate of Saudi Arabia, supported by the delegates of Nigeria, India and the Ivory Coast, said that such exhibitions were of the utmost value to developing countries as officials from their administrations, when attending a conference, had an opportunity to get up-to-date information on the latest advances in telecommunication techniques and see the most recent equipment on display under one roof. That saved them a great deal of time and travelling and obviated the need to visit manufacturers individually when acquiring equipment. He hoped that the draft Resolution would be adopted by acclamation, particularly as neither expense to the Union nor commercial interests were involved.

11.2 The delegate of the United Kingdom, supported by the delegates of the United States of America and Australia, said that while there was no doubt that TELECOM-71 had been a success from the point of view of those attending it, that was not an argument in favour of the draft Opinion. It was inaccurate to say that **exhibitions** could be organized under the auspices of the I.T.U. at no expense and with no commercial interests. The fact was that such exhibitions attracted commercial manufacturers, who only came for the benefits they expected to gain. There was no reason why the Secretary-General should not see that those interested in organizing exhibitions did so at the same time as an I.T.U. Conference. However, it was no part of the I.T.U.'s function to assist equipment manufacturers to sell their goods and I.T.U. personnel should not be diverted for the purpose of servicing such exhibitions even if there were no financial implications.

11.3 The delegate of Nigeria, supported by the delegate of Saudi Arabia, in view of the great utility of telecommunication exhibitions, saw no harm in manufacturers trying to sell their goods there as long as it was made quite clear that the Union itself was to have no commercial interest in the exhibition.

11.4 The delegate of Argentina made the following statement :

"My delegation considers that this draft Opinion is presented in an unfortunate form because it incorporates a project of a commercial nature into the Convention which has caused us so much work. I attended the Space Conference and I remember a voluminous German publication connected with the telecommunications exhibition.

From the viewpoint of my delegation, to mention and recognize the benefit to developing countries seems a surprising formula since the large countries or large manufacturers to be more precise are the only beneficiaries. In any developed or developing country new techniques are in the hands of technicians and it is known that more realistic and more direct ideas can be acquired from technical publications; it is not necessary to see the equipment in operation. It is the design which is important.

To combine the concept of benefit to developing countries with the second part of the Opinion which has no commercial implications seems nonsensical, Mr. Chairman, as no differentiation can be made between an exhibition and the products which the producer is paying to exhibit and saying that such an exhibition has no commercial interest is illogical.

I will give a practical example. If the Spanish Administration, or the Spanish Government, had wanted to take advantage of the installations here, this Torremolinos Conference would have been merely an exhibition of advanced technology, of the capacity of Spanish firms, which would perhaps have been acceptable for the Government and the Spanish Administration. It is a tribute to the Administration that it did not use this conference to demonstrate Spanish technique. Officials of the Spanish delegation said specifically that the Government wished in no way to combine the Conference with such a demonstration which could have been regarded as an opportunity for Spanish commerce.

It surprises me that when we are looking for a solution to a problem we speak of the advantages to developing countries; it surprises me that it should be stated that an exhibition of this kind has no commercial interests, As I understand it, the I.T.U. would bear no financial responsibility but it would have a very difficult task - a moral responsibility if I may say so - a single publication (and there were many which mentioned that the Administrative Conference was substantially involved in the commercial show to which I referred); a single sentence or expression of opinion, by casting aspersion on a basic objective of the Union, would do more harm than the little good obtained from the small tincture of technical knowledge that the delegates, who have a thousand other opportunities of finding technical solutions, might acquire.

We do not think we should or can incorporate in the Torremolinos Convention a question which directly or indirectly draws the I.T.U. into the commercial orbit.

My delegation requests that its statement appear in full in the minutes especially its congratulations to the Spanish Government and Administration for not having given way to the temptation to provide demonstrations of modern techniques and for using the conference for commercial purposes of any kind.

Thank you, Mr. Chairman."

11.5 The delegate of Japan opposed the concept of telecommunication exhibitions because he was afraid of the commercialism which might be involved and also because he was doubtful about their cost/benefit aspect.

11.6 The delegate of Ethiopia, speaking as a firm supporter of the principle of telecommunication exhibitions, said that the last line of the draft Opinion could perhaps be modified to make it acceptable to all delegations.

11.7 On a point of order, the delegate of Cuba moved closure of the debate and proposed that a vote be taken on the draft Opinion.

11.8 The motion was carried without opposition.

11.9 The draft Opinion was then put to the vote and adopted by 36 votes to 31, with 30 abstentions.

11.10 The delegate of Ethiopia felt it should be recorded for the guidance of the Secretary-General and the Administrative Council when acting on the Opinion that it would not be expected that exhibitions would be held at every telecommunication conference but that, to ensure the maximum benefit, those conferences should be selected at which the greatest numbers of delegates were likely to be present.

12. Proposed Additional Protocol "Possibility for the United Nations to apply the Convention" (Document No. 393)

12.1 Approved.

13. Collection for the flood victims in the Granada/Murcia area

13.1 The delegate of Italy said that he had handed in to the Chairman an envelope with the amount collected from delegates, I.T.U. staff, the Spanish Secretariat and the hostesses for the victims in Granada and Murcia. He hoped that the 32,000 pesetas thus collected would be taken as a mark of the sympathy felt towards the population of the damaged areas.

13.2 The Chairman thanked all those who had contributed for their solidarity with the flood victims. He expressed his country's gratitude for the gift and the interest shown in the inhabitants of the provinces affected by the catastrophe.

The meeting rose at 2330 hrs.

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Corrigendum to
Document No. 446-E
30 April 1974
Original : French

PLENARY MEETING

MINUTES
OF THE
TWENTY-SIXTH PLENARY MEETING

Replace paragraph 4.7 on page 14 by the following :

"The delegate of Belgium considered that before taking a stand on the draft Resolution, the question of whether the Montreux Convention authorized the granting of observer status to movements like liberation organizations had to be settled. On the basis of No. 407 of Annex 2 to the Convention it seemed that the reply would have to be negative, as the status of observer only applied to clearly-determined beneficiaries (United Nations, international organizations, governments of Members of Associate Members of the Union)."



INTERNATIONAL TELECOMMUNICATION UNION
PLENIPOTENTIARY CONFERENCE
MALAGA - TORREMOLINOS 1973

Document No. 446-E
3 January 1974
Original : English
French

PLENARY MEETING

MINUTES

OF THE

26th PLENARY MEETING

Thursday, 25 October 1973, at 0930 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

<u>Subjects discussed</u>	<u>Document No.</u>
1. Texts submitted by Committee 9 for second reading	360
2. Draft Resolution "Annotated Convention"	399
3. Memorandum by the Secretary-General (Guinea-Bissau) and Draft Resolution	387, 420
4. Draft Resolution "Admission of Liberation Organizations"	385
5. Fourth Report of Committee 4	405
6. Statements for the Final Protocol	173, 198, 239, 242, 244, 248, 257-259, 271-279, 281, 282, 286-294, 300-304, 305(Rev), 306-325, 330-333, 334(Rev), 335-337, 343, 344, 346-350, 353-355, 363-369, 376, 377, 379, 381(Rev)-384, 389, 391, 392, 394-398, 400-404, 413, 414, 416-419, 421-424



<u>Subjects discussed</u>	<u>Document No.</u>
7. Draft Resolution "Juridical Status"	DT/22
8. Minutes of the 10th Plenary Meeting	176
9. Minutes of the 11th Plenary Meeting	177
10. Minutes of the 12th Plenary Meeting	178
11. Minutes of the 13th Plenary Meeting	206
12. Minutes of the 14th Plenary Meeting	208
13. Minutes of the 15th Plenary Meeting	209
14. Minutes of the 16th Plenary Meeting	238
15. Plenipotentiary Conference Venue	296
16. Oath of office by the Secretary-General and Deputy Secretary-General	-
17. World Population Year - Statement by Iran	-

1. Texts submitted by Committee 9 for second reading (Document No. 360)

1.1 A minor amendment to the Spanish text only of Annex C (page 16) was indicated by the delegate of Paraguay.

1.2 A reservation expressed by the delegate of Cuba with respect to Recommendation C, page 49, on the grounds that it was political rather than technical in nature, was noted.

1.3 Document No. 360, as amended, was approved.

2. Draft Resolution "Annotated Convention" (Document No. 399)

2.1 After the delegates of Ireland and the United States of America had said that they felt that the task mentioned in the wording of the second paragraph under "considering" could be carried out within the existing resources of the I.T.U., it was decided to delete that paragraph in its entirety.

2.2 Document No. 399, as amended, was approved.

3. Memorandum by the Secretary-General (Guinea-Bissau) (Document No. 387)

3.1 Introducing Document No. 387, the Chairman said that a meeting of the Vice-Chairmen of the Conference called on 16 October to consider the initial telegram from Guinea-Bissau had unanimously decided that written confirmation of the request for accession was essential. The Secretary-General, as instructed, had sent a cable requesting such a document. In reply, two further cables had been received which were examined by another meeting of the Vice-Chairmen of the Conference on 22 October. The majority view there had again been that it was preferable to have such a request in writing. The Secretary-General had reported that up to the time of the meeting the United Nations had not confirmed to him that it had any relations with Guinea-Bissau. However, reports in the press had indicated that the entry of Guinea-Bissau into the United Nations had been placed on the agenda of the General Assembly. In view of the situation, the meeting had unanimously decided to publish the exchange of telegrams as a Conference document so that the Plenary could decide whether the Secretary-General should start consulting Members with regard to the admission of Guinea-Bissau or whether he should wait until a letter had been received.

3.2 The delegate of Guinea said that as from the declaration of independence of the new State his Government had supported the candidature of Guinea-Bissau for Membership of the Union. Guinea unconditionally supported the application for Membership of the Union and hoped that after the Conference had considered Document No. 387 it would accord the young State admission in the interests of humanity, peace and justice.

3.3 The delegate of the U.S.S.R. said that the birth of the new State of Guinea-Bissau was of great importance in the context of the struggle of the peoples of former colonies for independence and his Government wished the people of Guinea-Bissau every success. It was the duty of all countries to give their active support in such a just cause and the acceptance of Guinea-Bissau's request for admission to the I.T.U. would express such support in the world arena. There should be no difficulty about such admission for, according to a resolution adopted by the Conference, Portugal had been denied the right to represent territories in Africa, while the right of the peoples of those territories to represent themselves had been maintained. Guinea-Bissau, therefore, which had been recognized by over 62 States, had no need to go through the procedure for admission as a new Member but merely required to be recognized by the Conference as maintaining its Membership as a successor State to the former Portuguese Oversea Provinces, which had been a Member of the Union. He proposed that the Conference approve by acclamation the maintenance of Guinea-Bissau's Membership of the Union and agree that the appropriate adjustment be made to the list of Members in the Torremolinos Convention.

3.4. The delegates of Senegal, Algeria, Central African Republic, Ukraine, Cuba, Libya, the German Democratic Republic, Equatorial Guinea, Niger, Poland, Tanzania, Kuwait, Bangladesh, Hungary, Liberia, Ethiopia, Congo and Chad applauded the victory of Guinea-Bissau after its 17-year struggle for freedom and fully and unconditionally supported that State's request for admission to Membership of the I.T.U.

3.5 The delegate of China made the following statement :

"Mr. Chairman,

On 24 September, the founding of the Republic of Guinea (Bissau) was formally proclaimed. This is an important victory for the people of Guinea (Bissau) in their struggle against imperialism and colonialism

and marks a new milestone in their struggle for national liberation. The Chinese delegation extends its warm congratulations to the people of Guinea (Bissau) and firmly supports the rightful request made by the Republic of Guinea (Bissau) that it be admitted to the International Telecommunication Union.

Thank you Mr. Chairman."

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

"The U.S.S.R. has suggested that the Government of Guinea Bissau is merely the successor Government to the Member listed in Annex 1 to the Montreux Convention as the Portuguese Oversea Provinces.

This is a very unusual interpretation which does not appear to be supported by the facts or law.

It is our understanding that the Portuguese Oversea Provinces included as a Member of I.T.U. the Territory of Guinea-Bissau as well as other territories in Africa.

Since the Government of Guinea-Bissau does not appear to claim to represent these other areas in Africa, it cannot be viewed as the successor government to the Member listed in the Montreux Convention as the Portuguese Oversea Provinces.

Accordingly, Guinea-Bissau can only be admitted to I.T.U. as a new Member in accordance with Article 1, provision 6, of the Montreux Convention.

However much sympathy one must have for the efforts of people to liberate themselves, it does not seem to the United States Government that Guinea-Bissau yet qualifies for membership in the I.T.U.

The establishment of certain facts appears necessary in this connection. These include effective control over a clearly-defined territory and population and an organized government which can effectively conduct the foreign affairs and fulfil international obligations.

These facts do not seem to be sufficiently clear in the case of Guinea-Bissau to make it eligible for the status of "sovereign country"

as stipulated in Article 1, paragraph 2 c) of the Montreux Convention. In any case, those procedures must be observed as well as Article 19.

Therefore we cannot now approve the application for membership of Guinea-Bissau. My Government nevertheless will continue to follow the situation closely."

3.7 The delegate of Belgium said that for purely legal considerations, and without entering into any political or other aspects of the issue, he supported the views of the United States delegate.

3.8 The delegates of Sudan, Yugoslavia, Czechoslovakia, Upper Volta, Bulgaria and Somalia upheld the thesis of the U.S.S.R. and wholeheartedly and without reservation supported the maintenance of the Membership of Guinea-Bissau.

3.9 The delegate of India made the following statement :

"Mr. Chairman,

The Indian delegation congratulates the new sovereign State of Guinea-Bissau. We are sure all scientists and technologists assembled here today will warmly welcome the new State to the brotherhood of telecommunications. In the chain of world telecommunications there should not exist a missing link or even a weak link if the chain is to be strong and serve the purposes of the Union.

We are sure our brotherhood of telecommunications will benefit greatly from the association of Guinea-Bissau."

3.10 The delegate of Bielorussia said that as the Plenipotentiary Conference was the supreme body of the Union it had the right to take a decision on the question itself at the present time. Much had been said earlier in the Conference on the principle of universality and he felt that completely artificial difficulties should not be put in the way of Guinea-Bissau's accession. Over sixty-two States had recognized Guinea-Bissau as a sovereign state and I.T.U. therefore had a duty to accept the newly-liberated state among its Members.

3.11 Supporting the Bielorussian delegate's views, the delegate of Morocco pointed out that the Conference had taken several decisions to enforce its universality and to exclude from its meetings all states violating human rights or failing to practice international cooperation. In the same spirit it should admit those which had thrown off the yoke of such countries.

3.12 The delegate of the United Kingdom reminded the Conference that the question before the meeting was not the fact of admission itself but whether consultations to admit Guinea-Bissau to Membership of the Union should start on the basis of Document No. 387 or whether consultation should await the arrival of the signed official letter. He proposed that consultation should open when the Secretary-General was in possession of all documents relative to the application. The United Kingdom would then record its vote in the usual way in the course of consultation.

3.13 The delegate of Spain said that he had stressed throughout the Conference that members of the Union should be sovereign States. To be considered as sovereign, a State had to exercise true control of its own territory and the fact that all cables from Guinea-Bissau had had to be transmitted through Conakry raised serious doubts on its ability to do so. Guinea-Bissau was in the process of becoming but had not yet become a sovereign State. He drew attention to the fact that although sixty-two States had recognized Guinea-Bissau, that represented less than half the Membership of the Union and thus fell short of the two-thirds majority required for admission of a State to the Union.

3.14 The delegate of Australia said that Australia's views that only Africans had the right to represent African areas had already been made known. Nevertheless, if a vote was taken in the present case Australia would reluctantly have to abstain on the grounds that the documentation required by the Secretary-General to initiate consultation was incomplete and in view of the fact that the new State had not yet established its credentials with the United Nations in conformity with normal international procedure. In spite of its warm feelings for Guinea-Bissau, Australia therefore favoured postponing a decision until the normal requirements had been met, when it would be in a position to support the application.

3.15 The delegate of Canada said that despite Canada's support for universality and for brotherhood between peoples, he could not, for the reasons given by the United States delegate, agree with the U.S.S.R. proposal and therefore supported the United Kingdom proposal.

3.16 The delegate of Nigeria, supported by the delegate of Cameroon said that Nigeria fully endorsed the admission of Guinea-Bissau to the Union at the present Conference. Guinea-Bissau was de facto an independent State that had had an effective government and effective control of large areas of its territory for many years. It had so far been denied Membership of the Union and the Conference thus had before it the opportunity to right that wrong. The procedure for written consultation applied at other times than Plenipotentiary Conferences when Members of the Union were not all gathered together as at present. As one of the territories under the collective heading of Portuguese Oversea Provinces, Guinea-Bissau had indeed been a Member of the Union and he supported the U.S.S.R. delegate's thesis that it had the right to retain Membership as a successor State. Guinea-Bissau had applied for Membership of the United Nations and as no information had yet been received that it had been considered ineligible for such Membership it followed that Guinea-Bissau was considered an independent State.

3.17 The delegate of Italy said that although he appreciated the U.S.S.R. thesis he felt that the United States' arguments were very strong and agreed with the doubts expressed by the delegate of Spain as to the present sovereignty of Guinea-Bissau. The fact that the First National People's Assembly was held in the Province of Boe rather than in the capital suggested that Guinea-Bissau did not have full control of its territory. If the matter came to a vote Italy would have to abstain. He therefore supported the United Kingdom proposal. However, he proposed that the Conference might consider the adoption of a Resolution instructing the Secretary-General to take the necessary steps in conformity with the Convention with regard to permitting the admission of Guinea-Bissau to Membership of the Union as soon as possible.

3.18 The delegate of Barbados said that while he fully endorsed Guinea-Bissau's application in view of Barbados' invariable support for the governments of oppressed peoples who had obtained their freedom, he was still awaiting instructions from his Government and would be unable to cast a vote on the matter until they had arrived.

3.19 The delegate of France supported the views of the United Kingdom and Canada and did not feel that a decision on the fundamental issue of the accession of Guinea-Bissau ought to be taken immediately as such a procedure would be at variance with the provisions of the Montreux Convention. He could not accept the U.S.S.R. thesis.

3.20 The delegate of the United Kingdom was also unable to accept the U.S.S.R. interpretation.

3.21 The delegate of New Zealand observed that no lack of sympathy for Guinea-Bissau appeared in any of the statements made but there were differences in approach. On admission to the United Nations, Guinea-Bissau would be able to join the I.T.U. as a matter of right, but no provision in the Convention enabled a Membership application to be considered at the moment. If a vote were taken New Zealand would be obliged to oppose the proposal on the foregoing grounds.

3.22 The delegate of the Federal Republic of Germany said that his country kept an open mind on the acceptance of new countries. Guinea-Bissau itself had submitted its request for accession with reference to Articles 1 and 19 of the Montreux Convention. That Convention specifically provided for written consultation before accession to allow time to collect any information that might still be lacking. There would not be time for that if the decision was taken by the Conference and no opportunity was offered for Members unaware of the request to state their views. He therefore had serious doubts on accepting the procedure envisaged.

3.23 The delegate of Zaire, speaking as a neighbouring country of an African territory whose population for the last ten years had been subjected to Portuguese oppression, said that Zaire was grateful to all countries which had given moral and material assistance to enable Guinea-Bissau at last to achieve its independence. The independence of Guinea-Bissau was supported by most African countries. In reply to criticisms of its sovereignty, he pointed out that Guinea-Bissau had been obliged to send telegrams through Conakry as it had achieved independence in very difficult circumstances and it was not to be expected that there would be telecommunication facilities for the purpose in Guinea-Bissau. That was why the appeal had been made to the I.T.U. to make direct contact with a former colonial population that had been cut off from the world by its exploiters. Although a part of Guinea-Bissau was still in Portuguese hands that did not negate the independence of the new State as that occupation was founded on force and condemned by the international community. Guinea-Bissau's existence was a fact. It had a known population regulated by an effective political authority and doubts cast on the sovereignty of Guinea-Bissau only came from those friendly to the cause of Portugal. He fully supported the U.S.S.R. proposal.

3.24 The delegate of Mongolia expressed his sympathy for the Government of the Republic of Guinea-Bissau the status of which as a sovereign State had already been recognized by more than sixty Member countries of the I.T.U. It would be just to grant the application for admission submitted by that young republic which, as other speakers had said, already formed part of the Union under the authority of Portugal, from which the Plenipotentiary Conference had withdrawn the right to represent certain overseas territories. The Conference possessed sufficient information on Guinea-Bissau to admit it to the Union. He proposed that, if necessary, a vote be taken on the question.

3.25 The delegate of Roumania said that his country had always viewed with favour the struggle of the people of Guinea-Bissau. All peace-loving countries had the right to be represented in the Union. He therefore supported wholeheartedly the application for admission before the Conference and shared the views expressed by the delegate of the U.S.S.R. as to how the problem should be solved.

3.26 The delegate of Ireland recalled that, in its statements before international fora, and in particular the United Nations, his Government had never spared its criticisms of the colonial policy pursued by Portugal in Africa. The present Conference, however, did not possess sufficient information to take a decision on the candidature of the Republic of Guinea-Bissau. That country was about to submit an application for membership of the United Nations. Following which, the provisions of the Convention could be applied with a view to admitting Guinea-Bissau as a Member of the I.T.U.

3.27 The delegate of Malaysia said that it was his Government's policy to support the right of peoples to self-determination; he was in favour of any application for admission from a new State, provided that the relevant provisions of the Convention were observed.

3.28 The delegates of Tunisia, Egypt, Pakistan, Iraq and Equatorial Guinea also asked the Conference to give a positive reply to the application submitted to it.

3.29 The Secretary-General, replying to a question by the delegate of Nigeria, said that when Union Members ratified the Convention, those which were responsible for the international relations of certain territories could give the names of those territories but had never been under an obligation to do so. Although it had searched the records as far back as the Atlantic City Conference (1947) and even the Madrid Conference (1932), the General Secretariat had not succeeded in finding any list of the territories comprising the Portuguese Oversea Provinces which had been communicated to the I.T.U. at the time of ratification.

3.30 The delegate of Singapore said that he supported the United Kingdom suggestion that consultations concerning the admission of Guinea-Bissau should be postponed till a later date so that the question could be properly studied in the light of the provisions of the Convention.

3.31 The Chairman, summing up the debate, said that fifty-six speakers had taken the floor in the course of a lengthy discussion. However, some twenty Members of the Union were not represented at the Torremolinos Conference and some delegations had no instructions or insufficient instructions to enable them to make a decision on the important question under discussion. He thought the proposal by the delegate of Italy was a reasonable one, namely, that the Conference adopt a recommendation instructing the Secretary-General to take, as soon as possible, the measures prescribed in the Convention to deal with the application for Membership submitted by Guinea-Bissau.

3.32 The delegate of the U.S.S.R. said that regrettable as it was that certain Members of the I.T.U. were not represented at the Conference, such a factor could not be taken into consideration. The Plenipotentiary Conference was the supreme organ of the Union and could therefore take a decision on the candidature of Guinea-Bissau. Although no official list existed of the territories comprising the Portuguese Oversea Provinces, everybody knew that Guinea-Bissau was one of them. He had already proposed that the rights of the Government of that country be restored and that the new State be included in the list of Members of the I.T.U.

3.33 The delegate of Guinea also affirmed that the Plenipotentiary Conference had the necessary powers to admit a new Member to the Union; he hoped that the application submitted would be accepted by acclamation.

3.34 The delegate of the Ukraine said that the various delegations had clearly stated their positions and a vote could therefore be taken on Guinea-Bissau's application for membership.

3.35 The delegate of Equatorial Guinea said that it was the same delegations which had opposed the exclusion of Portugal which were now raising legal points to refuse admission to a country whose sovereignty was widely recognized. Certain delegations were speaking in accordance with the directives of their "masters."

3.36 The delegate of Spain protested against the previous speaker's allegations. The Conference consisted of the representatives of sovereign countries who were expressing their views with complete freedom and applying the rules of law set forth in the Convention. The U.S.S.R.'s proposal constituted a violation of those rules, gave an arbitrary interpretation of the provisions of No. 11 of the Convention and was in contradiction with the text of No. 6, which stipulated that an application for Membership of the Union should secure the approval of two-thirds of the Members.

3.37 The delegate of Poland said that everybody knew that Guinea-Bissau was one of the Portuguese Oversea Provinces and requested that the U.S.S.R. proposal be put to the vote.

3.38 The delegate of Ireland said that a number of telegrams had been received from the Council of State Commissars of Guinea-Bissau; it would be particularly relevant to consider the telegram in Annex 3 to Document No. 387.

3.39 The delegate of Bielorussia said that there was no need for the country in question to have been admitted to the United Nations before becoming a Member of the I.T.U. The Convention contained a number of provisions which gave the Plenipotentiary Conference every right to grant the request of Guinea-Bissau. The U.S.S.R. proposal was fully in accordance with the texts at present in force in the Union and there was nothing to prevent the restoration of the new State's right to join the I.T.U.

3.40 After a suspension of the meeting during which the Chairman and Vice-Chairmen discussed the question and exchanged their impressions, the Chairman read out the draft resolution which had been drawn up for the Conference's approval.

3.41 The delegates of Guinea and of the U.S.S.R. commented on certain expressions employed in the text.

3.42 The delegate of France said that, since the draft resolution had not been issued as a document, he could accept it only subject to any reservations he might have to make later concerning the French version of the text.

3.43 The delegate of Guinea said that he had declared himself unreservedly in favour of the admission of Guinea-Bissau to Membership of the Union and not of instructing the Secretary-General to carry out consultations with Union Members.

3.44 The delegate of China made the following statement :

"Mr. Chairman,

In view of the fact that during the course of debate at the 26th Plenary meeting mention was made of the list of so-called "territories" represented by certain countries in the 1965 Montreux Convention, the Chinese Delegation deems it necessary to reiterate the consistent position of the Chinese Government on this matter as follows :

It is known to all that China's territories Hongkong and Macao were occupied by imperialist countries by inequitable treaties which they imposed on China. These are questions left over by history but they can by no means alter the fact that Hongkong and Macao are part of China's territory."

3.45 At the suggestion of the Chairman, the draft resolution was reproduced by the Secretariat as Document No. 420.

3.46 It was agreed to amend the beginning of the sub-paragraph under "noting further" to read :

"..the widespread support for the request for admission..."

3.47 The draft resolution in Document No. 420 was adopted as amended.

4. Draft Resolution "Admission of Liberation Organizations" (Document No. 385)

4.1 The delegate of Guinea, presenting Document No. 385, said that it was self-explanatory and was largely modelled on the provisions concerning liberation organizations already adopted by other international institutions. He asked the Conference to study the draft resolution carefully and give it favourable consideration.

4.2 The delegate of New Zealand said that the word "Member" used in the draft might cause certain difficulties; he proposed therefore that it should be deleted and that the text below the word "decides" should be amended to read :

"..that the liberation organizations recognized by the United Nations may attend at any time meetings of the International Telecommunication Union as observers..".

4.3 The delegates of Australia and Canada supported that proposal; the latter, however, observed that the word "Member" should also be deleted in the paragraph below the words "having regard to".

4.4 The Chairman and the delegate of the United States of America said that the word "Member" should also be deleted from the title of the draft resolution.

4.5 The delegate of Guinea, having accepted the amendment proposed by the delegate of New Zealand, the delegate of the U.S.S.R. said that he had no objection to the new wording.

4.6 The delegate of the United States of America said that he had certain reservations with regard to the legal aspect of the question, because the Convention contained no provision permitting movements such as liberation organizations to follow the work of I.T.U. meetings as observers. Moreover, he did not feel that technical organizations like the I.T.U. could benefit greatly from the participation of such movements though they perhaps had a role to play in the United Nations.

4.7 The delegate of Belgium said that, in his view, the Convention did not provide for the granting of observer status to movements like liberation organizations; he drew attention to No. 407 of Annex 2 to the Convention in support of his assertion.

4.8 There being no further comments, it was agreed that, on the basis of the amendments suggested and accepted by the Conference, the delegate of Guinea would prepare a revised version of Document No. 385.

5. Fourth Report of Committee 4 (Document No. 405)

5.1 The Chairman of Committee 4 introduced Document No. 405 and indicated a minor typographical correction to the text of Annex 1.

5.2 Document No. 405 was approved.

5.3 The Chairman expressed the Conference's thanks to the Chairman of Committee 4 and all those who had taken part in that Committee's deliberations and congratulated them on their excellent work.

6. Statements for the Final Protocol (Documents Nos. 173, 198, 239, 244, 248, 257-259, 271-279, 281, 282, 286-294, 300-304, 305(Rev.), 306-325, 330-333, 334(Rev.), 335-337, 343, 344, 346-350, 353-355, 363-369, 376, 377, 379, 381(Rev.)-384, 389, 391, 392, 394-398, 400-404, 413, 414, 416-419, 421-424)
 - 6.1 Noted.
7. Draft Resolution "Juridical Status" (Document No. DT/22)
 - 7.1 Approved.
8. Minutes of the 10th Plenary (Document No. 176)
 - 8.1 Approved, subject to two small changes in paragraph 2.10 and a minor correction to paragraph 2.18.
9. Minutes of the 11th Plenary (Document No. 177)
 - 9.1 Approved.
10. Minutes of the 12th Plenary (Document No. 178)
 - 10.1 Approved.
11. Minutes of the 13th Plenary (Document No. 206)
 - 11.1 Approved.
12. Minutes of the 14th Plenary (Document No. 208)
 - 12.1 Approved.
13. Minutes of the 15th Plenary (Document No. 209)
 - 13.1 The Vice-Chairman of the Charter Study Group indicated that a number of minor changes would have to be made to the French text of paragraph 1.2 to align it with the English version.
 - 13.2 Document No. 209, as so amended, was approved.
14. Minutes of the 16th Plenary (Document No. 238)
 - 14.1 Approved.

14.2 In reply to a question from the delegate of Cuba, the Chairman said that the remaining minutes still to be approved (17th to 27th Plenaries) would be provisionally approved by the Chairman of the Conference before circulation to Members for their comments and amendments, if any. Final approval would take place once all such comments had been received.

15. Plenipotentiary Conference venue (Document No. 296)

15.1 The delegate of Kenya said that it was an honour for his country and for its sister countries in the East African Community formally to present the Kenyan Government's offer to act as host to the next Plenipotentiary Conference. He described the advantages and amenities offered by the Kenyatta Conference Centre and drew attention to the favourable climate enjoyed by Nairobi. It would be useful to hold the next Plenipotentiary Conference in a developing country as it would give delegates a chance to appreciate on the spot the problems posed by telecommunications in such countries. If Nairobi were selected for the next Plenipotentiary Conference, it would be an honour not only for Kenya but for all Africa and all developing countries. He thanked the Chairman for having the invitation reproduced as a Conference document so as to submit it to the Plenary for consideration.

15.2 The delegate of the United Kingdom, supported by the delegates of Nigeria, Ethiopia, India, Algeria and Cameroon, welcomed Kenya's offer to hold the next Plenipotentiary Conference at Nairobi and proposed that the Conference accept the invitation in principle, extend its warmest thanks to the delegation of Kenya and invite the Secretary-General and the Administrative Council to take appropriate action with regard to the negotiations that normally preceded final decision in such matters.

15.3 That proposal was adopted by acclamation.

16. Oath of office by the Secretary-General and Deputy Secretary-General

16.1 Mr. Mili solemnly took oath of office as follows :

"I, Mohamed Mili, solemnly undertake to exercise in all loyalty, discretion and conscience, the functions entrusted to me as Secretary-General of the International Telecommunication Union; to discharge those functions and to regulate my conduct with the interest of the Union only in view,

without seeking or accepting instructions or assistance from any Government or other authority external to the Union with regard to the accomplishment of my duties."

16.2 Mr. Richard Butler solemnly took oath of office :

"I, Richard Butler, solemnly swear to exercise in all loyalty, discretion and conscience, the functions entrusted to me as Deputy Secretary-General of the International Telecommunication Union; to discharge those functions and to regulate my conduct with the interest of the Union only in view, without seeking or accepting instructions or assistance from any Government or other authority external to the Union with regard to the accomplishment of my duties."

17. World Population Year - statement by the delegate of Iran

17.1 The delegate of Iran drew the Conference's attention to a letter on the subject of World Population Year which had been sent to the Secretary-General by the Iranian Administration on 9 July 1973 and circulated to Members as General Secretariat Circular No. 427. To date that letter had been answered by only 12 countries. In view of the pressure of time and the importance of the subject, he appealed to all administrations to reply to the letter as soon as was convenient.

The meeting rose at 1500 hrs.

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

INTERNATIONAL TELECOMMUNICATION UNION

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 447-E

16 January 1974

Original : English

PLENARY MEETING

MINUTES OF THE

TWENTY-SEVENTH PLENARY MEETING

Thursday, 25 October 1973, at 1700 hours

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

1. Signature of the Final Acts of the Conference



1. Signature of the Final Acts of the Conference

1.1 The Chairman of the Editorial Committee explained that the Final Acts consisted of the printed text distributed to delegations at the opening of the meeting, plus the texts contained in Document Nos. 360, 385, 399 and 420. He said the Editorial Committee had had insufficient time to re-number the texts and all the paragraph numberings were to be ignored. The General Secretariat had been requested to make the necessary corrections.

1.2 Several delegates having pointed out misprints, the Secretary-General assured them that all the changes required would be incorporated into the definitive version. He also reassured delegates that all the Final Protocols would be included.

1.3 At the invitation of the Chairman, the Secretary-General explained the procedure for signature of the Final Acts and the Optional Protocol.

1.4 The Secretary-General then called the roll and the following delegations signed the Final Acts and the Optional Protocol respectively.

Final Acts

The Republic of Afghanistan, Algerian Democratic and Popular Republic, Federal Republic of Germany, Kingdom of Saudi Arabia, Argentine Republic, Australia, Austria, People's Republic of Bangladesh, Barbados, Belgium, Bielorussian Soviet Socialist Republic, Union of Burma, Bolivia, Republic of Botswana, Federative Republic of Brazil, People's Republic of Bulgaria, Republic of Burundi, United Republic of Cameroon, Canada, Central African Republic, Chile, People's Republic of China, Republic of Cyprus, Vatican City State, People's Republic of the Congo, Republic of Korea, Costa Rica, Republic of the Ivory Coast, Cuba, Republic of Dahomey, Denmark, Dominican Republic, Arab Republic of Egypt, Republic of El Salvador, United Arab Emirates, Ecuador, Spain, United States of America, Ethiopia, Finland, France, Gabon Republic, Ghana, Greece, Guatemala, Republic of Guinea, Republic of Equatorial Guinea, Republic of Upper Volta, Hungarian People's Republic, Republic of India, Republic of Indonesia, Iran, Republic of Iraq, Ireland, Iceland, State of Israel, Italy, Jamaica, Japan, Kenya, Khmer Republic, State of Kuwait, Kingdom of Laos, Kingdom of Lesotho, Lebanon, Republic of Liberia, Libyan Arab Republic, Principality of Liechtenstein, Luxembourg, Malaysia, Malawi, Malagasy Republic, Republic of Mali, Kingdom of Morocco, Mauritius, Islamic Republic of Mauritania, Mexico, Monaco, Mongolian People's Republic, Nepal, Nicaragua, Republic of the Niger,

Federal Republic of Nigeria, Norway, New Zealand, Sultanate of Oman, Uganda, Pakistan, Republic of Panama, Papua-New Guinea, Republic of Paraguay, Kingdom of the Netherlands, Peru, Republic of the Philippines, People's Republic of Poland, German Democratic Republic, Ukrainian Soviet Socialist Republic, Socialist Republic of Roumania, United Kingdom of Great Britain and Northern Ireland, Republic of Rwanda, Republic of the Senegal, Sierra Leone, Republic of Singapore, Somali Democratic Republic, Democratic Republic of the Sudan, Republic of Sri Lanka (Ceylon), Sweden, Confederation of Switzerland, United Republic of Tanzania, Republic of the Chad, Czechoslovak Socialist Republic, Thailand, Togolese Republic, Trinidad and Tobago, Tunisia, Turkey, Union of Soviet Socialist Republics, Oriental Republic of Uruguay, Republic of Venezuela, Republic of Viet-Nam, Yemen Arab Republic, People's Democratic Republic of Yemen, Socialist Federal Republic of Yugoslavia, Republic of Zaire, Republic of Zambia.

Optional Protocol

The Republic of Afghanistan, Australia, Austria, Belgium, Union of Burma, Federative Republic of Brazil, Republic of Burundi, United Republic of Cameroon, Canada, Central African Republic, Republic of Cyprus, People's Republic of the Congo, Republic of Korea, Costa Rica, Republic of the Ivory Coast, Republic of Dahomey, Dominican Republic, Arab Republic of Egypt, Republic of El Salvador, United Arab Emirates, Finland, Gabon Republic, Greece, Republic of Upper Volta, Republic of Indonesia, Japan, Khmer Republic, Kingdom of Laos, Lebanon, Republic of Liberia, Principality of Liechtenstein, Luxembourg, Malawi, Malagasy Republic, Republic of Mali, Kingdom of Morocco, Mauritius, Islamic Republic of Mauritania, Nepal, Nicaragua, New Zealand, Papua-New Guinea, Kingdom of the Netherlands, Peru, Republic of the Philippines, United Kingdom of Great Britain and Northern Ireland, Republic of the Senegal, Sierra Leone, Republic of Sri Lanka (Ceylon), Confederation of Switzerland, Republic of the Chad, Thailand, Togolese Republic, Tunisia, Yemen Arab Republic, People's Democratic Republic of Yemen, Republic of Zaire.

1.5 The Secretary-General announced that 125 countries had signed the Final Acts of the Plenipotentiary Conference and 57 had signed the Optional Protocol.

The meeting rose at 1840 hours.

The Secretary-General :

M MILI

The Chairman :

L. HERRERA ESTEBAN

PLENARY MEETING

MINUTES
OF THE
CLOSING MEETING

Thursday, 25 October 1973 at 1920 hrs

Chairman : Mr. L. HERRERA ESTEBAN (Spain)

1. Address by the Chairman of the Conference representing Region B
2. Address by the representative of Region A
3. Address by the representative of Region C
4. Address by the representative of Region D
5. Address by the representative of Region E
6. Address by the Spanish Minister of Information and Tourism

1. Address by the Chairman of the Conference representing Region B

"Mr. Minister,
Plenipotentiaries,
Authorities of Malaga,
Ladies and Gentlemen,

It is my privilege, for my last address as Chairman of the Plenipotentiary Conference of the I.T.U. at Malaga-Torremolinos, to head the list of speakers at this closing session which you, Mr. Minister, have honoured with your presence in a dual capacity - as Minister of Information and Tourism, responsible inter alia for Spanish Radio and Television with its direct concern in the work of our Conference, and as acting Minister of Foreign Affairs while that Minister accompanies our Prince on his State visit to France.

I speak, too, Mr. Minister, on behalf of the delegations of Western Europe, that is for Region B, one of the five regions under which the countries of our Union are grouped. In the same way, representatives of the other regions will take the floor after me.

As a West European and spokesman for my colleagues, I should like to formulate a wish and express a hope. The wish is that as close and as frequent contacts as possible should be maintained between our respective Administrations on the pattern of CEPT, which, in its short but fruitful existence, has given such positive results. In this spirit of mutual cooperation, exchanging views frequently and coordinating positions on the basis of those points that unite us (always more numerous than the points on which we are divided) lies the hope I referred to above that this overture to all the other Members of this great family, the I.T.U. - which has given so much to all of us - will continue to expand, without detriment to our own unity, through world-wide exchange and cooperation to which we can contribute to the best of our ability and from which we can receive what we need.

My duty as representative of my European colleagues would be incomplete, were I, in misplaced diffidence as a Spaniard, to omit to thank the Spanish Government for the facilities they provided for the smooth running of the Conference.

I should like, Mr. Minister and dear colleagues, in my final words as Chairman to refer to the work of our Conference now drawing to a close.

Distinguished delegates,

It seems only yesterday that I addressed my first words to you from this rostrum following my investiture as Chairman of the 10th Plenipotentiary Conference of the I.T.U.

Yet six weeks have gone by, in the course of which we have spent many hours together, mainly in this room, in an atmosphere of cordiality, comradeship and mutual respect. In this working climate we have achieved unanimous agreements and also resolved disagreements democratically by vote. There is no need, however, to remind you of what you will all well remember, namely that during our 26 Plenary meetings there was a great deal of agreement and very little recourse to voting. I am quite sure that this was thanks to the good will of many of you, frequently abandoning your own positions to make way for a formula acceptable to the majority and rallying to the compromise proposals put forward by the Chairman.

The Malaga-Torremolinos Conference will soon be history. As it quits the present for the past, we stand on the threshold of parting, a parting that is both sweet and bitter, for the nostalgia and regret that tinges all leave-taking will be amply compensated for you by the pleasure of returning home to your dear ones.

It is also the moment for me to express, on behalf of all delegates and others taking part in the Conference, our sincere and deep gratitude to :

1. the Vice-Chairmen of the Conference, for their never-failing advice and encouragement to me up to the last, both in public and in private, and which I value at its true worth;
2. the Chairmen and Vice-Chairmen of the nine Committees, constituting Committee 1, Senate of our great Assembly, for their invaluable assistance to me in the accomplishment of my task;
3. all the delegations and each individual Plenipotentiary taking part in the work of the Plenaries and the Committees. A fine judgement of the moment to speak, the moment to listen and the moment to be silent was a hallmark of many participants at the Conference;
4. the Secretary-General, the Deputy Secretary-General, the Chairman and Members of the I.F.R.B. and the Directors of the C.C.I.s. Much has been learned from each and every one of them and the Conference has unequivocally reaffirmed its confidence in Mr. Mili and Mr. Butler, which they well merited. I should like here also to express our thanks to all the staff of the I.T.U. Secretariat and the Spanish Secretariat.

Our thanks go also to :

5. all those in the interpretation services, who had the exacting and highly responsible task of helping us to understand one another in our work. I feel that they have fulfilled their duties brilliantly;
6. the Malaga authorities and the people of Malaga for their indescribably generous and overwhelming hospitality;
7. the information media, and more particularly to those who, directly or indirectly contributed to the success of a difficult and complex task of organization.

Lastly, I must in all sincerity present my excuses :

I beg pardon for any mistakes I have made and for any of my acts that have erred by excess or by default.

I ask forgiveness from all those whom any of my words or acts may have unwittingly offended and from those who considered that I let speakers run on too long or, on the contrary, that I cut them short, although I must confess that if I erred it was in preference for the former.

As one of the ten citizens of the world who in the course of the last 108 years have had the privilege of chairing a Plenipotentiary Conference, I can assure you that from both the professional and private standpoints I regard this event as one of the most important in my life.

In conclusion, recalling an anecdote recounted by a Bolivian friend about that simple and good man, Pope John XXIII who, when taking leave of a large assembly of married couples gathered at the Vatican, used that best of farewells "Give your children a kiss from the Pope", I take the liberty of copying this example and ask you, my friends of the I.T.U., on returning to your countries and homes after your six weeks' absence, to say to all those dear to you, your family, children, wives and friends, "we bring you a warm and sincere kiss of greeting from Spain".

Thank you very much."

2. Address by the representative of Region A

The delegate of the Federative Republic of Brazil made the following statement :

"Your Excellency, Mr. Minister,
Officers,
Mr. Chairman,
Fellow delegates,
Ladies and Gentlemen,

It is an honour for me to represent the Americas region on this solemn occasion and I hope my sincerity and modest words will prove worthy of the mission entrusted to me.

The famous Colombian poet and psychologist Porfirio Barba Jacob said in his "Canción de la vida profunda" :

"Hay días en que somos tan plácidos, tan plácidos
.....
que hasta las propias penas nos hacen sonreír.
Y hay días en que somos tan lúgubres, tan lúgubres
.....
y acaso ni Dios mismo nos pueda consolar."

Thus the poet evoked psychologically joy and sadness.

Perhaps at this instant we are both joyful and sad. Joyful, because - united by sentiment and our ideal - we are carrying out an anonymous task ignoring personal interests - a work that is simple in its form but immensely great in its content. Here we are subscribing to the philosophy of our Union and putting it into the hands of those we have elected. Here we are striving, through the medium of telecommunication, to make the world smaller so that men can reach out and say : "Brother, I am your neighbour, my house is your house." Sad, at the same time, because there always comes a moment for farewells and separation. However, the hope remains that this parting will prove an "au revoir" since our work continues and our hopes persist and new meetings, new struggles and new conquests will take place.

We are not speaking of ourselves alone but also of those who made our work possible, the praiseworthy staff of the I.T.U. and the Spanish Secretariat. All, without distinction of duty or speciality, form an important part of our great family.

And now, if you will permit me, I shall leave my heart to speak of this land of the gods since it fell in love with Spain and composed some verses called "España de mis amores" :

"España de mis amores,
De cantos, luces y flores,
¡Qué bonita que tú eres!
Las estrellas de tu cielo
Viven mirando con celo
Los ojos de tus mujeres.

Por las campiñas sonrientes,
Por los montes florecientes
Y playas multicolores
Encontré en mis caminos
Muchos besos y carinos,
España de mis amores.

Cuando regrese a mi tierra
Una página se cierra
Y un recuerdo me acompaña,
Mi corazón repartido,
Mitad llevaré conmigo
Mitad se queda en España.

Thank you."

3. Address by the representative of Region C

The delegate of the Union of Soviet Socialist Republics made the following statement :

"Your Excellency, Mr. Herrera,
Honourable Delegates,

Now that the Plenipotentiary Conference is drawing to a close, it is the natural desire of each of the participants to analyze the circumstances in which it has taken place and the results which it has achieved and, in the light of this analysis, to consider the Union's future activities. A full study of all that has taken place at the Conference and the decisions which it has adopted would, of course, require much more time. Therefore, the comments which I am about to make are general in character and cover only a few of the subjects.

The first conclusion we must draw is that, on the whole, the Conference has been held in a businesslike atmosphere, in which the delegates have endeavoured to achieve generally acceptable and constructive solutions which would create better conditions for the Union's activities and would be conducive to greater efficiency. This conclusion is by no means contradicted by the fact that the debates have, on occasion, been attended by some acerbity and that some of the decisions were adopted with very small majorities.

Secondly, the Plenipotentiary Conference has taken a number of decisions which will undoubtedly help to improve the Union's situation. I am referring here, for example, to the resolutions adopted on South Africa and Portugal and on the representation of liberation movements. I am forced to point out, however, that the Conference unfortunately proved inconsistent on these matters, having refrained from the immediate granting of the requests received from Guinea-Bissau.

Thirdly, the broad discussion which has taken place in the Committees and the Plenary Meetings on the establishment of the new fundamental acts not only provided an occasion for a full ventilation of the problem, but also clearly convinced everybody, in my opinion, of the fact that additional efforts must be made to ensure that a final decision on the adoption of the Union's charter is adopted at the next Plenipotentiary Conference. In the slightly more than 100 years' existence of the Union, a number of basic and unalterable principles have taken shape, on which the Union's activities are based, as an international, intergovernmental organization; furthermore, the fundamental principles have emerged which are embodied as basic features of the statutes of all the specialized agencies of the United Nations. It would seem that the adoption of a Union charter setting out such fundamental principles for its activities would, in future, preclude the repetition of wearisome and protracted discussion of a kind which has taken place at the present Conference and would enable future Plenipotentiary Conferences to give more attention to practical questions concerned with increasing the Union's efficiency. There is no doubt that the Administrative Council will have to treat this matter with urgency in order, after making an all-round examination of the recommendations and discussions of the Conference, to draw up and distribute to the Member countries in good time a draft of the basic acts which would find broad support.

Since I am unable to dwell at any length on a number of other questions which have come up at the Conference, I should like in conclusion, Mr. Herrera, to express my gratitude to you for the manner in which you have conducted the work of the Conference, to the Secretary-General, Mr. Mili, his Deputy, Mr. Butler and to the I.T.U. Secretariat for the assistance which they have constantly and willingly given you and the delegations. Finally, I should

like to express once more our gratitude to the Spanish Administration for the admirable organization of the Conference and the way in which it has looked after the delegates in their leisure time, together with our sincere and cordial thanks to the Spanish people for their hospitality and the warmth with which we have been received during this six-week stay in Andalusia.

Thank you for your attention."

4. Address by the representative of Region D

The delegate of the Federal Republic of Nigeria made the following statement :

"Mr. Chairman,
Distinguished delegates,

We have now come to the end of our deliberations after holding twenty-seven Plenary meetings, not to mention all other Committee meetings and meetings of various Working Parties during the last six weeks.

Looking back on our achievements, we can now congratulate ourselves on the success of this Conference.

Mr. Chairman, let me say that you were the right choice for the position you held at this Conference. We could not have made a better choice. We owe all our successes and achievements to your wisdom, able leadership, patience, tolerance, firmness and above all your absolute impartiality.

We are sure that all our colleagues here present would join us in thanking you.

In spite of differences, disagreements and sometimes opposing points of view during our deliberations, there was neither bitterness nor rancour.

Permit us, Mr. Chairman, through you to thank the Spanish Government and people for hosting this Conference and for making our stay in Torremolinos so comfortable and enjoyable. We were smothered with hospitality during our stay here and we were also given the opportunity to see some of the arts and culture of Spain.

In the same vein, we would like, through you, to extend our gratitude to the Spanish P.T.T. for the excellent and flawless arrangements which were made for this Conference. We also want to thank the Secretary-General and his staff, also the Spanish Government agencies and other private bodies who have contributed immensely towards the success of the Conference.

Touching briefly on our achievements, we have at last decided on the composition of the Union, especially those we can accept as Members of the Union. We have agreed on the future method of election of members of the International Frequency Registration Board. We have excluded South Africa and Portugal from all future meetings of our Union because, in our opinion, those two régimes have failed to abide by the purposes for which this Union was formed. The number of members on the Administrative Council was increased from 29 to 36. We are happy about this decision because it will provide the opportunity for nine more Members of the Union to take part in administering the affairs of the Union between Plenipotentiary Conferences.

Our only regret concerning the deliberations of this Conference was the question of the admission of Guinea-Bissau as a Member of our Union. Although it was not possible to resolve this matter with the urgency we expected, we would expect the Secretary-General to take immediate action on the Resolution we adopted.

We would like to say a few words on the financial position of the Union, which is not a good one. We would like to appeal to all Members of the Union to make all efforts to meet their financial obligations. It is only in this way that the Administrative Council will be able to manage in an efficient manner the affairs of the Union.

We are sure the expectation of a large number of delegations at this Conference was that we should prepare a draft Constitution, the basic provisions of which will no longer be subjected to continuous amendments. Our achievement, however, was the production of a new Convention. We hope that before too long, and perhaps by the next Plenipotentiary Conference, we shall achieve the aims initiated by Resolution No. 35 adopted in Montreux in 1965.

Finally, Mr. Chairman, the Plenipotentiary Conference of our Union always affords us the opportunity of meeting friends, old and new.

Now that the Conference has come to an end, we wish all our colleagues God speed and a safe return to their respective homes.

Thank you, Mr. Chairman."

5. Address by the representative of Region E

The delegate of Japan made the following statement :

"Your Excellencies,
Mr. Chairman,
Distinguished delegates,
Ladies and Gentlemen,

As a member of Region E and on behalf of the Japanese Government and the delegation, it is a great honour for me to convey to you and the Spanish Government my most profound gratitude on this momentous occasion.

Ever since we arrived here in the middle of September, we have found ourselves surrounded by the warm hospitality of the Spanish Government and the people which provided the best possible atmosphere for us to participate in the work of the Plenipotentiary Conference. I am confident that it was wholly owing to your own and the Government's untiring efforts that we find ourselves at this closing ceremony filled with friendship and mutual understanding. I express once again, therefore, our heartfelt thanks to you for the outstanding competence with which you have led us throughout the Conference. Our thanks go also to all those who did not spare their best efforts in supporting you, namely the members of the Spanish Secretariat, the Secretariat of the Union, the able interpreters and, last but not least, all the distinguished delegates who in the most difficult circumstances never forgot the spirit of international cooperation.

Mr. Chairman,

I cannot but help recall a Spaniard who, one day back in the 16th century, watched with his own eyes the harbour of Nagasaki, the international port of the Land of the Rising Sun. His name was Francisco Javier. He came over the waves and through the winds for several thousand miles, having two purposes - to introduce the European culture and Christianity to the islands of the Far East. This was the first encounter between Japan and Europe. One of Javier's aims, the propagation of Christianity, was not fully successful. However, his other purpose, the introduction of Western culture brought about remarkable fruits. No one can deny today the success of the modernization of Japan and it is with confidence and pride that I speak of such a success.

When we look back to these historical facts, I think you will understand, Mr. Chairman, why we Japanese have special familiar feelings towards Spain. The Japanese language today includes many words of Spanish origin. The word "tempura" for instance, the famous Japanese cuisine, derives from the Iberian peninsular.

Mr. Chairman,

What was most impressive to me during this Conference was the active contributions made by the delegates of all Member countries, including new Members taking part in the Conference for the first time. Listening to the earnest and sometimes energetic debates by these able delegates, I have the impression that I.T.U. has a bright future.

Finally, Mr. Chairman, this Plenipotentiary Conference is now closing with success and I am firmly convinced it will prove to be a precious milestone in the history of the development of telecommunications throughout the world.

Muchas gracias, Señor."

6. Address by the Spanish Minister of Information and Tourism

H.E. Don Fernando de Liñán y Zofió made the following statement :

"I have the great honour of delivering the closing address to this Plenipotentiary Conference of the International Telecommunication Union. Its deliberations and decisions will be a landmark in the history of the organization, the doyen of international organizations, whose past and present are a clear example of the productiveness of international cooperation necessary in establishing close links and solidarity. The fact that we live on one planet, and that we are faced with the same problems, calls for the development of our relations and joint efforts to carry out the fundamental duty of every human being which is to make our surroundings more habitable, contribute to the general well-being, improve our standard of living, practise mutual respect and understanding and build a better society compatible with human dignity.

In a world which in the course of this century has been subjected to so many tensions, the executorship of the I.T.U. is particularly exemplary. Based on recognition of the sovereign rights of all countries and on the need for cooperation between nations through effective telecommunications, it has demonstrated the need for coordinated joint efforts in the face of common problems and objectives.

As a Spaniard and as Minister of Information and Tourism, I am genuinely pleased and happy at the success of this Conference in Torremolinos, a name which, like Madrid in 1932, will henceforth be linked with world telecommunications.

At the last Conference in Montreux, Mr. Gross - the then Secretary-General of the I.T.U. - referred to the significance of the choice of Montreux - peacefully situated between the mountains and the lake, near to international Geneva and the Swiss Federal capital. The same is true on this occasion with the selection of Torremolinos as host to the Conference. The selection of Torremolinos, which is already world-famous for its tourist attractions, symbolizes - and it gives me special pleasure to say so - the integration of the world of telecommunications and tourism.

This close link is evident in many fields.

Telecommunications have made it possible to reduce distances of space and time between peoples. Thanks to television via satellite, we can witness events at the moment they take place. This constitutes a revolution as regards news and also involves a whole process of cultural revolution.

The reduction of distances is especially noticeable in the case of tourism. Innovations in forms of transport have made large-scale movement over long distances a daily occurrence. If, as the great Spanish writer Cervantes said, "travel makes people discreet", we can now say that "discretion" - meaning good sense, good judgment, prudence - is a requirement of our time. In short, tourism and telecommunications bring about awareness of world solidarity and comprehension of the variety of cultures and character in different societies.

As proof of this Spain has welcomed you, delegates from many countries, with open arms and with its traditional hospitality, as each year it welcomes over thirty million visitors from five continents.

The Conference has considered specific problems in the field of telecommunications. I am pleased to be able to point in this connection to the marked concern shown for intensification of technical cooperation with a view to enabling all people to benefit from the scientific knowledge and technical experience of the more developed countries.

I am happy that this is so and I commend you for the success of this meeting and its decisions.

I should like to congratulate the various Members who have had the honour of being elected to the new Administrative Council, in which we are very pleased to note the inclusion of Spain. I should also like to congratulate the Secretary-General, Mr. Mili, and the Deputy Secretary-General, Mr. Butler; the manner in which both were re-elected eloquently demonstrated the confidence which they merit and is an acknowledgement of their brilliant management over the past years.

I should also like, with your permission, to express our gratitude to the Chairman of the Conference, my friend Leon Herrera, who has chaired these lengthy sessions with his usual competence.

The problems with which the complex world of telecommunications now has to contend are particularly influenced by the process of "speeding-up of history". The heightened pace of social change is the key phenomenon of our time. It is our lot to live in a world in which change has itself become a way of life. This fact, on which it is no longer necessary to dwell, constitutes a major challenge to contemporary man and is, I feel, the basic point of departure for the development of coordinated and effective action for the great well-being of mankind.

Such action should be in the form of a coherent response in the context of a system of values to the challenges of our time and should be feasible, productive and effective. The pace of change and the complexity of the situations which arise greatly increase the difficulty of arriving at appropriate decisions.

Dynamic equilibrium can be preserved by sensible considered responses and use of our creative imagination. As has been shown, we should not resort to blind acceptance or blind resistance but rather to a coherent strategy to selectively mould, divert, accelerate or retard change.

It has become amply evident that it is not possible to start from scratch either in predicting the future or in man's efforts to arrange it. Creative policy should be based on the fundamental principles of our cultural heritage. Mankind in moulding its future, inherits the past through the efforts and inventions of our ancestors over the centuries. It is, therefore, important to use judgment in preserving that which is permanent in a changing world.

Our society should take as its basis the nobility and dignity of the human individual; this should be the focal point of all our anxieties and concerns. Consideration for human dignity is the cornerstone of the system of values on which our social and technological planning must be founded.

Mutual respect based on the peculiarities and rights of each human being and each people and the awareness of solidarity should be fostered by the strengthening of the relations among the various members of the community and the different nations.

The concern expressed here for the future should not become an evasion of the present. Our future security depends on consolidation of the present.

Thank you.

On behalf of His Excellency, the Head of State, I solemnly declare closed the Plenipotentiary Conference of the International Telecommunication Union in Malaga-Torremolinos."

The meeting rose at 2010 hrs

The Secretary-General :

M. MILI

The Chairman :

L. HERRERA ESTEBAN

PLENIPOTENTIARY CONFERENCE

MALAGA - TORREMOLINOS 1973

Document No. 449-E
17 December 1973

FINAL LIST OF DOCUMENTS

A. Basic documents of the Conference

	Doc. No.		Doc. No.
<u>Committee structure</u>	74 (Rev.5)	<u>Committee 1</u> (Steering Committee)	-
<u>Plenary Meeting</u>		<u>Committee 2</u> (Credentials)	
<u>Minutes</u>		<u>Reports</u>	
Opening session	90	First	117
First meeting	94	Second	243
Second "	99	Final Report	265
Third "	109 + Corr.	<u>Summary records</u>	
Fourth "	113 + Corr.	First meeting	111
Fifth "	115	Second "	187
Sixth "	132	Third "	266
Seventh "	133 + Corr.	<u>Committee 3</u> (Budget Control Committee)	
Eighth "	154 + Corr.	<u>Reports</u>	
Ninth "	158 + Corr.	First	215
Tenth "	176 + Corr.	Final Report	297
Eleventh "	177	<u>Summary Records</u>	
Twelfth "	178	First meeting	128
Thirteenth "	206	Second "	159
Fourteenth "	208	Third "	256
Fifteenth "	209 + Corr.	Fourth "	435
Sixteenth "	238	<u>Committee 4</u> (Finances)	
Seventeenth "	437	<u>Reports</u>	
Eighteenth "	438	First	221
Nineteenth "	439	Second	223
Twentieth "	440	Third	260
Twentyfirst "	441	Final Report	405(Rev.)
Twentysecond "	442	<u>Summary Records</u>	
Twentythird "	443	First meeting	126 +
Twentyfourth "	444	Corr.	
Twentyfifth "	445	Second "	144
Twentysixth "	446		
Twentyseventh "	447		
Closing meeting	448		

	Doc. No.		Doc. No.
<u>Committee 4 (cont.)</u>		<u>Committee 6 (cont.)</u>	
<u>Summary Records</u>		<u>Summary Records</u>	
Third meeting	149 +	First meeting	130
Fourth "	Corr. 192 +	Second "	131
Fifth "	Corr. 201 +	Third "	138 +
Sixth "	Corr. 225	Fourth "	Corr. 169 +
Seventh "	236 +	Fifth "	Corr. 1,2 188 +
Eighth "	Corr. 237 +	Sixth "	Corr. 189
Ninth "	356	Seventh "	213 +
Tenth "	370	Eighth "	Corr. 261 +
Eleventh "	412	Ninth "	Corr. 262 +
Twelfth "	425	Tenth "	Corr. 285 +
Thirteenth "	426	Eleventh "	Corr. 371
Fourteenth "	427	Twelfth "	372
Fifteenth "	436	Thirteenth "	373 +
		Fourteenth "	Corr. 374 +
<u>Committee 5 (Staff Matters)</u>		Fifteenth "	Corr. 410
<u>Reports</u>		Sixteenth "	411
First	143	Seventeenth "	428
Final Report	205		
<u>Summary Records</u>		<u>Committee 7 (Structure of the Union)</u>	
First meeting	121 +	<u>Reports</u>	
Second "	Corr. 163 +	First	98
Third "	Corr. 202 +	Second	100
	Corr.	Final Report	231
<u>Committee 6 (Technical Cooperation and relations with the U.N.)</u>		<u>Summary Records</u>	
<u>Reports</u>		First meeting	123
First	167	Second "	124 +
Second	168	Corr.	134
Third	232	Third "	135 +
Fourth	247	Fourth "	Corr. 145 +
Final Report	295	Fifth "	Corr.

	Doc. No.		Doc. No.
<u>Committee 7 (cont.)</u>		<u>Committee 8 (cont.)</u>	
<u>Summary Records</u>		<u>Summary Records</u>	
Sixth meeting	150 + Corr.	Third meeting	139 + Corr.
Seventh "	156	Fourth "	155 + Corr.
Eighth "	157 + Corr.	Fifth "	162 + Corr.
Ninth "	185	Sixth "	165
Tenth "	186	Seventh "	193
Eleventh "	211	Eighth "	203 + Corr.
Twelfth "	241	Ninth "	210
Thirteenth "	249 + Corr.	Tenth "	250 + Corr.
Fourteenth "	268	Eleventh "	251 + Corr.
Fifteenth "	269 + Corr.	Twelfth "	270
Sixteenth "	375	Thirteenth "	429
Seventeenth "	359	Fourteenth "	430
Eighteenth "	406	Fifteenth "	431
Nineteenth "	407	Sixteenth "	432
Twentieth "	408	Seventeenth "	434
Twentyfirst "	409		
<u>Committee 8 (Rights and Obligations)</u>		<u>Committee 9 (Editorial Committee)</u>	
<u>Reports</u>		<u>Report</u>	191
First	161	<u>Summary Record</u>	217
Final Report	233		
<u>Summary Records</u>			
First meeting	114 + Corr.		
Second "	125 + Corr.		

B. The attached Annex contains the complete list of documents
in numerical order

Annex : 1

A N N E XLIST OF DOCUMENTS

(1 - 449)

No.	Origin	Title	Destination
1(Rev.) Add.1 Add.2 + Corr. and Add.3	S.G.	Candidatures for the posts of Secretary-General and Deputy Secretary-General of the Union	PL
2 + Corr.	S.G.	Agenda of the Conference and Committee structure	PL
3	S.G.	Draft Constitution and Draft General Regulations	PL
4	S.G.	Proposals	PL
5	S.G.	Credentials of delegations to the Conference	PL
6	Thailand	Proposals	PL
7	Hungarian People's Rep.	Proposals	PL
8	Switzerland	Proposals	PL
9 + Add.	United Kingdom	Proposals	PL
10 + Corr.	Czechoslovakia	Proposals	PL
11	Bulgaria	Proposals	PL
12 + Corr.	Spain	Proposals	PL
13(Rev.)	Thailand	Proposals	PL
14	S.G.	Members of the Administrative Council	PL
15	U.S.S.R.	Proposals	PL

No.	Origin	Title	Destination
16	Belgium	Proposals	PL
17 + Corr.1, 2,3,4, and Add.1 and 2	Paraguay	Proposals	PL
18	S.G.	Opinion No. 6 of the Vth Plenary Assembly of the C.C.I.T.T.	PL
19	Japan	Proposals	PL
20	Congo (Brazzaville)	Proposals	PL
21 + Corr.	Germany (Fed. Republic of)	Proposals	PL
22	United States	Proposals	PL
23	Spain	Proposals	PL
24	Canada	Proposals	PL
25 + Add. and Corr.	Netherlands	Proposals	PL
26(Rev.) + Add.	Belgium	Contribution for the I.T.U. Plenipotentiary Conference in 1973	PL
27(Rev.)	Burundi, Cameroon, Central African Rep., Congo (Brazzaville), Ivory Coast, Dahomey, Gabon, Upper Volta, Madagascar, Mauritania, Niger, Senegal, Rwanda, Chad, Togo	Proposals	PL
28	U.S.S.R.	Proposals	PL
29	France	Proposals	PL

No.	Origin	Title	Destination
30	Israel	Proposals	PL
31	S.G.	Review of the financial management of the Union (1965-1972)	PL
32	S.G.	Finances of the Union	PL
33(Rev.) + Corr.	S.G.	Accounts in arrears	PL
34	S.G.	Report of the Administrative Council to the Plenipotentiary Conference	PL
35	S.G.	Report of the Pension Committee	PL
36	Venezuela	Proposals	PL
37 + Corr.	Kuwait	Proposals	PL
38	S.G.	Participation of the Government of the Republic of South Africa in I.T.U. conferences and assemblies	PL
39	S.G.	Classification of Members of the Union according to Region	PL
40	S.G.	Request of the Government of Nicaragua	PL
41	Denmark, Finland, Iceland, Norway and Sweden	Proposals	PL
42 + Corr.	S.G.	Report by the Administrative Council	PL
43	Spain	Proposals	PL
44	Australia	Proposals	PL
45	S.G.	In-Service training	PL

No.	Origin	Title	Destination
46	S.G.	Salaries of elected officials	PL
47	Italy	Proposals	PL
48	Poland (People's Rep. of)	Proposals	PL
49(Rev.)	Israel	Proposals	PL
50	Spain	Proposals	PL
51	S.G.	Secretariat of the Conference	PL
52	Switzerland	Draft Recommendation	PL
53	Switzerland	Draft Recommendation	PL
54(Rev.) + Corr.	Bolivia	Sums in arrears	PL
55	S.G.	Convening of the Pleni- potentiary Conference	PL
56	China	Proposals	PL
57 + Corr.	German Demo- cratic Rep.	Proposals	PL
58	S.G.	Budget of the Conference	PL
59	Egypt	Proposals	PL
60	Lebanon	Proposals	PL
61	Chile	Establishment of regional registers of telecommuni- cation specialists	PL
62	Chile	Training of telecommuni- cation staff	PL

No.	Origin	Title	Destination
63	Switzerland	Planning of satellite broadcasting in the 12 GHz band	PL
64 + Corr.	India	Proposals	PL
65	S.G.	Implementation of the declaration on the granting of independence to colonial countries and peoples by the specialized agencies and the international institutions associated with the United Nations	PL
66	India	Proposals	PL
67	Argentina	Proposals	PL
68	Nigeria	Proposals	PL
69	Mexico	Draft Constitution and Draft General Regulations	PL
70	Mexico	Draft General Regulations	PL
71	Mexico	Contributory shares in defraying Union expenditures	PL
72	Argentina	Proposals	PL
73	Argentina	Proposals	PL
74 (Rev. 5)	S.G.	Committee structure	PL
75	S.G.	Cost of printing the Final Acts	C.3
76	Yemen	Sums in arrears	C.4
77	Dominican Republic	Sums in arrears	C.4
78	Nicaragua	Contributions 1973 and 1974	C.4

No.	Origin	Title	Destination
79	S.G.	Union building	C.4
80	S.G.	Mandate	PL
81	Kuwait	Proposals	PL
82	UNESCO	UNESCO/I.T.U. cooperation in communication planning	PL
83(Rev.)	Venezuela	Setting up of regional offices	C.6 and 7
84	Venezuela	Proposals	C.4
85	Mexico	International frequency registration board - Introductory comments	C.7
86	Venezuela	Proposals	C.4
87	Venezuela	Constitutional charter of the I.T.U.	PL
88	Indonesia	Proposals	C.7 and 8
89	Nepal, Sri Lanka (Ceylon)	Resolution - Emergency funds for technical cooperation	C.6
90	PL	Minutes of the opening ceremony	PL
91	France	Comments of the French Administration on the Admini- strative Council Recommenda- tion to the Plenipotentiary Conference concerning the convening of a World Admini- strative Radio Conference in 1978-1980	PL
92	S.G.	Proxy for Guyana	PL

No.	Origin	Title	Destination
93	Mexico	Observations on Documents Nos. 83(Rev.), 84 and 86 submitted by the Venezuelan delegation	C.4, 6 and 7
94	PL	Summary record of the first Plenary Meeting	PL
95(Rev.5) + Add.1, 2,3,4, 5	S.G.	Candidacies for membership of the Administrative Council	PL
96	Argentine	Creation of an "International Committee for Technical Cooperation in Telecommunications"	C.6 and 7
97	S.G.	Note by the Secretary-General concerning two resolutions adopted by the Staff Council	C.5
98	C.7	First Report of Committee 7	PL
99	PL	Summary Record of the second Plenary Meeting	PL
100	C.7	Second Report of Committee 7	PL
101	Algeria, Uganda, Tanzania, Kenya, Dahomey, Sudan Central African Rep., Guinea, Somalia, Senegal, Equatorial Guinea, Liberia, Zambia, Ivory Coast, Mauritania, Gabon, Madagascar, Tunisia, Egypt, Mali, Upper Volta, Ghana Niger, Sierra Leone, Nigeria,	Draft resolution on South Africa	PL

No.	Origin	Title	Destination
101 (cont.)	Morocco, Cameroon, Libya, Zaire, Ethiopia, Togo, Chad		
102	Algeria, Uganda Tanzania, Kenya, Dahomey, Sudan, Central African Rep., Guinea, Somalia, Senegal, Equatorial Guinea, Liberia, Zambia, Ivory Coast, Mauritania, Gabon, Madagascar, Tunisia, Egypt, Mali, Upper Volta, Ghana, Niger, Sierra Leone, Nigeria, Morocco, Cameroon, Libya, Zaire, Ethiopia, Togo, Chad	Draft resolution on Portugal	PL
103(Rev.)	Oman	Proposal	C.6
104	S.G.	Proxy for Monaco	PL
105	Roumania	Declaration	C.2
106	S.G.	Procedure for the election of the Secretary-General or Deputy Secretary-General of the Union	PL
107	S.G.	Procedure for the election of Members of the Union which are to serve on the Administrative Council	PL
108	S.G.	United Nations General Assembly Resolutions	C.8
109 + Corr.	PL	Minutes of the third Plenary Meeting	PL

No.	Origin	Title	Destination
110(Rev.)	Byelorussia, Bulgaria, Hungarian Peoples's Rep., German Demo- cratic Rep., Cuba, Mongolia, People's Rep. of Poland, Roumania, U.S.S.R., Ukraine, Czechoslovakia	Declaration concerning South Viet-Nam and South Korea	C.2
111	C.2	Summary Record of the first meeting of Committee 2	C.2
112	C.2	First report by the Working Group of Committee 2	C.2
113 + Corr.	PL	Minutes of the Fourth Plenary Meeting	PL
114 + Corr.	C.8	Summary Record of the first meeting of Committee 8	C.8
115	PL	Minutes of the Fifth Plenary Meeting	PL
116(Rev.)	Khmer Rep.	Statement	C.2
117	C.2	First report by Committee 2	PL
118	Viet-Nam	Declaration	PL
119	Korea	Declaration	C.2
120(Rev.)	People's Rep. of Albania	Declaration concerning Cambodia, South Korea and South Viet-Nam	C.2
121 + Corr.	C.5	Summary Record of the first meeting of Committee 5	C.5
122	China	Statement	C.2

No.	Origin	Title	Destination
123	C.7	Summary Record of the first meeting of Committee 7	C.7
124 + Corr.	C.7	Summary Record of the second meeting of Committee 7	C.7
125 + Corr.	C.8	Summary Record of the second meeting of Committee 8	C.8
126 + Corr.	C.4	Summary Record of the first meeting of Committee 4	C.4
127	S.G.	Proxy for the Dominican Republic	PL
128	C.3	Summary Record of the first meeting of Committee 3	C.3
129	Yemen (Aden)	Proposal	C.6
130	C.6	Summary Record of the first meeting of Committee 6	C.6
131	C.6	Summary Record of the 2nd meeting of Committee 6	C.6
132	PL	Minutes of the 6th Plenary Meeting	PL
133 + Corr.	PL	Minutes of the 7th Plenary Meeting	PL
134	C.7	Summary Record of the 3rd meeting of Committee 7	C.7
135 + Corr.	C.7	Summary Record of the 4th meeting of Committee 7	C.7
136	S.G.	Accounts in arrear	C.4

No.	Origin	Title	Destination
137	El Salvador	Accounts in arrear	C.4
138 + Corr.	C.6	Summary Record of the 3rd meeting of Committee 6	C.6
139 + Corr.	C.8	Summary Record of the 3rd meeting of Committee 8	C.8
140	Haiti	Accounts in arrear	C.4
141	Costa Rica	Accounts in arrear	C.4
142	Denmark, Finland, Iceland, Norway and Sweden	General World Administrative Radio Conference and Planning Conference for the Satellite Broadcasting Service in the 12 GHz band	PL
143	C.5	First Report of Committee 5	C.5
144	C.4	Summary Record of the 2nd meeting of Committee 4	C.4
145 + Corr.	C.7	Summary Record of the 5th meeting of Committee 7	C.7
146	Yemen	Accounts in arrear	C.4
147	Denmark, Finland, Iceland, Norway and Sweden	Proposals	C.8
148	Saudi Arabia	Proposals	C.7
149 + Corr.	C.4	Summary Record of the 3rd meeting of Committee 4	C.4
150 + Corr.	C.7	Summary Record of the 6th meeting of Committee 7	C.7

No.	Origin	Title	Destination
151	S.G.	Composition of the new Administrative Council	PL
152	S.G.	Statement by the Secretary-General at the Plenary meeting of 3 October 1973	PL
153	S.G.	Election of the Administrative Council	PL
154 + Corr.	PL	Minutes of the 8th Plenary Meeting	PL
155 + Corr.	C.8	Summary Record of the 4th meeting of Committee 8	C.8
156	C.7	Summary record of the 7th meeting of Committee 7	C.7
157 + Corr.	C.7	Summary Record of the 8th meeting of Committee 7	C.7
158 + Corr.	PL	Minutes of the 9th Plenary Meeting	PL
159	C.3	Summary Record of the 2nd meeting of Committee 3	C.3
160	Pakistan	Proposal - Role of the Administrative Council	C.7
161	C.8	First report of Committee 8	PL/C.9
162 + Corr.	C.8	Summary Record of the 5th meeting of Committee 8	C.8
163 + Corr.	C.5	Summary Record of the 2nd meeting of Committee 5	C.5
164	C.9	B.1	PL

No.	Origin	Title	Destination
165	C.8	Summary Record of the 6th meeting of Committee 8	C.8
166	Mexico	More favourable treatment	PL
167	C.6	1st Report of Committee 6 to the Plenary Meeting	PL
168	C.6	2nd Report of Committee 6 to the Plenary Meeting	PL
169 + Corr. 1 and 2	C.6	Summary Record of the 4th meeting of Committee 6	C.6
170	C.9	B.2	PL
171	C.9	B.3	PL
172	C.9	B.4	PL
173	Afghanistan	Final protocol	PL
174	Greece	Use of the 12 GHz band for satellite broadcasting	PL
175	France and Australia	Proposals for the work of the Conference	C.7
176 + Corr.	PL	Minutes of the 10th Plenary Meeting	PL
177	PL	Minutes of the 11th Plenary Meeting	PL
178	PL	Minutes of the 12th Plenary Meeting	PL
179	Philippines	Proposal	PL
180	Japan	Withdrawal of proposals	C.4, 7,8
181	India	Proposals	C.4

No.	Origin	Title	Destination
182	U.S.A.	Proposals	C.8
183	Paraguay	Withdrawal of proposals	PL
184	Canada, U.S.A., France and United Kingdom	Amendment to Article 1	PL
185	C.7	Summary Record of the 9th meeting of Committee 7	C.7
186	C.7	Summary Record of the 10th meeting of Committee 7	C.7
187	C.2	Summary Record of the 2nd meeting of Committee 2	C.2
188 + Corr.	C.6	Summary Record of the 5th meeting of Committee 6	C.6
189	C.6	Summary Record of the 6th meeting of Committee 6	C.6
190	Federal Rep. of Germany	Proposal	C.8
191	C.9	Report of the Editorial Committee	PL
192 + Corr.	C.4	Summary Record of the 4th meeting of Committee 4	C.4
193	C.8	Summary Record of the 7th meeting of Committee 8	C.8
194	S.G.	Proxy for Costa Rica	PL
195	C.6	Draft Resolution - Recruit- ment of Experts for Techni- cal Cooperation Projects	PL

No.	Origin	Title	Destination
196	C.6	Draft Resolution - Participation of the Union in the United Nations Development Programme	PL
197	C.6	Draft Resolution - Inter-country projects financed by the U.N.D.P. in the field of telecommunications	PL
198	Swaziland	Final protocol	PL
199	Mexico	Draft Proposal - Helping new and developing countries to attend C.C.I.'s Study Group meetings	C.6
200	Malawi, Botswana	Proposal to include the following subject in draft Resolution "Application of Telecommunication Science and Technology in the interest of developing countries"	C.6
201 + Corr.	C.4	Summary record of the fifth meeting of Committee 4	C.4
202 + Corr.	C.5	Summary record of the third and final meeting of Committee 5	C.5
203 + Corr.	C.8	Summary record of the eighth meeting of Committee 8	C.8
204	Cameroon	Statement	-
205	C.5	Second report of Committee 5	PL

No.	Origin	Title	Destination
206	PL	Minutes of the thirteenth Plenary Meeting	PL
207	C.7	First series of articles of the Convention approved by Committee 7	C.9
208	PL	Minutes of the fourteenth Plenary Meeting	PL
209 + Corr.	PL	Minutes of the fifteenth Plenary Meeting	PL
210	C.8	Summary record of the ninth meeting of Committee 8	C.8
211	C.7	Summary record of the eleventh meeting of Committee 7	C.7
212(Rev.)	Israel	Proposals	C.7
213 + Corr.	C.6	Summary record of the seventh meeting of Committee 6	C.6
214 + Corr.1 and 2	C.9	R.1	PL
215	C.3	Report of Committee 3	PL
216	C.7	Second series of articles of the Convention approved by Committee 7	C.7 and 9
217	C.9	Summary record of the first meeting of Committee 9	C.9
218	C.9	B.5	PL
219	Israel	Proposal	C.8
220	Philippines	Proposal	C.7

No.	Origin	Title	Destination
221	C.4	First report of Committee 4	PL
222	C.8	Report of Working Group on the revision of Article 33	C.8
223	C.4	Second report of Committee 4 to the Plenary Meeting	PL
224 + Corr.	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	PL
225	C.4	Summary record of the sixth meeting of Committee 4	C.4
226	Federal Republic of Germany and Japan	Finance Committee of the Administrative Council	C.7
227	Hungarian People's Republic	Proposal	C.7
228 + Corr.	C.9	B.6	PL
229	C.9	B.7	PL
230	C.9	B.8	PL

No.	Origin	Title	Destination
231	C.7	Third and final report of Committee 7	PL
232	C.6	Third report of Committee 6	PL
233	C.8	Second and last report of Committee 8	PL
234	"Radiocommunications" WG	Report of the Working Party on questions relating to radiocommunications	PL
235	C.9	Draft resolution - Definition of the terms "Telegraphy" and "Telephony"	C.9
236 + Corr.	C.4	Summary record of the seventh meeting of Committee 4	C.4
237 + Corr.	C.4	Summary record of the eighth meeting of Committee 4	C.4
238	PL	Minutes of the sixteenth Plenary Meeting	PL
239	Greece	Final protocol	PL
240	Lesotho, Nepal and Somalia	Proposal	C.6
241	C.7	Summary record of the twelfth meeting of Committee 7	C.7
242	Pakistan	Final protocol	PL
243	C.2	Second report by the Working Group of Committee 2	C.2
244	Indonesia	Final protocol	PL

No.	Origin	Title	Destination
245	C.7	First series of chapters of the General Regulations approved by Committee 7	C.7 and 9
246	Mexico	Measures designed to facilitate the participation of new or developing countries in the meetings of the C.C.I.'s study groups	C.4
247	C.6	Fourth report of Committee 6	PL
248	Cyprus	Final protocol	PL
249 + Corr.	C.7	Summary record of the thirteenth meeting of Committee 7	C.7
250 + Corr.	C.8	Summary record of the tenth meeting of Committee 8	C.8
251 + Corr.	C.8	Summary record of the eleventh meeting of Committee 8	C.8
252	C.9	B.9	PL
253	C.7	Second series of chapters of the General Regulations approved by Committee 7	C.7 and 9
254	C.9	B.10	PL
255	WG set up by PL	Draft resolution - Telecommunications Documentation Centre at I.T.U. Headquarters	PL
256	C.3	Summary record of the third meeting of Committee 3	C.3
257	Laos	Final protocol	PL

No.	Origin	Title	Destination
258	Chile	Final protocol	PL
259	Jamaica	Final protocol	PL
260	C.4	Third report of Committee 4 to the Plenary Meeting	PL
261 + Corr.	C.6	Summary record of the eighth meeting of Committee 6	C.6
262 + Corr.	C.6	Summary record of the ninth meeting of Committee 6	C.6
263	C.7	Third series of chapters of the General Regulations approved by Committee 7	C.7 and 9
264 (Rev.)	United Nations	Note concerning the deletion of Article 47 from the draft Convention	PL
265	C.2	Final report of Committee 2	PL
266	C.2	Summary record of the third meeting of Committee 2	C.2
267	C.9	B.11	PL
268	C.7	Summary record of the fourteenth meeting of Committee 7	C.7
269 + Corr.	C.7	Summary record of the fifteenth meeting of Committee 7	C.7
270	C.8	Summary record of the twelfth meeting of Committee 8	C.8
271	Lesotho	Final protocol	PL
272	Liberia	Final protocol	PL

No.	Origin	Title	Destination
273	Malawi	Final protocol	PL
274	Rwanda	Final protocol	PL
275	Singapore	Final protocol	PL
276	Byelorussia, Bulgaria, Hungarian People's Rep., German Dem. Rep., Cuba, Mongolia, People's Rep. of Poland, Ukraine, Czechoslovakia and U.S.S.R.	Final protocol	PL
277	Barbados	Final protocol	PL
278	Bangladesh	Final protocol	PL
279	Malaysia	Final protocol	PL
280	C.9	B.12	PL
281	United Kingdom	Final protocol	PL
282	Turkey	Final protocol	PL
283(Rev.)	C.8	Arabic language interpre- tation at Conferences	PL
284	S.G.	Proxy for the Khmer Republic	PL
285 + Corr.	C.6	Summary record of the tenth meeting of Committee 6	C.6
286	Yugoslavia	Final protocol	PL
287	Roumania	Final protocol	PL
288	Roumania	Final protocol	PL
289	Malaysia	Final protocol	PL
290	Thailand	Final protocol	PL

No.	Origin	Title	Destination
291	Madagascar	Final protocol	PL
292	Guatemala	Final protocol	PL
293	Trinidad and Tobago	Final protocol	PL
294	Mauritania	Final protocol	PL
295	C.6	Final report of the Chairman of Committee 6	PL
296	S.G.	Plenipotentiary Conference venue	PL
297	C.3	Final report of the Budget Control Committee	PL
298	Australia and Ethiopia	Proposal	PL
299	C.6	Draft resolution - Joint Inspection Unit	PL
300	Somalia	Final protocol	PL
301	Austria, Belgium, Denmark, Finland, Iceland, Liechtenstein, Norway, Netherlands, Fed. Rep. of Germany, Sweden and Switzerland	Final protocol	PL
302	Nicaragua	Final protocol	PL
303	Cameroon	Final protocol	PL
304	Kenya	Final protocol	PL
305 (Rev.)	Uganda	Final protocol	PL
306	Tanzania	Final protocol	PL
307	Italy	Final protocol	PL

No.	Origin	Title	Destination
308	Algeria, Saudi Arabia, Egypt, United Arab Emirates, Iraq, Kuwait, Lebanon, Libya, Morocco, Mauritania, Oman, Pakistan, Somalia, Sudan, Tunisia, Yemen (A.R.), Yemen (Aden)	Final protocol	PL
309	United States	Final protocol	PL
310	Afghanistan	Final protocol	PL
311	Nigeria	Final protocol	PL
312	Mauritius	Final protocol	PL
313	Denmark, Finland, Iceland, Norway and Sweden	Final Protocol	PL
314	Yemen (Aden)	Final protocol	PL
315	India	Final protocol	PL
316	Sierra Leone	Final protocol	PL
317	Congo (Brazzaville)	Final Protocol	PL
318	Botswana	Final protocol	PL
319	Ghana	Final protocol	PL
320	Byelorussia, Bulgaria, Hungarian People's Rep., German Democratic Rep., Cuba, Mongolia, People's Rep. of Poland, Ukraine, Roumania, Czechoslovakia and U.S.S.R.	Final protocol	PL

No.	Origin	Title	Destination
321	Cuba, German Dem. Rep., Bulgaria, Hungarian People's Rep., Mongolia, People's Rep. of Poland and Czechoslovakia	Final protocol	PL
322	Cuba	Final protocol	PL
323	Ivory Coast	Final protocol	PL
324	Australia	Final protocol	PL
325	New Zealand	Final protocol	PL
326	Lebanon	Draft Resolution	PL
327(Rev.)	43 delegations	Salaries of elected officials	PL
328	C.9	B.13	PL
329	C.9	B.14	PL
330	Niger	Final Protocol	PL
331	Congo (Brazzaville)	Final protocol	PL
332	Sri Lanka (Ceylon)	Final protocol	PL
333	Khmer Republic	Final protocol	PL
334	China	Final protocol	PL
335	Burma	Final protocol	PL
336	Viet-Nam	Final protocol	PL
337	Central African Rep.	Final protocol	PL
338	C.9	B.15	PL
339	25 delegations	Draft Resolution - World Telecommunication Day	PL

No.	Origin	Title	Destination
340	24 delegations	Draft Opinion - Tele-communications exhibition	PL
341	Malaysia	Statement on resolution by Lebanon	PL
342	C.9	R.2	PL
343	Equatorial Guinea	Final protocol	PL
344	Burundi	Final protocol	PL
345	Netherlands, United Kingdom	Draft Resolution - Official languages and working languages of the Union	PL
346	Chad	Final protocol	PL
347	Iraq	Final protocol	PL
348	Togo	Final protocol	PL
349	Dahomey	Final protocol	PL
350	Congo (Brazzaville)	Final protocol	PL
351	C.9	B.16	PL
352	C.9	R.3	PL
353	Papua-New Guinea	Final protocol	PL
354	El Salvador	Final protocol	PL
355	Israel	Final protocol	PL
356	C.4	Summary Record of the ninth meeting of Committee 4	C.4
357	Argentina, U.S.A., Zaire	Proposal	PL

No.	Origin	Title	Destination
358	India	Proposal	PL
359	C.7	Summary Record of the 17th meeting of Committee 7	C.7
360 + Add.	C.9	Final Acts	PL
361	S.G.	Proxy for Nicaragua	PL
362	WG set up by PL	Draft Resolution	PL
363	Korea	Final protocol	PL
364	Belgium	Final protocol	PL
365	Libya	Final protocol	PL
366	Gabon	Final protocol	PL
367	Upper Volta	Final protocol	PL
368	Mali	Final protocol	PL
369	Nepal	Final protocol	PL
370	C.4	Summary Record of the tenth meeting of Committee 4	C.4
371	C.6	Summary Record of the eleventh meeting of Committee 6	C.6
372	C.6	Summary Record of the twelfth meeting of Committee 6	C.6
373 + Corr.	C.6	Summary Record of the thirteenth meeting of Committee 6	C.6
374 + Corr.	C.6	Summary Record of the fourteenth meeting of Committee 6	C.6

No.	Origin	Title	Destination
375	C.7	Summary Record of the sixteenth meeting of Committee 7	C.7
376	United Arab Emirates	Final protocol	PL
377	Uruguay	Final protocol	PL
378	C.4	Report of Working Group to consider certain aspects of Annex 1 to Document No. DT/88 - Fiscal limits for Union expenditure for the years 1974-79	C.4
379	Bolivia	Final protocol	PL
380	S.G.	Proxy for Yemen (Aden)	PL
381(Rev.)	Senegal	Final protocol	PL
382	Argentina	Final protocol	PL
383	Argentina	Final protocol	PL
384	Guinea	Final protocol	PL
385	Guinea	Draft Resolution - Admission to the I.T.U. as Members with observer status of liberation organizations recognized by the United Nations	PL
386	C.9	B.17	PL
387	S.G.	Memorandum by the Secretary-General - Submission of an exchange of telegrams with H.E. Mr. Francisco Mendes, Chairman of the Council of Commissars, Guinea-Bissau	PL

No.	Origin	Title	Destination
388	Papua-New Guinea	Proposed Additional Protocol to protect the rights of Papua-New Guinea as an associate Member of the Union	PL
389	Spain	Final protocol	PL
390	El Salvador	Proxy	PL
391(Rev.)	Argentine Republic	Final protocol	PL
392	Algeria	Final protocol	PL
393	United Nations	Proposed Additional Protocol to provide the possibility for the United Nations to apply the Convention	PL
394	Peru	Final protocol	PL
395	Iran	Final protocol	PL
396	Byelorussia, Bulgaria, Cuba, Hungarian People's Rep., Mongolia, People's Rep. of Poland, Ukraine, German Dem. Rep., Roumania, Czechoslovakia, U.S.S.R.	Final protocol	PL
397	Philippines	Final protocol	PL
398	Federal Republic of Germany	Final protocol	PL
399	PL	Resolution - Preparation of an annotated edition of the Convention and General Regulations	PL
400	France	Final protocol	PL

No.	Origin	Title	Destination
401	Monaco	Final protocol	PL
402	Austria, Luxembourg, Netherlands	Final protocol	PL
403	Yugoslavia	Final protocol	PL
404	Switzerland Liechtenstein	Final protocol	PL
405(Rev.)	C.4	4th and last Report of Committee 4 to the Plenary Meeting	PL
406	C.7	Summary Record of the 18th Meeting of Committee 7	C.7
407	C.7	Summary Record of the 19th Meeting of Committee 7	C.7
408	C.7	Summary Record of the 20th Meeting of Committee 7	C.7
409	C.7	Summary Record of the 21st and last Meeting of Committee 7	C.7
410	C.6	Summary Record of the 15th Meeting of Committee 6	C.6
411	C.6	Summary Record of the 16th Meeting of Committee 6	C.6
412	C.4	Summary Record of the 11th Meeting of Committee 4	C.4
413	Israel	Final Protocol	PL
414	Denmark, Finland, Iceland, Norway, Sweden	Final Protocol	PL

No.	Origin	Title	Destination
415	United Nations	Statement by the Observer from the United Nations	PL
416	Italy	Final protocol	PL
417	Italy	Final protocol	PL
418	United Kingdom	Final protocol	PL
419	United Kingdom	Final protocol	PL
420	-	Draft Resolution - Request for admission of Guinea-Bissau as Member of the International Telecommunication Union	PL
421	Panama	Final protocol	PL
422	Roumania	Final protocol	PL
423	Chairman	Final protocol	PL
424	Lebanon	Final protocol	PL
425	C.4	Summary Record of the 12th Meeting of Committee 4	C.4
426	C.4	Summary Record of the 13th Meeting of Committee 4	C.4
427	C.4	Summary Record of the 14th Meeting of Committee 4	C.4
428	C.6	Summary Record of the 17th and last Meeting of Committee 6	C.6
429	C.8	Summary Record of the 13th Meeting of Committee 8	C.8
430	C.8	Summary Record of the 14th Meeting of Committee 8	C.8

No.	Origin	Title	Destination
431	C.8	Summary Record of the 15th Meeting of Committee 8	C.8
432	C.8	Summary Record of the 16th Meeting of Committee 8	C.8
433		(Not used)	
434	C.8	Summary Record of the 17th and last Meeting of Committee 8	C.8
435	C.3	Summary Record of the 4th and last Meeting of Committee 3	C.3
436	C.4	Summary Record of the 15th Meeting of Committee 4	C.4
437	PL	Minutes of the 17th Plenary Meeting	PL
438	PL	Minutes of the 18th Plenary Meeting	PL
439	PL	Minutes of the 19th Plenary Meeting	PL
440	PL	Minutes of the 20th Plenary Meeting	PL
441	PL	Minutes of the 21st Plenary Meeting	PL
442	PL	Minutes of the 22nd Plenary Meeting	PL
443	PL	Minutes of the 23rd Plenary Meeting	PL
444	PL	Minutes of the 24th Plenary Meeting	PL
445	PL	Minutes of the 25th Plenary Meeting	PL

No.	Origin	Title	Destination
446	PL	Minutes of the 26th Plenary Meeting	PL
447	PL	Minutes of the 27th Plenary Meeting	PL
448	PL	Minutes of the 28th Plenary Meeting	PL
449	Secretariat	List of Documents	-