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### **Documents of the Plenipotentiary Conference (Nice, 1989)**

To reduce download time, the ITU Library and Archives Service has divided the conference documents into sections.

- This PDF includes Document No. 401-500
- The complete set of conference documents includes Document No. 1-529, Document DT No. 1-82 and Document DL No. 1-57

# PLENIPO'TENTIARY CONFERENCE

NICE, 1989

Document 401-E

22 June 1989

Original: English

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PLENARY MEETING

Germany (Federal Republic of), France, Japan, United Kingdom

CONTRIBUTION TO THE WORK OF THE CONFERENCE

1. Document 388 contains elements important to the success of the Conference.
  2. The creation of the Telecommunications Development Bureau as a permanent organ of the Union will be regarded as the outstanding achievement of the Nice Plenipotentiary Conference.
  3. The importance of this decision must be recognized through appropriate budgetary provision and priorities must be established in the budgetary estimates for Union expenditure.
  4. It will be appropriate to assign any increase in 1990 in the regular budget of the Union, by comparison with the budget for 1989 but after adjustment for changes in economic conditions, to the purposes of the Telecommunications Development Bureau and to fix the regular 1990 budget within a ceiling of 115 million Swiss francs.
  5. It will also be necessary to accommodate any additional costs on other items of expenditure in 1990 by means of efficiency savings and other economies in the 1990 budget by comparison with the budget for 1989.
  6. The Administrative Council and the Secretary-General should proceed accordingly in finalizing the budget for 1990 and should be guided by these considerations in determining the annual budgets for subsequent years within a ceiling to be determined.
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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 402-E  
22 June 1989

B.9

PLENARY MEETING

NINTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETING

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

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM. 8	355	<u>Constitution</u> : Annex 1

M. THUE  
Chairman of Committee 10

Annex: 4 pages

SUP\*

ANNEX 1

List of the Members of the  
International Telecommunication Union

(MOD)

ANNEX 1

NOC

Definition of Certain Terms Used in this Constitution,  
the Convention and the Administrative Regulations  
of the International Telecommunication Union

NOC [2001]

For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:

NOC [2002]

**Administration:** Any governmental department or service responsible for discharging the obligations undertaken in the Constitution of the International Telecommunication Union, in the Convention of the International Telecommunication Union and in the Administrative Regulations.

NOC [2003]

**Harmful Interference:** Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.

NOC [2004]

**Public Correspondence:** Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

NOC [2005]

**Delegation:** The totality of the delegates and, should the case arise, any representatives, advisers, attachés, or interpreters sent by the same Member.

Each Member shall be free to make up its delegation as it wishes. In particular, it may include in its delegation in the capacity of delegates, advisers or attachés, persons belonging to private operating agencies which it recognizes or persons belonging to other private enterprises interested in telecommunications.

\* Decision of Committee 9

- NOC [2006] **Delegate:** A person sent by the government of a Member of the Union to a Plenipotentiary Conference, or a person representing a government or an administration of a Member of the Union at an administrative conference, or at a meeting of an International Consultative Committee.
- NOC [2008] **Private Operating Agency:** Any individual or company or corporation, other than a governmental establishment or agency, which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.
- NOC [2009] **Recognized Private Operating Agency:** Any private operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 41 of this Constitution are imposed by the Member in whose territory the head office of the agency is situated, or by the Member which has authorized this operating agency to establish and operate a telecommunication service on its territory.
- ADD [2009A] **Scientific or Industrial Organization:** Any organization, other than a governmental establishment or agency, which is engaged in the study of telecommunication problems or in the design or manufacture of equipment intended for telecommunication services.
- NOC [2011] **Radiocommunication:** Telecommunication by means of radio waves.
- Note 1: Radio waves are electromagnetic waves of frequencies arbitrarily lower than 3 000 GHz, propagated in space without artificial guide.
- Note 2: For the requirements of No. 84 of this Constitution, the term "radiocommunication" also includes telecommunications using electromagnetic waves of frequencies above 3 000 GHz, propagated in space without artificial guide.
- NOC [2012] **Broadcasting Service:** A radiocommunication service in which the transmissions are intended for direct reception by the general public. This service may include sound transmissions, television transmissions or other types of transmission.

Constitution  
B.9/3

- MOD [2013] **International Telecommunication Service:** The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.
- NOC [2015] **Telecommunication:** Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.
- NOC [2016] **Telegram:** Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.
- MOD [2018] **Government Telecommunications:** Telecommunications originating with any:
- Head of State;
  - Head of government or members of a government;
  - Commanders-in-Chief of military forces, land, sea or air;
  - diplomatic or consular agents;
  - the Secretary-General of the United Nations; Heads of the principal organs of the United Nations;
  - the International Court of Justice,
- or replies to government telecommunications mentioned above.
- NOC [2019] **Private Telegrams:** Telegrams other than government or service telegrams.
- NOC [2020] **Telegraphy:** A form of telecommunication in which the transmitted information is intended to be recorded on arrival as a graphic document; the transmitted information may sometimes be presented in an alternative form or may be stored for subsequent use.
- Note: A graphic document records information in a permanent form and is capable of being filed and consulted; it may take the form of written or printed matter or of a fixed image.

NOC [2021]

**Telephony\***: A form of telecommunication primarily intended for the exchange of information in the form of speech.

\* Having realized that the term "Telephony" as such is not mentioned in either of the two instruments, but that the term "telephone calls" is used in Article 26 of the Constitution, that definition was retained in the present Annex. However, it draws the attention of the Plenipotentiary Conference to Nairobi Resolution No. 11.

Note by COM.8: In view of modification of Article 26, Committee 9 may wish to consider the further need of the footnote related to [2021].



**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 403-E  
22 June 1989

B.10

PLENARY MEETINGTENTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.8	355	<u>Convention:</u> Articles 11 to 15 Article 25 Article 26 Articles 29 to 33 Annex 1

M. THUE  
Chairman of Committee 10Annex: 26 pages

**ARTICLE 11**

NOC                   **Procedure for Convening Regional Administrative  
Conferences at the Request of Members of the Union  
or on a Proposal of the Administrative Council**

NOC           167           In the case of a regional administrative conference, the  
procedure described in Article 10 of this Convention shall be  
applicable only to the Members of the region concerned. If the  
conference is to be convened on the initiative of the Members of  
the region, it will suffice for the Secretary-General to receive  
concordant requests from a quarter of the total number of Members  
in that region.

**ARTICLE 12**

NOC                   **Provisions for Conferences Meeting When  
There Is No Inviting Government**

NOC           168           When a conference is to be held without an inviting  
government, the provisions of Articles 8 and 9 of this Convention  
apply. The Secretary-General shall take the necessary steps to  
convene and organize it at the seat of the Union, after agreement  
with the Government of the Swiss Confederation.

**ARTICLE 13**

NOC                   **Provisions Common to All Conferences**

NOC                   **Change in the Date or Place of a Conference**

NOC           169           1.    The provisions of Articles 10 and 11 of this Convention  
shall apply, by analogy, when a change in the date or place of a  
conference is requested by Members of the Union or is proposed by  
the Administrative Council. However, such changes shall only be  
made if a majority of the Members concerned, determined in  
accordance with No. 29 of this Convention, have pronounced in  
favour.

NOC           170           2.    It shall be the responsibility of any Member proposing a  
change in the date or place of a conference to obtain for its  
proposal the support of the requisite number of other Members.

NOC           171           3.    Where the issue arises, the Secretary-General shall  
indicate, in the communication referred to in No. 158 of this  
Convention, the probable financial consequences of a change in the  
date or place, as, for example, when there has been an outlay of  
expenditure in preparing for the conference at the place initially  
chosen.

ARTICLE 14

**Time-Limits and Conditions for Submission of Proposals  
and Reports to Conferences**

- NOC
- NOC 172 1. Immediately after the invitations have been despatched, the Secretary-General shall ask Members to send him, within four months, their proposals for the work of the conference.
- NOC 173 2. All proposals the adoption of which will involve amendment of the text of the Constitution or this Convention or revision of the Administrative Regulations must carry references identifying by their marginal numbers those parts of the text which will require such amendment or revision. The reasons for the proposal must be given, as briefly as possible, in each case.
- ADD 173A 2A. Each proposal received from a Member shall be annotated by the Secretary-General to indicate its origin by means of the country symbol established by the ITU. Where a proposal is made jointly by more than one Member the proposal shall, to the extent practicable, be annotated with the symbol of each Member.
- NOC 174 3. The Secretary-General shall communicate the proposals to all Members as they are received.
- MOD 175 4. The Secretary-General shall assemble and coordinate the proposals received from administrations, the Plenary Assemblies of the International Consultative Committees and conference preparatory meetings, and shall communicate them to Members as they are received, but in any case at least four months before the opening of the conference. Elected officials and staff Members of the Union, as well as those observers and representatives that may attend administrative conferences in accordance with Nos. 150 to 156, shall not be entitled to submit proposals.

- ADD 175A 4A. The Secretary-General shall also assemble reports received from Members, the Administrative Council, the International Consultative Committees, and the IFRB and shall communicate them to Members at least four months before the opening of the Conference.
- ADD 175B 4B. Proposals received after the time-limit specified in No. 172 shall be communicated to all Members by the Secretary-General as soon as practicable.
- MOD 176 5. The provisions of the present Article shall apply without prejudice to the amendment provisions contained in Article 43 of the Constitution and in Article 35 of this Convention.

#### ARTICLE 15

##### NOC Credentials for Delegations to Conferences

- NOC 177 1. The delegation sent by a Member of the Union to a conference shall be duly accredited in accordance with Nos. 178 to 184 of this Convention.
- NOC 178 2. (1) Accreditation of delegations to Plenipotentiary Conferences shall be by means of instruments signed by the Head of State, by the Head of Government or by the Minister for Foreign Affairs.
- NOC 179 (2) Accreditation of delegations to administrative conferences shall be by means of instruments signed by the Head of State, by the Head of Government, by the Minister for Foreign Affairs or by the Minister responsible for questions dealt with during the conference.
- (MOD) 180 (3) Subject to confirmation prior to the signature of the Final Acts, by one of the authorities mentioned in Nos. 178 or 179 of this Convention, a delegation may be provisionally accredited by the Head of the diplomatic mission of the Member concerned to the host government. In the case of a conference held in the Swiss Confederation, a delegation may also be provisionally accredited by the Head of the Permanent Delegation of the Member concerned to the United Nations Office at Geneva.

- (MOD) 181 3. Credentials shall be accepted if they are signed by one of the authorities mentioned in Nos. 178 to 180 of this Convention, and fulfil one of the following criteria:
- (MOD) 182 - they confer full powers on the delegation;
- NOC 183 - they authorize the delegation to represent its government, without restrictions;
- NOC 184 - they give the delegation, or certain members thereof, the right to sign the Final Acts.
- MOD 185 4. (1) A delegation whose credentials are found to be in order by the Plenary Meeting shall be entitled to exercise the right to vote of the Member concerned, subject to the provisions of Nos. 122 and 175 of the Constitution, and to sign the Final Acts.
- NOC 186 (2) A delegation whose credentials are found not to be in order by the Plenary Meeting shall not be entitled to exercise the right to vote or to sign the Final Acts until the situation has been rectified.
- (MOD) 187 5. Credentials shall be deposited with the secretariat of the conference as early as possible. The committee referred to in No. 267 of this Convention shall be entrusted with the verification thereof and shall report on its conclusions to the Plenary Meeting within the time specified by the latter. Pending the decision of the Plenary Meeting thereon, any delegation shall be entitled to participate in the conference and to exercise the right to vote of the Member concerned.
- NOC 188 6. As a general rule, Members of the Union should endeavour to send their own delegations to conferences of the Union. However, if a Member is unable, for exceptional reasons, to send its own delegation, it may give the delegation of another Member powers to vote and sign on its behalf. Such powers must be conveyed by means of an instrument signed by one of the authorities mentioned in Nos. 178 or 179 of this Convention.
- NOC 189 7. A delegation with the right to vote may give to another delegation with the right to vote a mandate to exercise its vote at one or more meetings at which it is unable to be present. In such a case it shall, in good time, notify the Chairman of the conference in writing.
- NOC 190 8. A delegation may not exercise more than one proxy vote.
- (MOD) 191 9. Credentials and transfers of powers sent by telegram shall not be accepted. Nevertheless, replies sent by telegram to requests by the Chairman or the secretariat of the conference for clarification of credentials shall be accepted.

CHAPTER IV

NOC Rules of Procedure of Conferences and Other Meetings

ARTICLE 25

NOC Rules of Procedure of Conferences and Other Meetings

(MOD) 246 The Rules of Procedure shall apply without prejudice to the amendment provisions contained in Article 43 of the Constitution and in Article 35 of this Convention:

NOC 1. Order of Seating

NOC 247 At meetings of the conference, delegations shall be seated in the alphabetical order of the French names of the Members represented.

NOC 2. Inauguration of the Conference

NOC 248 1. (1) The inaugural meeting of the conference shall be preceded by a meeting of the Heads of delegations in the course of which it shall prepare the agenda for the first Plenary Meeting and make proposals for the organization, chairmanships and vice-chairmanships of the conference and its committees, taking into account the principles of rotation, geographical distribution, the necessary competence and the provisions of No. 252 of this Convention.

NOC 249 (2) The Chairman of the meeting of Heads of delegation shall be appointed in accordance with the provisions of Nos. 250 and 251 of this Convention.

NOC 250 2. (1) The conference shall be opened by a person appointed by the inviting government.

NOC 251 (2) When there is no inviting government, it shall be opened by the oldest Head of delegation.

NOC 252 3. (1) The Chairman of the conference shall be elected at the first Plenary Meeting; generally he shall be a person nominated by the inviting government.

NOC 253 (2) If there is no inviting government, the Chairman shall be chosen, taking into account the proposal made by the Heads of delegations at the meeting described in No. 248 of this Convention.

- NOC 254 4. The first Plenary Meeting shall also:
- NOC 255 a) elect the Vice-Chairmen of the conference;
- NOC 256 b) set up the conference committees and elect their respective Chairmen and Vice-Chairmen;
- NOC 257 c) constitute the conference secretariat, made up of the staff of the General Secretariat of the Union, and, in case of need, of staff provided by the administration of the inviting government.
- NOC 3. Powers of the Chairman of the Conference
- NOC 258 1. The Chairman, in addition to the other prerogatives conferred upon him under these Rules of Procedure, shall open and close the meetings of the Plenary Meeting, direct the deliberations, ensure that the Rules of Procedure are applied, give the floor to speakers, put questions to the vote, and announce the decisions adopted.
- NOC 259 2. He shall have the general direction of all the work of the conference, and shall ensure that order is maintained at Plenary Meetings. He shall give his ruling on motions of order and points of order and, in particular, he shall be empowered to propose that discussion on a question be postponed or closed, or that a meeting be suspended or adjourned. He may also decide to postpone the convening of a Plenary Meeting should he consider it necessary.
- NOC 260 3. 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.
- NOC 261 4. He shall ensure that discussion is limited to the point at issue, and he may interrupt any speaker who departs therefrom and request him to confine his remarks to the subject under discussion.

- NOC 4. Appointment of Committees
- NOC 262 1. The Plenary Meeting may appoint committees to consider matters referred to the conference. These committees may in turn appoint sub-committees. Committees and sub-committees may form working groups.
- NOC 263 2. However, sub-committees and working groups shall be formed only when it is absolutely necessary.
- NOC 264 3. Subject to the provisions of Nos. 262 and 263 of this Convention, the following committees shall be set up:
- NOC 4.1 Steering Committee
- NOC 265 a) This committee shall normally be composed of the Chairman of the conference or meeting, who shall be its Chairman, by the Vice-Chairmen of the conference and by the Chairmen and Vice-Chairmen of committees;
- NOC 266 b) The steering committee shall coordinate all matters connected with the smooth execution of work and shall plan the order and number of meetings, avoiding overlapping wherever possible in view of the limited number of members of some delegations.
- NOC 4.2 Credentials Committee
- NOC 267 This committee shall verify the credentials of delegations to the conferences and shall report on its conclusions to the Plenary Meeting within the time specified by the latter.
- NOC 4.3 Editorial Committee
- NOC 268 a) The texts prepared in the various committees which shall be worded as far as possible in their definitive form by these committees, taking account of the views expressed, shall be submitted to an editorial committee charged with perfecting their form without altering the sense and, where appropriate, with combining them with those parts of former texts which have not been altered.
- NOC 269 b) The texts shall be submitted by the editorial committee to the Plenary Meeting, which shall approve them, or refer them back to the appropriate committee for further examination.



- NOC 4.4 Budget Control Committee
- NOC 270 a) At the opening of each conference or meeting, the Plenary Meeting shall appoint a budget control committee to determine the organization and the facilities available to the delegates, and to examine and approve the accounts for expenditure incurred throughout the duration of the conference or meeting. In addition to the members of delegations who wish to participate, this committee shall include a representative of the Secretary-General and, where there is an inviting government, a representative of that government.
- NOC 271 b) Before the budget approved by the Administrative Council for the conference or meeting is exhausted, the budget control committee, in collaboration with the secretariat of the conference or meeting, shall present an interim statement of the expenditure to the Plenary Meeting. The Plenary Meeting shall take this statement into account in considering whether the progress made is sufficient to justify a prolongation of the conference or meeting after the date when the approved budget will be exhausted.
- NOC 272 c) At the end of each conference or meeting, the budget control committee shall present a report to the Plenary Meeting showing, as accurately as possible, the estimated total expenditure of the conference or meeting, as well as an estimate of the costs that may be entailed by the execution of the decisions taken by such conference or meeting.
- NOC 273 d) After consideration and approval by the Plenary Meeting, this report, together with the observations of the Plenary Meeting, shall be transmitted to the Secretary-General for submission to the Administrative Council at its next annual session.



**9. Proposals or Amendments Presented During the Conference**

- (MOD) 279 1. Proposals or amendments presented after the opening of the conference shall be delivered to the Chairman of the conference, the Chairman of the appropriate committee or the secretariat of the conference for publication and distribution as conference documents.
- NOC 280 2. No written proposal or amendment may be presented unless signed by the Head of the delegation concerned or by his deputy.
- NOC 281 3. The Chairman of the conference or of a committee, a sub-committee or a working group may at any time submit proposals likely to accelerate the debates.
- NOC 282 4. Every proposal or amendment shall give, in precise and exact terms, the text to be considered.
- NOC 283 5. (1) The Chairman of the conference or the Chairman of the appropriate committee, sub-committee or working group shall decide in each case whether a proposal or amendment submitted during a meeting shall be made orally or presented in writing for publication and distribution in accordance with No. 279 of this Convention.
- NOC 284 (2) In general, the texts of all major proposals to be put to the vote shall be distributed in good time in the working languages of the conference, in order that they may be studied before discussion.
- NOC 285 (3) In addition, the Chairman of the conference, on receiving proposals or amendments referred to in No. 279 of this Convention, shall refer them to the appropriate committee or to the Plenary Meeting as the case may be.
- NOC 286 6. Any authorized person may read, or may ask to have read, at a Plenary Meeting any proposal or amendment submitted by him during the conference, and he shall be allowed to explain his reasons therefor.

**MOD 10. Conditions Required for Discussion of or Decision or Vote on any Proposal or Amendment**

- (MOD) 287 1. No proposal or amendment may be discussed unless it is supported by at least one other delegation when it comes to be considered.

- MOD 288 2. Each proposal or amendment duly supported shall be submitted for discussion and thereafter for decision, if necessary by a vote.
- NOC 11. Proposals or Amendments Passed Over or Postponed
- NOC 289 When a proposal or an amendment has been passed over or when its examination has been postponed, the delegation sponsoring it shall be responsible for seeing that it is considered later.
- (MOD) 12. Rules for Debates in Plenary Meetings
- NOC 12.1 Quorum
- NOC 290 For a valid vote to be taken at a Plenary Meeting, more than half of the delegations accredited to the conference and having the right to vote must be present or represented at the meeting.
- NOC 12.2 Order of debates
- NOC 291 (1) Persons desiring to speak must first obtain the consent of the Chairman. As a general rule, they shall begin by announcing in what capacity they speak.
- NOC 292 (2) Any person speaking must express himself slowly and distinctly, separating his words and pausing as necessary in order that everybody may understand his meaning.
- NOC 12.3 Motions of order and points of order
- NOC 293 (1) During debates, any delegation may, when it thinks fit, submit a motion of order or raise a point of order, which shall at once be settled by the Chairman in accordance with these Rules of Procedure. Any delegation may appeal against the Chairman's ruling, which shall however stand unless a majority of the delegations present and voting are against it.
- NOC 294 (2) A delegation submitting a motion of order shall not, during its speech, discuss the substance of the matter in question.

- NOC 12.4 Priority of motions of order and points of order
- NOC 295 The motions and points of order mentioned in No. 293 of this Convention shall be dealt with in the following order:
- NOC 296 a) any point of order regarding the application of these Rules of Procedure, including voting procedures;
- NOC 297 b) suspension of a meeting;
- NOC 298 c) adjournment of a meeting;
- NOC 299 d) postponement of debate on the matter under discussion;
- NOC 300 e) closure of debate on the matter under discussion;
- NOC 301 f) any other motions of order or points of order that may be submitted, in which case it shall be for the Chairman to decide the relative order in which they shall be considered.
- NOC 12.5 Motion for suspension or adjournment of a meeting
- NOC 302 During the discussion of a question, a delegation may move that the meeting be suspended or adjourned, giving reasons for its proposal. If the proposal is seconded, the floor shall be given to two speakers to oppose the suspension or adjournment and solely for that purpose, after which the motion shall be put to the vote.
- NOC 12.6 Motion for postponement of debate
- NOC 303 During discussion of any question, a delegation may move that the debate be postponed for a stated period. Once such a proposal has been made, any discussion thereon shall be limited to no more than three speakers not counting the person submitting the proposal, one for the motion and two against, after which the motion shall be put to the vote.
- NOC 12.7 Motion for closure of debate
- NOC 304 A delegation may at any time move that discussions on the point at issue be closed. In such cases the floor shall be given to not more than two speakers opposing the motion, after which the motion shall be put to the vote. If the motion succeeds, the Chairman will immediately call for a vote on the point at issue.

- NOC 12.8 Limitation of speeches
- NOC 305 (1) The Plenary Meeting may, if necessary, decide how many speeches any one delegation may make on any particular point, and how long they may last.
- NOC 306 (2) However, as regards questions of procedure, the Chairman shall limit the time allowed for a speech to a maximum of five minutes.
- NOC 307 (3) When a speaker has exceeded the time allowed, the Chairman shall notify the Meeting and request the speaker to conclude his remarks briefly.
- NOC 12.9 Closing the list of speakers
- (MOD) 308 (1) During the debate, the Chairman may rule that the list of speakers wishing to take the floor be read. He shall add the names of other delegations which indicate that they wish to speak and he may then, with the assent of the Meeting, rule that the list be closed. Nevertheless, as an exceptional measure, the Chairman may rule, if he thinks fit, that a reply may be made to any previous statement, even after the list of speakers has been closed.
- NOC 309 (2) The list of speakers having been exhausted, the Chairman shall declare discussion on the matter closed.
- NOC 12.10 Questions of competence
- NOC 310 Any question of competence that may arise shall be settled before a vote is taken on the substance of the matter under discussion.
- NOC 12.11 Withdrawal and resubmission of a motion
- (MOD) 311 The author of a motion may withdraw it before it is put to a vote. Any motion, whether amended or not, which has been withdrawn from debate may be resubmitted or taken up by the author of the amendment or by another delegation.

NOC 13. Right to Vote

NOC 312 1. At all meetings of the conference, the delegation of a Member of the Union duly accredited by that Member to take part in the work of the conference shall be entitled to one vote in accordance with Article 2 of the Constitution.

NOC 313 2. The delegation of a Member of the Union shall exercise the right to vote under the conditions described in Article 15 of this Convention.

NOC 14. Voting

NOC 14.1 Definition of a majority

NOC 314 (1) A majority shall consist of more than half the delegations present and voting.

NOC 315 (2) In computing a majority, delegations abstaining shall not be taken into account.

NOC 316 (3) In case of a tie, a proposal or amendment shall be considered rejected.

NOC 317 (4) For the purpose of these Rules of Procedure, a "delegation present and voting" shall be a delegation voting for or against a proposal.

NOC 14.2 Non-participation in voting

(MOD) 318 Delegations which are present but do not take part in a particular vote or expressly state they do not wish to take part shall not be considered as absent, for the purpose of determining a quorum as defined in No. 290 of this Convention, nor as abstaining for the purpose of applying the provisions of No. 320 of this Convention.

NOC 14.3 Special majority

NOC 319 In cases concerning the admission of new Members of the Union, the majority described in Article 1 of the Constitution shall apply.

NOC 14.4 Abstentions of more than fifty per cent

NOC 320 When the number of abstentions exceeds half the number of votes cast (for, against, abstentions), consideration of the matter under discussion shall be postponed to a later meeting, at which time abstentions shall not be taken into account.

- NOC 14.5 Voting procedures
- NOC 321 (1) The voting procedures are as follows:
- NOC 322 a) by a show of hands as a general rule unless a roll call under b) or secret ballot under c) has been requested;
- NOC 323 b) by a roll call in the alphabetical order of the French names of the Members present and entitled to vote:
- NOC 324 1. if at least two delegations, present and entitled to vote, so request before the beginning of the vote and if a secret ballot under c) has not been requested, or
- NOC 325 2. if the procedure under a) shows no clear majority;
- NOC 326 c) by a secret ballot, if at least five of the delegations present and entitled to vote so request before the beginning of the vote.
- NOC 327 (2) The Chairman shall, before commencing a vote, observe any request as to the manner in which the voting shall be conducted, and then shall formally announce the voting procedure to be applied and the issue to be submitted to the vote. He shall then declare the beginning of the vote. When the vote has been taken, he shall announce the results.
- NOC 328 (3) In the case of a secret ballot, the secretariat shall at once take steps to ensure the secrecy of the vote.
- NOC 329 (4) Voting may be conducted by an electronic system if a suitable system is available and if the conference so decides.
- NOC 14.6 Prohibition of interruptions once the vote has begun
- NOC 330 No delegation may interrupt once a vote has begun, unless to raise a point of order in connection with the way in which the vote is being taken. The point of order cannot include any proposal entailing a change in the vote that is being taken or a change in the substance of the question put to the vote. Voting shall begin with the Chairman's announcement that the voting has begun and shall end with the Chairman's announcement of its results.



- NOC 14.7 Reasons for votes
- NOC 331 The Chairman shall authorize any delegations which so request to give the reasons for their vote, after the vote has been taken.
- NOC 14.8 Voting on parts of a proposal
- NOC 332 (1) When the author of a proposal so requests, or when the meeting thinks fit, or when the Chairman, with the approval of the author, so proposes, that proposal shall be sub-divided and its various sections put to the vote separately. The parts of the proposal which have been adopted shall then be put to the vote as a whole.
- NOC 333 (2) If all the sections of a proposal are rejected the proposal shall be regarded as rejected as a whole.
- NOC 14.9 Order of voting on concurrent proposals
- NOC 334 (1) When there are two or more proposals on any one matter, they shall be put to the vote in the order in which they were presented, unless the meeting decides to the contrary.
- NOC 335 (2) After each vote, the meeting shall decide whether or not the following proposal shall be voted on.
- NOC 14.10 Amendments
- NOC 336 (1) Any proposal for modification consisting only of a deletion from, an addition to, or a change in, a part of the original proposal shall be considered an amendment.
- NOC 337 (2) Any amendment to a proposal accepted by the delegation submitting the proposal shall at once be embodied in the original proposal.
- NOC 338 (3) No proposal for modification shall be regarded as an amendment if the meeting considers it to be incompatible with the original proposal.
- NOC 14.11 Voting on amendments
- NOC 339 (1) When an amendment to a proposal is submitted, a vote shall first be taken on the amendment.

- NOC 340 (2) When two or more amendments to a proposal are submitted, the amendment furthest from the original text shall be put to the vote first; if this amendment does not obtain the support of the majority, of the remaining amendments, that furthest from the proposal shall then be put to the vote and the same procedure shall be followed until a subsequent amendment gains the support of the majority; if all the amendments submitted have been considered and none has gained a majority, the unamended proposal shall be put to the vote.
- NOC 341 (3) If one or more amendments are adopted, the proposal thus amended, shall then be put to the vote.
- NOC 14.12 Repetition of a vote
- NOC 342 (1) In the committees, sub-committees or working groups of a conference or a meeting, a proposal, a part of a proposal or an amendment which has already been decided by a vote within one of the committees, sub-committees or working groups may not be put to the vote again within the same committee, sub-committee or working group. This shall apply irrespective of the voting procedure chosen.
- NOC 343 (2) In the Plenary Meetings a proposal, a part of a proposal or an amendment shall not be put to the vote again unless:
- NOC 344 a) the majority of the Members entitled to vote so request, and
- NOC 345 b) the request for a repetition of the vote is made at least one full day after the vote has been taken.
- (MOD) 15. Rules for Debates and Voting Procedures  
in Committees and Sub-Committees
- NOC 346 1. The Chairmen of all committees and sub-committees shall have powers similar to those conferred by Section 3 of the present Rules of Procedure on the Chairman of the conference.
- (MOD) 347 2. The provisions of Section 12 of the present Rules of Procedure for the conduct of debates in the Plenary Meeting shall also apply to the discussions in committees and sub-committees, except in the matter of the quorum.
- (MOD) 348 3. The provisions of Section 14 of the present Rules of Procedure shall also apply to votes taken in committees and sub-committees.

16. Reservations

349 [COM.9]

350 [COM.9]

NOC

17. Minutes of Plenary Meetings

NOC

351 1. The minutes of Plenary Meetings shall be drawn up by the secretariat of the conference, which shall ensure that they are distributed to delegations as early as possible, and in any event not later than five working days after each meeting.

(MOD)

352 2. After the minutes have been distributed, delegations may submit in writing to the secretariat of the conference the corrections they consider to be justified; this shall be done in the shortest possible time. This shall not prevent them from presenting amendments orally during the meeting at which the minutes are approved.

(MOD)

353 3. (1) As a general rule, the minutes shall contain only proposals and conclusions, together with the principal arguments on which they are based, presented in terms as concise as possible.

NOC

354 (2) However, any delegation shall have the right to require the insertion in the minutes, either summarized or in full, of any statement it has made during the debates. In this case, the delegation should, as a general rule, announce this at the beginning of its statement in order to facilitate the work of the reporters and must itself hand in the text to the secretariat of the conference within two hours after the end of the meeting.

NOC

355 4. The right accorded in No. 354 of this Convention regarding the insertion of statements in the minutes shall in all cases be used with discretion.

- NOC 18. **Summary Records and Reports of Committees and Sub-Committees**
- NOC 356 1. (1) Summary records of the debates of meetings of committees or sub-committees shall be drawn up, meeting by meeting, by the secretariat of the conference, which shall ensure that they are distributed to delegations not later than five working days after each meeting. The records shall bring out the essential points of the discussion, and the various opinions of which note ought to be taken, together with any proposals or conclusions resulting from the debates as a whole.
- NOC 357 (2) Nevertheless, any delegation shall be entitled to invoke No. 354 of this Convention.
- (MOD) 358 (3) The right accorded in No. 357 shall in all circumstances be used with discretion.
- NOC 359 2. Committees and sub-committees may prepare any interim reports they deem necessary and, if circumstances warrant, they may submit, at the end of their work, a final report recapitulating in concise terms the proposals and conclusions resulting from the studies entrusted to them.
- NOC 19. **Approval of Minutes, Summary Records and Reports**
- NOC 360 1. (1) As a general rule, at the beginning of each Plenary Meeting, or meeting of a committee, or sub-committee, the Chairman shall inquire whether there are any comments on the minutes of the previous meeting, or, in the case of committees or sub-committees, on the summary record of the previous meeting. These documents shall be considered approved if no amendments have been handed in to the secretariat and no objection is made orally. Otherwise, the appropriate amendments shall be made in the minutes or summary record as the case may be.
- NOC 361 (2) Any interim or final report must be approved by the committee or sub-committee concerned.
- NOC 362 2. (1) The minutes of the last Plenary Meetings shall be examined and approved by the Chairman.
- NOC 363 (2) The summary records of the last meetings of each committee or sub-committee shall be examined and approved by the Chairman of the committee or sub-committee.

NOC 20. Numbering

(MOD) 364 1. The numbers of the chapters, articles and paragraphs of the texts subjected to revision shall be preserved until the first reading in Plenary Meeting. The passages added shall bear provisionally the number of the last preceding paragraph in the original text, with the addition of "A", "B", etc.

NOC 365 2. The final numbering of the chapters, articles and paragraphs shall normally be entrusted to the Editorial Committee after their adoption at the first reading, but may, by a decision of the Plenary Meeting, be entrusted to the Secretary-General.

NOC Final Approval

NOC 366 The texts of the Final Acts shall be considered final when they have been approved at the second reading in Plenary Meeting.

NOC 22. Signature

(MOD) 367 The final texts approved by the conference shall be submitted for signature, in the alphabetical order of the Members' names in French to the delegates provided with the powers defined in Article 15 of this Convention.

NOC 23. Press Notices

NOC 368 Official releases to the press about the work of the conference shall be issued only as authorized by the Chairman of the conference.

NOC 24. Franking Privileges

NOC 369 During the conference, members of delegations, representatives of Members of the Administrative Council, senior officials of the permanent organs of the Union attending the conference, and the staff of the *sécretariat* of the Union seconded to the conference shall be entitled to postal, telegram, telephone and telex franking privileges to the extent arranged by the host government in agreement with the other governments and recognized private operating agencies concerned.

NOC

CHAPTER V

Other Provisions

ARTICLE 26

NOC

Languages

- NOC 370 1. (1) At conferences of the Union and at meetings of the Administrative Council and the International Consultative Committees, languages other than those mentioned in the relevant provisions of Article 16 of the Constitution may be used:
- NOC 371 a) if an application is made to the Secretary-General or to the Head of the permanent organ concerned to provide for the use of an additional language or languages, oral or written, provided that the additional cost so incurred shall be borne by those Members which have made or supported the application;
- NOC 372 b) if any delegation itself makes arrangements at its own expense for oral translation from its own language into any one of the languages referred to in the relevant provision of Article 16 of the Constitution.
- NOC 373 (2) In the case provided for in No. 371 of this Convention, the Secretary-General or the Head of the permanent organ concerned shall comply to the extent practicable with the application, having first obtained from the Members concerned an undertaking that the cost incurred will be duly repaid by them to the Union.
- NOC 374 (3) In the case provided for in No. 372 of this Convention, the delegation concerned may, furthermore, if it wishes, arrange at its own expense for oral translation into its own language from one of the languages referred to in the relevant provision of Article 16 of the Constitution.
- NOC 375 2. Any of the documents referred to in the relevant provisions of Article 16 of the Constitution may be published in languages other than those there specified, provided that the Members requesting such publication undertake to defray the whole of the cost of translation and publication involved.

NOC

CHAPTER VI

Various Provisions Related to the  
Operation of Telecommunication Services

NOC

ARTICLE 29

Charges and Free Services

NOC

397

The provisions regarding charges for telecommunications and the various cases in which free services are accorded are set forth in the Administrative Regulations.

NOC

ARTICLE 30

NOC

Rendering and Settlement of Accounts

NOC

398

1. The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the Members concerned in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 27 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.

NOC

399

2. Administrations of Members and recognized private operating agencies which operate international telecommunication services shall come to an agreement with regard to the amount of their credits and debits.

NOC

400

3. The statement of accounts with respect to debits and credits referred to in No. 399 of this Convention shall be drawn up in accordance with the provisions of the Administrative Regulations, unless special arrangements have been concluded between the parties concerned.

ARTICLE 31

Monetary Unit

NOC  
MOD 401 In the absence of special arrangements concluded between Members, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:

- either the monetary unit of the International Monetary Fund
- or the gold franc,

both as defined in the Administrative Regulations. The provisions for application are contained in Appendix 1 to the [International Telecommunication Regulations].

ARTICLE 32

Intercommunication

- NOC  
NOC 402 1. Stations performing radiocommunication in the mobile service shall be bound, within the limits of their normal employment, to exchange radiocommunications reciprocally without distinction as to the radio system adopted by them.
- NOC 403 2. Nevertheless, in order not to impede scientific progress, the provisions of No. 402 of this Convention shall not prevent the use of a radio system incapable of communicating with other systems, provided that such incapacity is due to the specific nature of such system and is not the result of devices adopted solely with the object of preventing intercommunication.
- NOC 404 3. Notwithstanding the provisions of No. 402 of this Convention, a station may be assigned to a restricted international service of telecommunication, determined by the purpose of such service, or by other circumstances independent of the system used.



ARTICLE 33

Secret Language

- NOC
- NOC 405 1. Government telegrams and service telegrams may be expressed in secret language in all relations.
- NOC 406 2. Private telegrams in secret language may be admitted between all Members with the exception of those which have previously notified, through the medium of the Secretary-General, that they do not admit this language for that category of correspondence.
- NOC 407 3. Members which do not admit private telegrams in secret language originating in or destined for their own territory must let them pass in transit, except in the case of suspension of service provided for in Article 20 of the Constitution.

ANNEX 1

NOC

Definition of Certain Terms Used in this Convention  
and the Administrative Regulations of the  
International Telecommunication Union

For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:

MOD

[2007]

**Expert:** A person sent by either:

- a) the Government or the Administration of his country, or
- b) an organization authorized by the Government or the Administration of the country concerned, or
- c) an international organization

to participate in tasks of the Union relevant to his area of professional competence.

NOC

[2010]

**Observer:** A person sent by:

- the United Nations, a specialized agency of the United Nations, the International Atomic Energy Agency or a regional telecommunication organization to participate in a Plenipotentiary Conference, an administrative conference or a meeting of an International Consultative Committee in an advisory capacity,
- an international organization to participate in an administrative conference or a meeting of an International Consultative Committee in an advisory capacity, or
- the government of a Member of the Union to participate in a non-voting capacity in a regional administrative conference,

in accordance with the relevant provisions of this Convention.

- NOC [2014] **Mobile Service:** A radiocommunication service between mobile and land stations, or between mobile stations.
- MOD [2017] **Service Telecommunication:** A telecommunication that relates to public international telecommunications and that is exchanged among the following:
- administrations,
  - recognized private operating agencies, and
  - the Chairman of the Administrative Council, the Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 404-E  
21 September 1989  
Original: English

PLENARY MEETING

MINUTES

OF THE

EIGHTEENTH PLENARY MEETING

Friday, 23 June 1989, at 0920 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- |    |   |   |
|----|---|---|
| 1. | Elections to the Administrative Council   | 3, 89(Rev.6),<br>245, 356, 384 and Corr.1 |
| 2. | Third series of texts submitted by the Editorial Committee to the Plenary Meeting for first reading (series B.3(Rev.1)) | 280(Rev.1),                               |
| 3. | Seventh series of texts submitted by the Editorial Committee to the Plenary Meeting for first reading (series B.7)      | 334                                       |
| 4. | Election of the members of the Administrative Council (continued):<br>Announcement of polling results                   | 3, 89(Rev.6), 245,<br>356, 384 + Corr.1   |
| 5. | Report by the Chairman of Committee 2 (Credentials) to the Plenary Meeting  | 118, 374                                  |
| 6. | Statement by the Minister for Posts and Telecommunications of the Kingdom of Morocco                                    |   |

1. Elections to the Administrative Council (Documents 3, 89(Rev.6), 245, 356, 384 and Corr.1)

1.1 The Chairman invited delegations to elect the Members of the Administrative Council, and read out the names of the candidates for Regions A, B, C, D and E, listed in Documents 384 and Corr.1.

43 seats were to be filled: 8 from Region A, 7 from Region B, 4 from Region C, 12 from Region D and 12 from Region E.

The tellers, provided by the Delegations of Antigua and Barbados (Region A), Finland (Region B), Yugoslavia (Region C), Rwanda (Region D) and New Zealand (Region E) took their places after the Chairman's proposal for their appointment had been accepted.

1.2 The Secretary-General suggested that to save time in view of the large number of votes to be counted, the tellers should verify the count of the ballot papers in the presence of delegations to the Conference and then be authorized to leave the meeting to count the votes in a separate room, returning to report the result to the Plenary later.

That procedure was approved.

1.3 The Chairman announced that voting had begun in accordance with No. 556 of the Convention.

Delegations were requested to deposit their ballot papers as their country's names were called out.

1.4 The Executive Secretary announced that 137 of the 139 delegations with the right to vote had voted.

1.5 After the tellers had counted the number of ballot papers, the Chairman, in accordance with the procedure approved by the Conference, authorized them, together with the Executive Secretary, the Administrative Secretary and two assistants, to leave the meeting and proceed to an adjoining room to count the votes.

(Continued in section 4 of the Minutes.)

2. Third series of texts submitted by the Editorial Committee for first reading (series B.3(Rev.1)) (Document 280(Rev.1))

2.1 The Chairman of the Editorial Committee recalled that discussion of Document 280 had been deferred pending the settlement of certain related issues. Document 280(Rev.1) containing the text of the Preamble and Articles 1, 3, 17, 38, 39, 41 and 44 was now available, and as the pending matters had been addressed he requested the Committee to consider it for approval.

Preamble

2.2 The Chairman of the Editorial Committee drew attention to the fact that the word "Convention" should be in square brackets pending a decision by Committee 9, which was requested to report thereon as soon as possible.

2.3 The delegate of Spain, Vice-Chairman of the Editorial Committee, said that in the Spanish text of the Preamble the word "completa" should read "complementa". The Chairman said that that point would be taken care of.

The Preamble was approved as amended.

#### Article 1 - Composition of the Union

2.4 The delegate of China drew attention to paragraph 3 a), which read "any State which became a Member of the Union as a Party to any International Telecommunication Convention prior to the entry into force of this Constitution and the Convention", and proposed to amend the word "became" to read "is". Thus, all 166 Member States would be Members of the Union whatever the date at which they ratified the Convention or the Constitution.

The provisions of the Constitution must be accurately worded; the present drafting was ambiguous and might lead to political problems.

2.5 The Chairman of Committee 9 said that the Chinese amendment would not affect the substance of the provision and would indeed improve the text.

The amendment was approved.

2.6 The delegate of Kuwait asked what had happened to his Delegation's proposal in Document 11 to add a paragraph to Article 1 to the effect that each Member should appoint a "Focal Point" to deal with the Union in its day-to-day operations. He now understood that that proposal might be better placed in Article 2.

It was agreed that Kuwait's proposal should be discussed under Article 2 following discussions later in the day in Committee 8.

Article 1 was approved, as amended, on the understanding that paragraph 5 c) of the Spanish text would be aligned with the French.

#### Article 3: Seat of the Union and Article 17: Legal capacity of the Union

2.7 The Chairman of Committee 10 suggested that Articles 3 and 17 be considered together since they were the same as in the Nairobi Convention.

Article 3 was approved.

2.8 The delegate of Saudi Arabia asked when his Delegation's proposed modifications relating to Article 17A and the subject of Document DT/60, would be considered; the Chairman of Committee 8 replied that it would be considered at a forthcoming meeting of the Committee later in the day.

It was agreed that Article 17 should be placed in square brackets pending discussion of the Saudi Arabian proposal.

#### Article 38: Ratification, acceptance or approval

Approved with minor editorial amendments to No. 173 and No. 175.

#### Article 39: Accession

2.9 The Chairman of Committee 9 said that a change made by Committee 10 in the punctuation of No. 177 affected the substance of the text, which should read: "A Member which is not a signatory to this Constitution and the Convention or any other State, referred to in Article 1 of this Constitution, subject to the provisions thereof, may accede to this Constitution ...". The comma after "State" linked "any other State" with the provisions of Article 1 which governed accession by a State which was not a Member.

2.10 The Chairman said that the text in French was ambiguous and might be worded: "A Member which is not a signatory to this Constitution and the Convention or any other State, referred to in Article 1 of this Constitution and subject to the provisions thereof, may accede to this Constitution ...". The delegate of Romania expressed a preference for that wording.

2.11 The Chairman of Committee 9 pointed out that the question had been discussed at great length in Committee 9 which had felt that the formula presented reflected the clear-cut distinction between a Member which was not a signatory on the one hand and any other State referred to in Article 1. The Chairman's proposal would not make that distinction. He therefore urged the Committee not to make any last minute changes in the text in view of the efforts already made by Committee 9. The delegate of Uruguay supported that position.

It was agreed that the text of Article 39 should be reconsidered by Committee 10 with the assistance of the Chairman of Committee 9.

Article 41: Execution of this Constitution, the Convention and the Administrative Regulations

2.12 The Chairman of Committee 10 pointed out that the French text before the Plenary was not the revised version, and indicated the necessary changes.

Article 41 was approved subject to minor editorial amendments to be made for the sake of consistency, at the request of the delegate of India.

Article 44: Denunciation of the Constitution and the Convention

2.13 The delegate of Cameroon pointed out that in the French text the verb relating to "the denunciation" should be in the plural since it referred to denunciation of both the Constitution and the Convention.

2.14. The Chairman of Committee 9 said that from the substantive point of view, Committee 9 had emphasized the principle that the Constitution and the Convention were inherently linked and could only be accepted and denounced together. However, the comments made by the delegate of Cameroon did not affect the English text, and the matter could be dealt with by the Editorial Committee.

2.15 The Chairman suggested that the problem might be solved if the word "simultaneously" were deleted and the sentence started "The simultaneous denunciation ...". The Chairman of Committee 10 agreed with that suggestion.

2.16 The Secretary-General said that the objective was that denunciation of the Constitution and the Convention should be effected only by means of a single instrument. The word "simultaneously" was perhaps excessive. It might therefore be appropriate to delete it on the understanding that the intention was to have only a common notification, which would be borne out in the summary record.

2.17 The delegate of Spain pointed out that after a few months the summary records would not be read by anyone, and the text therefore had to be clear. The wording had been debated at length and it was irregular to try and modify it in a few minutes. It should be retained as it stood bearing in mind that it was the best text that Committee 9 had been able to produce. The Spanish version at least was satisfactory.

2.18 The Chairman of Committee 9 repeated his warning about last minute changes. The same wording had been used in Article 38 already adopted and the phrase appeared in a good many other Articles and should remain the same for the sake of consistency.

2.19 The delegate of Benin said that while he appreciated the length of time Committee 9 had spent on the text, it could not be imposed on the Plenary which had to take its own decisions. If an answer could not be found immediately, Committee 10 should be asked to find a better formulation for the French text.

It was agreed that Article 44 should be placed in square brackets for the time being to enable Committee 10, with the help of the Chairman of Committee 9, to find a solution to the problem.

The third series of texts (series B.3(Rev.1)) submitted by the Editorial Committee to the Plenary Meeting was approved, as amended, on first reading, with the exception of Articles 17, 39 and 44.

3. Seventh series of texts submitted by the Editorial Committee to the Plenary Meeting for first reading (series B.7) (Document 334)

Resolution No. COM6/1: Role of the International Telecommunication Union in the Development of World Telecommunications

3.1 The Chairman of Committee 10 drew attention to the square brackets in considerings a) and b) and in recognizing.

3.2 The delegate of Algeria proposed that the word "the" be inserted at the beginning of the title.

3.3 The delegate of Spain, referring to recognizing, proposed that the reference to GATT and its square brackets be deleted, because although GATT dealt with the commercial aspects of telecommunications, it should not be included on the same status with other organizations. The delegates of Paraguay, the Islamic Republic of Iran and China fully supported that proposal.

3.4 The delegate of Uruguay said that some of the telecommunications services involving GATT were included in the Uruguay Round now under way and there was a conflict of views between GATT and the ITU. The Union should pay attention to what was happening to services in GATT and in that context it was therefore appropriate for the reference to GATT to be retained. The delegate of Canada supported those views.

3.5 The delegate of Zimbabwe supported Spain's proposal. If GATT were included, it would then be appropriate to include a large number of other organizations dealing with tariffs.

3.6 The delegate of Chile said that the paragraph might also include a reference to organizations dealing with the economic and social side of telecommunications such as ECLA, particularly in view of the consensus at the Nice Plenipotentiary Conference that development was closely linked to telecommunications.

3.7 The delegate of Mexico said that as there was no indication as to whether the Uruguay Round would result in a separate agreement or a code under GATT, the reference to GATT should be deleted.

3.8 The delegate of Pakistan expressed the view that GATT should not be included in the paragraph since it was not a specialized agency.

3.9 The delegate of India said that it was essential to recognize the role of the ITU in the development of telecommunications and it was consequently appropriate for the supreme organ of the Union to recognize and state categorically that an



organization like GATT was interested in telecommunications. The square brackets should therefore be deleted and the reference to GATT retained.

3.10 The Secretary-General said that Resolution 34 had been passed in Nairobi as a result of the need to state to the world that the ITU was the authority responsible within the United Nations family for establishing in a timely manner the various decisions concerned with telecommunications. The difficulties which emerged in that area prior to the WATTC Conference could not be forgotten. It was a reality that GATT was handling telecommunications issues and it was because of that that the Administrative Council had endorsed the Secretary-General's actions to safeguard the Union's interests vis-à-vis GATT, in particular in the liaison with the GATT Secretariat. The Union could not afford to forget that telecommunications aspects were being considered in GATT; it had to recognize the reality and then re-assert that the ITU was the supreme body for handling issues of telecommunications within the United Nations system, of which GATT was a part, and with which ITU had a relationship.

3.11 The delegate of Spain said his proposal had been made in the context of the Resolution alone which had nothing to do with GATT's present or future activities. However, his Delegation was prepared to go along with the majority.

It was agreed that the square brackets should be deleted and the reference to GATT retained.

3.12 The delegate of Canada proposed that the words "specialized agencies" should be replaced by "international agencies", since specialized agencies denoted only the United Nations system.

3.13 The delegate of Mexico expressed a preference for the words "international organizations", which gave greater coverage. The delegate of Spain supported that proposal, since it covered not only intergovernmental but also multinational organizations.

3.14 The delegate of Algeria suggested that the phrase "specialized intergovernmental organizations" would be more appropriate.

3.15 The delegate of Indonesia said that in view of the explanations given by the Secretary-General, the text as presented by the Editorial Committee was preferable. However, as a compromise, he was prepared to accept Algeria's proposal.

3.16 The delegate of the Netherlands proposed that the original text be retained.

3.17 The delegate of Canada said that because of the limiting factor imposed by such words as intergovernmental, multinational and specialized, the expression "other international organizations" was most appropriate.

#### resolves 2

3.18 The Chairman of Committee 6 suggested that the word "family" referring to the United Nations be replaced by the word "system". The delegate of Mexico supported that proposal.

#### resolves 3

3.19 The delegate of Nigeria said that the reference to technical cooperation was not as strong as it might have been. Throughout the Conference the developing countries and particularly Nigeria had endeavoured to make sure that technical cooperation was given due emphasis. He therefore suggested that the word "encourage" be replaced by "ensure", for greater emphasis and consistency with resolves 2.

The meeting was suspended at 1250 hours and resumed at 1750 hours.

4.2 Election of the members of the Administrative Council (continued)  
(Documents 3, 89(Rev.6), 245, 356, 384 + Corr.1)

Announcement of polling results

4.1 The votes having been counted, the Chairman announced, pursuant to No. 556 of the Convention, the polling results for each Region and in decreasing order of the number of votes obtained by each candidate country. Since, for Region A (Americas) there were two countries, Chile and Cuba, with 53 votes each, he invited the Plenary Meeting to proceed to a further vote to select one of those countries to take the eighth seat for Region A. The procedure and the tellers would be the same as for the preceding ballot.

The countries were called up in turn to cast their votes.

4.2 The Chairman said that a total of 133 ballot papers had been cast, of which nine were blank, giving a total of 124 valid votes. The result was: Cuba: 66 votes; Chile: 58 votes.

The countries listed below were thus elected to the Administrative Council of the ITU:

<u>Country</u>	<u>No. of votes obtained</u>
<u>Region A (Americas)</u>	
Canada	98
Argentine Republic	95
United States of America	95
Brazil (Federative Republic of)	83
Mexico	78
Jamaica	73
Colombia (Republic of)	57
Cuba	53
<u>Region B (Western Europe)</u>	
Germany (Federal Republic of)	115
Switzerland (Confederation of)	114
France	112
Italy	100
Sweden	94
Spain	90
Greece	89
<u>Region C (Eastern Europe and Northern Asia)</u>	
Bulgaria (People's Republic of)	119
Czechoslovak Socialist Republic	117
Union of Soviet Socialist Republics	117
German Democratic Republic	115

<u>Country</u>	<u>No. of votes obtained</u>
<u>Region D (Africa)</u>	
Algeria (People's Democratic Republic of)	97
Egypt (Arab Republic of)	93
Nigeria (Federal Republic of)	92
Cameroon (Republic of)	82
Tanzania (United Republic of)	80
Senegal (Republic of)	77
Kenya (Republic of)	74
Mali (Republic of)	74
Burkina Faso	73
Morocco (Kingdom of)	71
Benin (People's Republic of)	64
Cape Verde (Republic of)	60
<u>Region E (Asia and Australasia)</u>	
Japan	105
Saudi Arabia (Kingdom of)	104
Thailand	104
India (Republic of)	102
China (People's Republic of)	98
Philippines (Republic of the)	98
Pakistan (Islamic Republic of)	92
Australia	90
Kuwait (State of)	88
Korea (Republic of)	83
Indonesia (Republic of)	79
Malaysia	78

(The complete results are given in Annex 1.)

4.3 The Chairman, on behalf of the participants, thanked the polling officers for performing a most demanding task and extended his sincere congratulations to all the newly elected members of the Administrative Council. The Conference also expressed its appreciation of the work carried out by outgoing Members and its gratitude to all the candidates who, although not elected, had nevertheless signified the importance they attached to the Administrative Council's work.

5. Report by the Chairman of Committee 2 (Credentials) to the Plenary Meeting  
(Documents 118, 374)

5.1 The Chairman of Committee 2 briefly reviewed the report contained in Document 374. He confirmed that, in accordance with Corrigenda 1 and 2 to that document, the Delegation of the Republic of Liberia had been transferred to Section 1 from Section 2, and that in Section 3 there was an additional entry, relating to Fiji which had deposited a transfer of powers to the Delegation of Papua New Guinea. Thus, the totals for Sections 1, 2 and 3 in the annex to Document 374 should be 132, 8 and 6 respectively. He also drew attention to the Committee's recommendation, in the final remark in Document 374, that the Plenary should authorize the Chairman and Vice-Chairman of Committee 2 to verify the Credentials received after the date of the current report and to submit their conclusions to the Plenary Meeting on the matter. He thanked the delegations which had participated in the Committee's work, the Secretary of the Committee and the Secretariat staff who had assisted the Committee in its task.

5.2 The delegate of the USSR said that he wished the Plenary Meeting to bear in mind the views and reservations expressed by his Delegation in the Credentials Committee<sup>1</sup>.

5.3 The delegate of Chile said that his Delegation, too, wished it to be noted that it had voiced a reservation with respect to the records of Committee 2<sup>1</sup>.

5.4 The Chairman said that those reservations had been noted, and he thanked the Chairman of Committee 2 for his report and the work carried out.

The report of Committee 2 (Credentials), as contained in Document 374 and Corr.1 + 2, was approved and the recommended authorization, concerning verification of further credentials received, granted.

6. Statement by the Minister for Posts and Telecommunications of the Kingdom of Morocco

6.1 The Minister for Posts and Telecommunications of the Kingdom of Morocco made the following statement:

"Thank you for allowing me to address this august assembly at a time when delegations are concerned first and foremost with completing the work of a conference which will have proved to be productive and whose proceedings have been conducted in masterly fashion thanks to the patience and wisdom of its Chairman.

I should first of all like to congratulate the elected officials: the Secretary-General of the Union, Mr. Tarjanne, the Deputy Secretary-General, Mr. Jiguep, who has been confirmed in his post, the Directors of the CCIR and the CCITT, Mr. Kirby and Mr. Irmer, the members of the IFRB, Mr. Brooks, Mr. Bellchambers, Mr. Kozlov, Mr. Harbi and Mr. Miura, as well as the representatives of countries' Members elected to the Administrative Council. They may rest assured of Morocco's complete readiness to continue to encourage and support their action and the Union's activities.

I should also like to extend my warm wishes to those who were unlucky in the ballot or are leaving us of their own free will, particularly Mr. Butler and Mr. Berrada, both of whom I have known and appreciated personally and whose devoted and sustained efforts have left their mark on the organs of the Union.

Mr. Chairman,  
Ladies and Gentlemen,

The work of this thirteenth Plenipotentiary Conference has been dominated by the themes of adaptation and restructuring. This is perfectly natural, and indeed inescapable, for an agency operating in a constantly and rapidly changing environment.

The Union's effectiveness will henceforth be judged by the way in which it meets this challenge. Important decisions have already been taken to this end by the Conference and we expect them to be implemented in a manner consistent with the wishes expressed by the Member countries.

I should like to speak here only of two - but supremely important - items among those on the Conference agenda.

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<sup>1</sup> Document 410 + Corr.

I refer to restructuring and cooperation.

With regard to the revamping of the structures of the Union, I should prefer it if the work to be carried out in this connection were not subordinated solely to considerations of organization table or budget. Despite the importance of these factors, it seems to me that there is a wish to think more deeply on the response to be given to the concerns of the administrations and agencies confronted with daily changes in the environment, in customers, in requirements ... The study recommended should be taken as far as possible; it should explore all eventualities; it should reflect all concerns and it should serve as a genuine basis for a reliable structure. There are undeniably time constraints, but these should not weigh so heavy as to cause those who expect so much from this undertaking, namely, the great majority of the Members and particularly those belonging to the developing countries, to lose their illusions.

With more particular reference to this latter group of countries, I revert to the subject of technical cooperation by welcoming the initiative which this Conference has taken in conferring on this aspect of its activities a status consonant with its importance.

Here again, Mr. Chairman, Ladies and Gentlemen, it is high time that this concept of cooperation received the importance which it deserves. Many initiatives and projects have been devoted to this subject, the latest being the Independent Commission for World-Wide Telecommunications Development and the Centre for Telecommunications Development. However, for the countries which are supposed to benefit from the fruit of these projects, "development" continues to be an elusive dream. They have been asked to make the necessary attempt to restructure, and many of them have done so; they have been asked to rank telecommunications among the national priorities, and many of them have proclaimed this; they have been asked to revise their tariffs, and many of them have risked the discontent of their citizens by making them pay as dear as in the industrialized countries for services which are still below the basic standard.

As an institution, the International Telecommunication Union does its best, given the limitations and the constraints to which it is subject. But the International Telecommunication Union, as a group of united Members, must do even more to reduce disparities and stimulate the take-off of a dormant market, the benefits of which are not confined to the developing countries alone. The enormous research and development budgets adopted by the operating agencies should not serve exclusively to increase quality. They may also help to expand the great quantitative market of the third world countries. Our hope has been that the solidarity which constitutes a working basis of the Union would be fostered by the new status of the Telecommunications Development Bureau. What is the point in speaking of a world-wide telecommunications network, if 80% of the planet's population are left outside it?

We hope that the thinking which will take place on this subject over the next few months will also embrace this aspect of the problem.

Mr. Chairman, Ladies and Gentlemen, here are a few ideas which I wished to put before our august assembly. I have done no more than to touch upon them superficially, knowing how short our time is.

I thank you and I wish you every success in your deliberations."

The meeting rose at 1920 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

Annex: 1

ANNEX 1

<u>Country</u>	<u>No. of votes obtained</u>
<u>Region A (Americas)</u> (8 seats)	
Canada	98
Argentine Republic	95
United States of America	95
Brazil (Federative Republic of)	83
Mexico	78
Jamaica	73
Colombia (Republic of)	57
Cuba	53 1)
Chile	53 2)
Suriname (Republic of)	51
Peru	44
Venezuela (Republic of)	43
Uruguay (Eastern Republic of)	41
Paraguay (Republic of)	33
Costa Rica	30
Ecuador	21
1) On first ballot; 66 on second ballot. 2) On first ballot; 58 on second ballot.	
<u>Region B (Western Europe)</u> (7 seats)	
Germany (Federal Republic of)	115
Switzerland (Confederation of)	114
France	112
Italy	100
Sweden	94
Spain	90
Greece	89
United Kingdom of Great Britain and Northern Ireland	85
Turkey	62
<u>Region C (Eastern Europe and Northern Asia)</u> (4 seats)	
Bulgaria (People's Republic of)	119
Czechoslovak Socialist Republic	117
Union of Soviet Socialist Republics	117
German Democratic Republic	115

<u>Country</u>	<u>No. of votes obtained</u>
<u>Region D (Africa)</u>	
(12 seats)	
Algeria (People's Democratic Republic of)	97
Egypt (Arab Republic of)	93
Nigeria (Federal Republic of)	92
Cameroon (Republic of)	82
Tanzania (United Republic of)	80
Senegal (Republic of)	77
Kenya (Republic of)	74
Mali (Republic of)	74
Burkina Faso	73
Morocco (Kingdom of)	71
Benin (People's Republic of)	64
Cape Verde (Republic of)	60
Tunisia	57
Zambia (Republic of)	54
Cote d'Ivoire (Republic of)	52
Ethiopia (People's Democratic Republic of)	50
Swaziland (Kingdom of)	49
Sudan (Republic of the)	48
Madagascar (Democratic Republic of)	46
Togolese Republic	41
Central African Republic	39
<u>Region E (Asia and Australasia)</u>	
(12 seats)	
Japan	105
Saudi Arabia (Kingdom of)	104
Thailand	104
India (Republic of)	102
China (People's Republic of)	98
Philippines (Republic of the)	98
Pakistan (Islamic Republic of)	92
Australia	90
Kuwait (State of)	88
Korea (Republic of)	83
Indonesia (Republic of)	79
Malaysia	78
Iran (Islamic Republic of)	68
Sri Lanka (Democratic Socialist Republic of)	60
Lebanon	54
Syrian Arab Republic	49
Jordan (Hashemite Kingdom of)	44



# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 405-E  
8 August 1989  
Original: French

COMMITTEE 6

SUMMARY RECORD  
OF THE  
ELEVENTH AND LAST MEETING OF COMMITTEE 6  
(TECHNICAL COOPERATION)

Friday, 23 June 1989, at 1940 hrs

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed

Documents

- |    |   |       |
|----|---|-------|
| 1. | Approval of the agenda                                      | C6-11 |
| 2. | Centre for Telecommunications Development<br>(continuation) | DT/63 |
| 3. | Note by the Chairman of Committee 7                         | 310   |
| 4. | Closure of the Committee's work                             | -     |

1. Approval of the agenda (Document 6-11)

1.1 The Chairman recalled that at the previous meeting he had endeavoured to give an oral summary of the debates on the Centre for Telecommunications Development (CTD) but that there had not been quite enough time to conclude the matter properly. He had therefore prepared a written summary of the discussions, which should enable a conclusion to be reached and accepted by all fairly rapidly. He asked whether the agenda was acceptable.

1.2 The delegate of Australia, commenting on item 4 of the agenda ("Other business") said he had been given to understand at the first meeting of Committee 6 that a discussion would be held on the order of priority of the various activities under consideration. In view of the budgetary constraints, it seemed to him that all requests for funding from the various Committees should be transmitted to Committee 4 with an indication of the priority, in order to help the latter take its decisions.

1.3 In reply, the Chairman observed that the question of priorities had been taken up on several occasions; it was in fact as a result of a request by Australia that Document DT/30 had been issued, revised (DT/30(Rev.1)) and then transmitted to Committee 4. He drew the conclusion that Committee 6 had completed its discussion of the matter and that the question of priorities would not be raised again at the present meeting.

The agenda was approved.

2. Centre for Telecommunications Development (continuation) (Document DT/63)

2.1 The Chairman said that in Document DT/63 he had submitted his summary of the Committee's discussions and conclusions on the Centre for Telecommunications Development in writing. He suggested that members should approve it so that it could then be considered by the Plenary Meeting.

2.2 The delegate of the Federal Republic of Germany considered that Document DT/63 was an excellent summary. He had no difficulty with paragraphs 1-4, but as far as paragraph 5 was concerned, he reminded the Committee that various possibilities had been mentioned as ways of achieving stable funding for the Centre, such as contributions from the ITU, income from TELECOM exhibitions and, most importantly, private sources.

As regards surplus income from TELECOM exhibitions, the Centre could turn such resources to good account, and the Deputy Secretary-General had given a detailed explanation of how surplus income could be used. His Delegation considered that the proceeds from TELECOM exhibitions could amount to millions of Swiss francs, and that was worth careful consideration. In Opinion No. 3 of the Nairobi Convention on telecommunication exhibitions, it was suggested "that a significant part of any excess income over expenditure derived from such exhibitions could be paid into the Union's Technical Cooperation Fund", and that was one of the reasons why the TELECOM budget was quite separate from the Union's budget.

He merely wished to recall the facts so that they could be included in the document to be transmitted to the Plenary Meeting, since that was a valuable additional potential source of stable funding for the Centre.

2.3 The Chairman replied that the question had been considered in great detail at the previous meeting and that his summary only included those points on which consensus had been reached in the Committee's discussions.

It would be recalled that the United States Delegation had agreed to withdraw its proposal on that point and go along with the majority. The Deputy Secretary-General had also explained the various financial factors relating to such exhibitions at length, and it had been acknowledged that the Centre needed much more substantial amounts than could be obtained from such events.

In his view, it ought to be possible to approve paragraph 5 unanimously.

2.4 The Deputy Secretary-General fully shared the Chairman's view. At the previous meeting, he had pointed out that surplus income from telecommunication exhibitions organized by the ITU was used to a significant extent for technical cooperation activities, but that in any case it was no more than a supplementary measure which should not be resorted to. He reminded the Committee that he had already given precise figures for surplus income from 1979 to 1987 and he referred in that connection to the summary record of the Committee's tenth meeting.

2.5 The delegate of the Federal Republic of Germany explained that his intention had merely been to mention possible resources.

2.6 The Chairman explained that the summary was different from the summary records in which all the delegates' statements were recorded. Document DT/63 in fact represented the conclusion of the Committee's deliberations, for the benefit of the Plenary Meeting.

2.7 The delegate of the United Kingdom considered that the Chairman had objectively reflected the consensus reached at the previous meeting. His written summary was a fair one, but obviously some delegates might be tempted to amend certain paragraphs. If that were the case, she herself would have liked to amend the third paragraph concerning the Centre's terms of reference so as to render them more specific. She was, however, ready to support Document DT/63.

2.8 The delegate of Barbados also considered that the summary accurately reflected the consensus reached at the meeting and said that he would object to any amendment. He would also like to support what the Chairman had just said in reply to the delegate of the Federal Republic of Germany. Since the United States delegate, from whom the proposal had emanated, had withdrawn it, there was no need to refer to it and start the debate up again. He fully supported the Chairman's summary.

2.9 The delegate of Sweden supported the Chairman's summary but was nevertheless worried about the lack of resources and the uncertainty over the Centre's status in two years' time in view of the establishment of the Telecommunications Development Bureau. She stressed the importance of having a consultative body which could keep in touch with the private sector - a role which was in fact played by the Advisory Board - and she was certain that the private sector would no longer give its support to the Centre without the backing of the Advisory Board.

Furthermore, she proposed that the Special Voluntary Programme (COM6/11) should be managed by the Centre, since the two activities were financed by voluntary contributions. Her Delegation supported the affiliate system proposed by Japan (J/111/9) and the use of surplus income from telecommunication exhibitions by the Centre.

2.10 The Chairman took note of the remarks by the Swedish Delegation regarding both his conclusions and his intention not to reopen the debate. The Swedish statement would be included in the summary record of the meeting.

2.11 The delegate of Switzerland fully endorsed the Chairman's conclusions, which tallied exactly with his opinion of the consensus reached by the Committee. He noted

that no reference had been made to income from TELECOM exhibitions but confirmed that surplus income was small and could certainly not meet all the Centre's requirements. On the other hand, and by way of information, he wished to stress that his contacts in all parts of the world invariably commented on the excessive cost per square metre of the stands at TELECOM exhibitions; it was therefore out of the question to contemplate an increase.

2.12 The Deputy Secretary-General confirmed that the price was among the highest in the world and observed that the rental price per square metre had been revised downwards. As for the Special Voluntary Programme to which the delegate of Sweden had referred, he had already provided an answer at the previous meeting. As to the question of retaining the Advisory Board after the possible merger of the Centre with the new organ, that would be a matter for the Administrative Council to decide.

2.13 The delegate of the United States recalled that his proposal had not been supported and that he had not pressed the matter in order not to hold up the Committee's work. He could accept the Chairman's summary but he requested that the following sentence be added: "Several delegations expressed their appreciation of the work done by the Centre".

2.14 The delegates of Yugoslavia and the Syrian Arab Republic fully supported the Chairman's summary, which accurately reflected the discussion.

2.15 The delegate of France wished to make some drafting changes. First of all, in paragraph 4, in the light of Document 388, he proposed to add at the end of the sentence "and the BDT". .

With regard to paragraph 5, in the last sentence, reading " ... the Administrative Council could consider the affiliate system proposal (J/111/9) by Japan to this effect", he wished, in accordance with Administrative Council Resolution No. 929, to emphasize the Advisory Board's role in raising funds that would give the Centre financial stability.

2.16 The Chairman explained for the benefit of the French delegate that, as he understood it, there was a certain hierarchy to be respected: the Plenipotentiary Conference, the Administrative Council, the Advisory Board and the Centre. The Plenipotentiary Conference needed only one interlocutor, namely, the Administrative Council, which knew what its role was and would give the Recommendations transmitted to it appropriate treatment.

2.17 The delegate of Algeria said that he was in favour of the Chairman's summary. His Delegation would have preferred there to be no reference to any particular proposal on stable funding, since there were other proposals on the subject. He was not, however, against the idea of a voluntary affiliate system. He did not think too much could be expected of income from exhibitions.

As far as the future of the Centre was concerned, he thought that after the two-year period, the Centre should either be merged with the new Bureau or become completely independent of the Union. He hoped that the future Constitution would make the necessary changes and that it would be possible to find a solution over the next two years. However that might be, the Centre would be a valuable contribution to technical cooperation.

2.18 The delegate of Japan said that his country's proposal on an affiliate system to ensure stable resources had already been recommended and put forward by the Advisory Board, as could be seen from paragraph 3.2.6 of Document 34. His Delegation was wholeheartedly in favour of independence and autonomy for the Centre, on the basis of stable and separate funding. Like other delegates, he was worried by the uncertainty

hanging over the Centre's future. However, given the short amount of time the Conference had left, his Delegation would not press for discussion of its draft Resolution but would support the Chairman's summary.

2.19 The Chairman took it that the Committee accepted his summary as representing the result of its work on the Centre. The discussion on the future of the Centre would continue in the Plenary Meeting or in Committee 7, having regard to the content of Document 388.

Document DT/63 was approved.

3. Note by the Chairman of Committee 7 (Document 310)

3.1 The Chairman said that the note had been drafted following adoption of the principle of establishing a permanent organ for the development of telecommunications. In view of the widespread support for Document 388, which dealt with that question and was an element in a broader agreement, the Committee took note of Document 310 without further discussion.

4. Closure of the Committee's work - exchange of courtesies

4.1 The Chairman concluded that the present meeting was the Committee's last. He thanked delegates for their contribution to its work and for their cooperation.

4.2 The delegates of Colombia, Chile, Mali, Burkina Faso, the Syrian Arab Republic, Guinea, Cameroon, the Socialist People's Libyan Arab Jamahiriya, the Islamic Republic of Iran, the United Kingdom and France congratulated the Chairman on his skilful guidance of the Committee's work and expressed their gratitude at his success in finding a compromise in such a difficult field as technical cooperation.

4.3 The Chairman thanked delegates for their kind words.

The meeting rose at 2040 hours.

The Secretary:

A.E. EMBEDOKLIS

The Chairman:

H. VIGNON

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 406-E

27 July 1989

Original: English

COMMITTEE 8

## SUMMARY RECORD

OF THE

NINETEENTH AND LAST MEETING OF COMMITTEE 8

(PURPOSES, RIGHTS AND OBLIGATIONS)

Friday, 23 June 1989, at 1430 hrs

Chairman: Mr. M.F. DANDATO (Zimbabwe)

### Subjects discussed:

### Documents

- |    |  |               |
|----|--|---------------|
| 1. | Note by the Chairman of Committee 8 to the Plenary Meeting                                 | DT/60         |
| 2. | Updating of the Glossary of Telecommunications Terms                                       | DT/40, DT/48  |
| 3. | Approval of the summary records of the tenth, eleventh and twelfth meetings of Committee 8 | 286, 293, 309 |
| 4. | Article 1 of the Constitution  | DT/40         |
| 5. | Completion of the work of Committee 8  |               |

1. Note by the Chairman of Committee 8 to the Plenary Meeting (Document DT/60)

1.1 The Chairman invited the Committee to take note of his Note to the Plenary Meeting urging it to take over the consideration of Saudi Arabia's proposals ARS/60/11 and ARS/60/12, which were not, in his view, within the Committee's terms of reference.

1.2 The delegate of Saudi Arabia asked the Chairman to make it clear by addressing the above proposals to the Plenary that there had been no discussion of those proposals by the Committee. The Chairman confirmed that, as indicated in his Note, the proposals mentioned in Document DT/60 had not been discussed by the Committee.

The Committee took note of Document DT/60.

2. Updating of the Glossary of Telecommunications Terms (Documents DT/40, DT/48).

2.1 The delegate of Qatar said that the proposals submitted by the Administrations of Oman, Qatar, Syria and Saudi Arabia to update the Glossary of Telecommunications Terms were basically the same. He urged the Committee to approve the proposals as a logical way of promoting the development of telecommunications in the Arab world.

2.2 The Chairman pointed out that only the Saudi Arabian proposal contained a specific text, in the form of a draft Recommendation, and enquired if the Committee could approve it.

2.3 The delegate of the United States remarked that draft Resolution No. COM8/3 appeared to cover the topic already in general if not specific terms.

2.4 The delegate of Saudi Arabia said that he understood the Committee's decision on working languages to be concerned with ITU publications. The Glossary was a distinct case, having been funded differently and involving the relationship between the ITU and the Arab Telecommunication Union. But the proposal was that the cost of updating the Glossary be met from the regular budget of the ITU, so he had no objection to it being related to the decision already adopted.

2.5 The delegate of the United States remarked on the fact that the proposed Recommendation made no mention of extending the Glossary to the other two new working languages, and questioned the need for such a Recommendation in view of the draft Resolution already adopted.

2.6 The delegate of the Federal Republic of Germany, endorsing the need for the Glossary to be extended to other languages, suggested that as it would be widely used, and not only by administrations, it should not be financed by the regular budget of the ITU but by the publications budget.

2.7 The delegate of the United States supported that suggestion.

2.8 The delegate of Kuwait said that updating the existing Glossary would not be a heavy charge on the regular budget. He wondered under which item in the publications budget the delegate of the Federal Republic of Germany would propose to place it.

2.9 The delegate of the Netherlands said that in view of the importance attached to the proposal by its sponsors, it might be possible to induce the Arab Telecommunication Union to update the Glossary rather than attribute the cost to the ITU regular budget. The proposal contained no indication of its financial implications.

2.10 The Chairman reminded the Committee that its decision would have to be transmitted to Committee 4 for consideration of that aspect.

- 2.11 The delegate of the United Kingdom observed that, according to Temporary Document DL/37, the publication of the original Glossary in 1987 had been funded by UNDP, the Arab Fund, the ITU and certain Arabic speaking countries, which raised the question whether its updating should be funded by the ITU alone. DL/37 also cited a cost of 652,000 Swiss francs for an initial updating of the Glossary, followed by an annual cost of 99,500 Swiss francs to keep its Arabic terminology up-to-date.
- 2.12 The delegate of Australia asked if any conclusion had been reached on the question of whether draft Resolution No. COM8/3 covered the subject under discussion.
- 2.13 The delegate of Saudi Arabia said that in his view the Committee's decision did cover the question of updating the Glossary. As for the costs of the operation, those given in Document DL/37 were exaggerated and intended to hinder the proposal. He did not recognize that document as valid.
- 2.14 The delegate of Iraq also took the view that the Committee's decision to make Arabic a working language obliged the ITU to define telecommunication terms in Arabic as well as English, French and Spanish. The Glossary was covered by the Committee's previous discussions and decisions on the three new working languages.
- 2.15 The delegate of Saudi Arabia, supported by the delegate of Qatar, asked for it to be recorded that the Committee considered its previous decision covered the request for the Glossary to be updated.
- 2.16 The Chairman said that since it was agreed that the draft Resolution already adopted covered the question of updating the Glossary, he proposed to terminate discussion of the subject and transmit the proposal, together with the Committee's decision, to Committee 4 for consideration of the financial implications.
- 2.17 The delegate of the Federal Republic of Germany proposed that, in so doing, the Chairman should include a Recommendation to the fact that the updating of the Glossary should be financed from the publications budget.
- 2.18 The delegate of the United States said that the Chairman should also note that the suggestion by the Federal Republic of Germany had been supported by the delegate of the United States and had not been opposed during the Committee's discussion.
- 2.19 The delegate of Australia questioned the need to transmit anything to Committee 4, since it had been agreed that the draft Resolution covered the updating of the Glossary.
- 2.20 The Chairman said that since the draft Resolution made no specific mention of the proposal to update the Glossary, it was necessary to ask Committee 4 to take it into account now that a decision had been taken.

It was so agreed.

3. Approval of the summary records of the tenth, eleventh and twelfth meetings of Committee 8 (Documents 286, 293, 309)

The summary records of the tenth, eleventh and twelfth meetings of Committee 8 were approved, as amended. (See Corrigenda to Documents 286, 293 and 309)

4. Article 1 of the Constitution (DT/40)

4.1 The Chairman said that the proposal by Kuwait KWT/11/1 for an addition to Article 1 had been initially allocated to Committee 9, and the latter had transferred it to Committee 8 for appropriate placing. Since the terms of reference of Committee 8



do not include Article 1 of the Constitution, he asked the proposer exactly where he would like his proposal to be placed.

4.2 The delegate of Kuwait thought that his proposal could very well be placed in Article 2 dealing with the rights and obligations of Members. After consultation with other delegations, he wished to submit his proposal in the following amended form:

"Each Member would appoint a central entity to cooperate with the Union in its day-to-day activities. This central entity would be set up by the Government of the Member State for this purpose."

The aim of this proposal was to create a channel for contact between the ITU and Member States for the application of Articles 1 to 11, and to eliminate negative interference by bodies not concerned with telecommunications.

4.3 The delegates of Saudi Arabia and Bahrain supported the proposed addition.

4.4 The delegate of Finland suggested that the Kuwaiti proposal was really covered by the definition of an administration in Annex 2 to the Nairobi Convention, and the delegate of the Netherlands said that the practicalities of day-to-day communication were covered by the ITU List of Addresses, which provided an interface between Governments and the ITU.

4.5 The delegate of Kuwait said that, in order to save the time of the Committee, he would withdraw his Delegation's proposed amendment.

#### 5. Completion of the work of Committee 8

5.1 The Chairman said that, thanks to the cooperation of delegates, who had worked extremely hard and on many occasions very late, yet still managed to retain a sense of humour, Committee 8 had completed the work assigned to it. He thanked the Secretariat, in particular the Committee Secretary, Mr. Schuster, for his support, as well as the interpreters, the technicians, his immediate assistant and all those who had worked behind the scenes to ensure the success of the Committee's work. He expressed appreciation of the confidence shown by delegations in himself and his country, and thanked his Vice-Chairman, Mr. Cassapoglou, who had so ably stood in for him in his absence.

5.2 The delegates of Niger, Saudi Arabia, the USSR, Qatar, the United States, the United Kingdom, Iraq, Netherlands, France, the Federal Republic of Germany, the Islamic Republic of Iran, Mali, Greece and Algeria expressed their appreciation of the Chairman's rare personal qualities of endless patience, good humour and neutrality, as well as the high level of competence and skill which had enabled him to conduct the work of the Committee to a successful conclusion. They also congratulated and thanked all members of the Secretariat who had contributed to the Committee's work.

The meeting rose at 1705 hours.

The Secretary:

D. SCHUSTER

The Chairman:

M.F. DANDATO

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 407-E

23 June 1989

Original: English

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PLENARY MEETING

Note by the Chairman of Committee 7

DECISIONS RELATIVE TO THE ELECTION OF THE ADMINISTRATIVE COUNCIL

1. Committee 7 agreed by a vote of 42 yes, 29 no and 17 abstentions that the number of Members to be elected to the Administrative Council is 43.
2. Committee 7 agreed that the two additional seats should be allocated, one each to Region D and to Region E.
3. Committee 7 agreed that the matter of the location of the number 43 and the regional allocations vis-à-vis the Constitution or Convention is a matter to be considered and decided by Committee 9.
4. Committee 7 agreed that the matter of rotation among Members elected to the Administrative Council will be transferred to the review of the structure and functioning of the Union, including all Nice Plenipotentiary proposals, documents and summaries related to this matter.

A. VARGAS ARAYA  
Chairman of Committee 7

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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COMMITTEES 7.9

Note by the Chairman of Committee 7

to the Chairman of Committee 9

**TRANSFER OF DOCUMENTS CONCERNING  
JURIDICAL ASPECTS OF A STRUCTURAL EVOLUTION PROVISION**

In light of your subject matter jurisdiction and related issues raised in your notes (Doc. Nos. 262 and 363), the provisional summary record extract contained in Doc. 357 and preliminary draft of an additional Article 47 (Doc. 349) are referred to Committee 9.

A. VARGAS ARAYA

Chairman of Committee 7

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 408-E

23 June 1989

Original: English

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COMMITTEES 7.9

Note by the Chairman of Committee 7

to the Chairman of Committee 9

## **TRANSFER OF DOCUMENTS CONCERNING JURIDICAL ASPECTS OF A STRUCTURAL EVOLUTION PROVISION**

In light of your subject matter jurisdiction and related issues raised in your notes (Doc. Nos. 262 and 363), the provisional summary record extract contained in Doc. 357 and preliminary draft of an additional Article 47 are referred to Committee 9.

A. VARGAS ARAYA

Chairman of Committee 7

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 409-E

23 June 1989

Original: English

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PLENARY MEETING

Note by the Secretary-General

PREMISES AT THE SEAT OF THE UNION

Following discussions at the fifteenth Plenary Meeting and as requested during that meeting, I have the honour to submit to the Conference a draft Resolution on the above subject.

R. E. BUTLER  
Secretary-General

Annex: 1

ANNEX

DRAFT RESOLUTION

**Premises at the Seat of the Union**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

that adequate premises are required at the seat of the Union to accommodate the staff, facilities and equipment necessary for the smooth operation of all services,

having studied

the report made by the Administrative Council to provide the Union with the necessary premises,

aware

that there is an exceptional opportunity to build on a plot of land adjacent to the building belonging to the Union in the rue de Varembe,

resolves

that the necessary procedure should be undertaken for the construction of a new building to provide premises that will meet the Union's needs on the plot of land adjacent to the Varembe building;

instructs the Secretary-General

1. to confirm with the Swiss authorities the Union's decision to take up the option on the plot of land in question;

2. to prepare a study on the construction of this new building and submit it to the Administrative Council;

requests the Administrative Council

1. to consider the study submitted to it by the Secretary-General as soon as possible and to decide on the construction programme;

2. to take the administrative and financial action necessary for the implementation of its decision. The financial implications of that decision shall be submitted to Members for approval [in accordance with paragraph 7 of Additional Protocol I to the Convention].

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to  
Document 410-E  
27 June 1989  
Original: Spanish

---

SUMMARY RECORD

OF THE

SECOND MEETING OF COMMITTEE 2

Paragraph 3.6

Amend as follows:

"3.6 The delegate of Chile stated that the Soviet Union's opposition to the deposit of his Delegation's credentials was unfounded in terms of Article 67 of the Convention, infringed No. 471 of the Convention by exceeding the Committee's terms of reference and was inconsistent with the prevailing spirit of détente in international relations. His Delegation did not wish to press matters in situations which might jeopardize the spirit of unity, respect and consensus which should prevail among all countries wishing to participate with equal rights in the international community. He requested that his statement be included in the summary record."

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 410-E  
25 June 1989  
Original: French

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COMMITTEE 2

SUMMARY RECORD  
OF THE  
SECOND MEETING OF COMMITTEE 2  
(CREDENTIALS)

Wednesday, 21 June 1989, at 1400 hrs

Chairman: Mr. J. SZEKELY (Hungary)

Subjects discussed:

Documents

- |    |  |               |
|----|--|---------------|
| 1. | Approval of the summary record of the first meeting  | 166           |
| 2. | First, second and third reports of Working Group 2-A | 211, 232, 317 |
| 3. | Draft report to the Plenary Meeting                  | DT/56         |



1. Approval of the summary record of the first meeting (Document 166)

The summary record of the first meeting was approved.

2. First, second and third reports of Working Group 2-A (Documents 211, 232, 317)

The reports were approved.

3. Draft report to the Plenary Meeting (Document DT/56)

3.1 The delegate of Cameroon, referring to section 4 of the list annexed to the document requested that reference be made to the number of countries entitled to vote and to sign the Final Acts, the number of countries not entitled to vote but entitled to sign and the number of countries entitled neither to vote nor to sign.

3.2 In reply, the Secretary of the Committee, having regard to the fact that the section in question concerned one specific category, namely, delegations attending the Conference without having deposited credentials, proposed that the number of countries entitled to vote and to sign and the number of countries entitled to sign but not to vote should be given at the end of each section devoted to a specific category.

3.3 In reply to the delegate of the USSR, who asked whether section 4 was to be considered in conjunction with the annex or whether the annex would be taken up separately, the Chairman replied that each item would be discussed separately.

3.4 The delegate of Cameroon informed the Committee that his Delegation was willing to replace the Vice-Chairman, in the latter's absence, for the task mentioned in paragraph 5 of Document DT/56.

The Secretary of the Committee took note of that proposal.

3.5 The delegate of the USSR asked for the summary record to reflect the fact that his country, Byelorussia and Ukraine opposed the credentials deposited by Chile.

3.6 The delegate of Chile stated that the Soviet Union's opposition to the deposit of his Delegation's credentials could not be justified by involving Article 67 of the Convention, infringed No. 471 of the Convention by exceeding the Committee's terms of reference and was inconsistent with the prevailing spirit of détente in international relations. The Chilean Delegation acknowledged that the Soviet Union had done a great deal to promote the spirit of détente; similarly, Chile's internal situation had undergone profound changes, as was acknowledged by the international community. The Soviet objection was inconsistent with the spirit of unity, respect and consensus which should prevail among all countries taking part in the Conference. He requested that his statement be included in the summary record.

The Chairman took note of the two previous statements and said that they would be included in the summary record.

It was so decided.

The meeting rose at 1425 hours.

The Secretary:

X. ESCOFET

The Chairman:

J. SZEKELY

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 411-E  
24 June 1989  
Original: French

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COMMITTEE 4

Note by the Secretary-General

CONTRIBUTIONS OF MEMBERS OF THE UNION

REPUBLIC OF GUATEMALA

In its letter of 21 June 1989 (see Annex 1), the Republic of Guatemala has requested that the situation of its arrears amounting to 621,503.75 Swiss francs be considered by the Plenipotentiary Conference.

In its letter, the Republic of Guatemala requests the cancellation of accrued interest and the transfer of sums due to a non-interest bearing special arrears account. The Republic of Guatemala further proposes a payment plan consistent with its capacity and requests a special dispensation enabling it to recover its right to vote.

The situation on the arrears owed by the Republic of Guatemala is shown in Annex 2. It may be noted that the sum of 269,110.75 Swiss francs referred in the letter of the Republic of Guatemala is made up of 178,419.00 Swiss francs of unpaid contributions, 64,025.90 Swiss francs of accrued interests on contributions, 19,986.70 Swiss francs for publications and 6,679.15 Swiss francs for accrued interests on publications.

In its Resolution No. 53, the Plenipotentiary Conference of Nairobi, 1982, had decided that:

"2. for the Republic of Guatemala

- 2.1 that 50% of the Republic of Guatemala's contributions, i.e. half a unit, for 1978 to 1982 amounting to 352,393.00 Swiss francs shall be transferred to the special arrears account bearing no interest;
- 2.2 that 50% of the interest charged to the Republic of Guatemala for its contributions in arrears for 1978 to 1981, i.e. 34,174.80 Swiss francs shall be transferred to the special interest account;
- 2.3 that the Republic of Guatemala shall share in defraying the expenses of the Union in 1983 in the 1/2 unit contributory class;
5. that the transfer to the special arrears account shall not release the countries concerned from the obligation to settle their arrears;

6. that the amounts due in the special arrears account shall not be taken into account when applying No. 117 of the Convention;
7. that the amounts due for publications shall be paid by the countries concerned;
8. that this Resolution may not under any circumstances be invoked as a precedent."

The Finance Committee is asked to give a ruling in this matter.

R.E. BUTLER  
Secretary-General

Annexes: 2

ANNEX 1

Nice, 21 June 1989

Mr. R.E. Butler  
Secretary-General  
International Telecommunication Union

Dear Sir,

As you know, the Republic of Guatemala is in arrears in its contributions to the Union, in the amount of 621,503.75 Swiss francs, of which 352,393.00 francs has been transferred to the Special Arrears Account, in accordance with Resolution No. 53 of the Plenipotentiary Conference (Nairobi, 1982).

My Government greatly values the work done by the International Telecommunication Union throughout the world and is very anxious to discharge its obligations to the Union in such a manner and at such a time as its circumstances permit, which so far has unfortunately not been the case, owing to obstacles, firstly in domestic law and secondly of an economic nature, which have prevented it from doing as it wished.

Recently, major steps had been taken towards solving these problems, and it is considered that in the course of this year the Republic of Guatemala will be in a position to start paying off its arrears of contributions under a plan for rescheduling the payments, without incurring further interest, in keeping with its resources.

Accordingly, we would ask the Secretary-General to request the Plenipotentiary Conference now meeting to consider our situation and decide that:

- a) the interest that has so far accrued on the sum of 269,110.75 Swiss francs should be cancelled;
- b) that the sum in question should be transferred to the Special Arrears Account, and not incur any further interest;
- c) that a payment plan consistent with the Guatemalan Government's capacity to pay should be established by consent;
- d) if the Conference decides in favour of these proposals, our Administration should be given a special dispensation enabling it to participate fully in the debates at present taking place in the Conference and to vote on these important matters.

Yours faithfully,

José Luis Alvarado  
Deputy Head  
Delegation of the Republic of Guatemala

ANNEX 2

ARREARS UP TO 1987 OWED BY THE REPUBLIC OF GUATEMALA

Year	Contributions	Interest at 31.12.88 on contributions	Publications	Interest at 31.12.88 on publications	Total Swiss francs
1982	-	-	6,530.00	3,791.70	10,321.70
1983	-	17,705.75	-	364.00	18,069.75
1984	52,250.00	16,477.35	13,343.00	2,523.45	84,593.80
1985	55,350.00	13,388.30	113.70	-	68,852.00
1986	12,869.00	10,252.40	-	-	23,121.40
1987	57,950.00	6,202.10	-	-	64,152.10
-	178,419.00	64,025.90	19,986.70	6,679.15	269,110.75
Special Arrears account according to Resolution No. 53, PP. Nairobi, 1982, for which no repayment has been received.					352,393.00
					621,503.75

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 412-E

23 June 1989

Original: English

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PLENARY MEETING

**Note by the Chairman of Committee 8  
to the Plenary Meeting**

Further to my note to the Plenary of 22 June (Doc. DT/60), the Committee 8, with the agreement of the Administration concerned, decided at its 19th and last meeting to transmit the proposals ARS/60/12 and ARS/60/13, related to Article 17A, without discussion, to the Plenary for consideration.

M.F. DANDATO  
Chairman of Committee 8

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 413-E

23 June 1989

Original: English

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COMMITTEE 4

NOTE BY THE CHAIRMAN OF COMMITTEE 8  
TO THE CHAIRMAN OF COMMITTEE 4

At its 19th meeting, Committee 8 considered proposals submitted by the Administrations related to "Further improvement and enlargement of the multilingual Glossary for telecommunications terms"

The Committee agreed that Resolution COM8/3 (Doc. 392) already includes this requirement for updating the Glossary of telecommunications terms.

In view of the financial implications involved and in accordance with your Note as in Doc. 193, I invite Committee 4 to include this decision in the financial estimation of Resolution COM8/3, as already requested in Doc. 391.

For your information I attach herewith, as requested by some delegations, an extract from draft Summary Records of the 19th meeting relevant to this decision.

M.F. DANDATO  
Chairman of Committee 8

Annex

EXTRACTS FROM DRAFT SUMMARY RECORD C8-19

The delegate of the Federal Republic of Germany suggested that as the glossary would be widely used, and not only by administrations, it should not be financed by the regular budget of the ITU but by the publications budget.

The delegate of the United States supported that suggestion.

The delegate of the Federal Republic of Germany proposed that, in transmitting the Committee's decision on the proposals to the Committee 4, the Chairman should include a Recommendation that the updating of the glossary be financed from the publications budget.

The delegate of the United States said that the Chairman should also note that the suggestion by the Federal Republic of Germany had been supported by the delegate of the United States and had not been opposed during the Committee's discussion.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to  
Document 414-E  
25 June 1989

B.11(Corr.1)

PLENARY MEETING

ELEVENTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETING

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

<u>Source</u>	<u>Document</u>	<u>Title</u>
PL	394(Rev.3)	Resolution No. COM5/1

Replace pages B.11/9 and B.11/10 by the following:

M. THUE  
Chairman of Committee 10

Annex: 2 pages

## RESOLUTION No. COM5/1

## Adjustment of Pensions

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recalling

Resolution No. 61 of the Plenipotentiary Conference (Nairobi, 1982), relating to the adjustment of the level of pensions,

having considered

the reports of the Administrative Council, the Secretary-General and the ITU Staff Pension Committee,

acknowledging

the concern of the ITU staff about the level of pensions in the present system and possible subsequent changes to it, as well as the potential effects of future monetary fluctuations and inflation,

concerned

by the fact that no long-term solution has yet been found which satisfies the concerns expressed by the staff on this issue,

further concerned

by the fact that the pension benefits of ITU staff retiring in any country of the world are not guaranteed at a level equivalent to that prevailing at the base of the system (New York) and by the resulting uncertainties which weigh heavily on the future level of pensions and their consequences for the staff in the professional and higher categories retiring to countries with strong currencies,

noting that

the United Nations General Assembly has commissioned reviews of staff remuneration, conditions of service and pensions and is to take decisions on these matters by the end of 1990,

noting further that

interim measures have been taken within the framework of the United Nations common system to reduce the impact of currency fluctuations and that these measures will come to an end on 31 December 1990 and will not constitute an acquired right,

reaffirming

the strong attachment of ITU Members to the United Nations common system,

strongly urges

the representative of the ITU Staff Pension Committee on the United Nations Joint Staff Pension Board to take all the necessary steps to ensure that the proposal for a Pension Purchasing Power Protection Insurance Plan is fully examined as one possible response to the concerns of ITU staff and to insist that an appropriate solution is found to the problem;

urges

all ITU Members to take all necessary steps to ensure that the concerns of ITU staff are properly understood by Members' representatives dealing with the general policy of remuneration and conditions of service of international civil servants in order that these concerns are taken into account in the decision-making process;

instructs the Administrative Council

1. to follow the development of this situation carefully in order to ensure that ITU views are fully and appropriately represented in the common system bodies responsible for pension matters;

2. to take, at its session in 1991, appropriate action to secure for ITU staff retiring in any country in the world pension benefits comparable to those prevailing at the base of the system (New York);

3. to envisage the implementation of any scheme protecting the purchasing power of pensions which is found to be compatible with the common system;

instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations and to the United Nations bodies responsible for staff conditions of service and remuneration, including pensions.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 414-E  
23 June 1989

B.11

PLENARY MEETING

## ELEVENTH SERIES OF TEXTS SUBMITTED BY THE EDITORIAL COMMITTEE TO THE PLENARY MEETING

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

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.9	373	<u>Constitution</u> : Article 46
COM.8	387	<u>Constitution</u> : Article 2 Resolution No. COM8/2*
	392	<u>Constitution</u> : Article 16** <u>Convention</u> : Article 19** Resolution No. COM8/3**
COM.5	346	Resolution No. COM5/1

M. THUE  
Chairman of Committee 10

Annex: 10 pages

\* Two administrations reserved their position:

- ARG, on the "further resolves" of the Resolution;
- ARS, on Resolution No. COM8/2.

\*\* Reservations made by: USA, NZL, G, CAN, HOL, J, AUT, SUI, S, FNL, AUS, F, NOR.

ARTICLE 46

NOC                   Entry into Force and Related Matters

- MOD            202    1.    (1) This Constitution and the Convention shall enter into force between Parties thereto on the 30th day after deposit of the [55th] instrument of ratification, acceptance, approval or accession by a Member of the Union.
- NOC            203    (2) The Secretary-General shall notify all Members of the date of entry into force of this Constitution and the Convention.
- (MOD)         204    2.    Upon the date of entry into force specified in No. 198 above, this Constitution and the Convention shall, as between Parties thereto, abrogate and replace the International Telecommunication Convention, (Nairobi, 1982).
- NOC            205    3.    In accordance with the provisions of Article 102 of the Charter of the United Nations, the Secretary-General of the Union shall register this Constitution and the Convention with the Secretariat of the United Nations.
- NOC            206    4.    The original of this Constitution and the Convention drawn up in the Arabic, Chinese, English, French, Russian and Spanish languages shall remain deposited in the archives of the Union. The Secretary-General shall forward, in the languages requested, a certified true copy to each of the signatory Members.
- NOC            207    5.    In case of any discrepancy among the various language versions of this Constitution and the Convention, the French text shall prevail.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed the original of this Constitution of the International Telecommunication Union and the original of the Convention of the International Telecommunication Union.

Done at Nice, on .. June 1989

Constitution  
B.11/2

## ARTICLE 2

## NOC Rights and Obligations of Members

- NOC 7 1. Members of the Union shall have the rights and shall be subject to the obligations provided for in this Constitution and the Convention.
- NOC 8 2. Rights of Members in respect of their participation in the conferences, meetings and consultations of the Union are:
- NOC 9 a) all Members shall be entitled to participate in conferences of the Union, shall be eligible for election to the Administrative Council and shall have the right to nominate candidates for election to any of the permanent organs of the Union;
- MOD 10 b) subject to the provisions of Nos. 122 and 175 of this Constitution, each Member shall have one vote at all Plenipotentiary Conferences, all world administrative conferences, all meetings of the International Consultative Committees and, if it is a Member of the Administrative Council, all sessions of that Council. At regional administrative conferences, only the Members of the region concerned shall have the right to vote;
- MOD 11 c) subject to the provisions of Nos. 122 and 175 of this Constitution, each Member shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional administrative conferences, only those Members of the region concerned shall have the right to vote.

## RESOLUTION No. COM8/2

**Procedure for Defining a Region for the Purpose of Convening a  
Regional Administrative Conference**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

recognizing

a) that certain provisions of the Constitution and the Convention of the International Telecommunication Union (Nice, 1989), relate to the convening of a regional administrative conference (in particular No. 50 of the Constitution and Nos. 16 to 21, and No. 167 of the Convention);

b) that some specific regions and areas are defined in the Radio Regulations;

c) that a Plenipotentiary Conference and a World Administrative Conference have the competence to define a region for a specific a regional administrative conference;

d) that, whereas a regional administrative conference may be convened on a proposal by the Administrative Council, the Administrative Council has not been explicitly authorized to take a decision on the definition of a region,

considering

a) that it may be necessary to define a region for the purpose of convening a specific regional administrative conference;

b) that the Administrative Council provides the most appropriate means of defining a region, when such action is necessary in the interval between competent World Administrative Conferences or Plenipotentiary Conferences,

resolves

1. that, if and when it becomes necessary to define a region for the purpose of convening a specific regional administrative conference, the Administrative Council shall propose a definition of the region;

2. that all Members of the proposed region shall be consulted on that proposal and all Members of the Union shall be informed of the proposal;

3. that the region shall be deemed to have been defined when two thirds of the Members of the proposed region have responded in the affirmative within a time period determined by the Administrative Council;

4. that the composition of the region shall be communicated to all Members;

B.11/4

further resolves

that, in the Constitution and the Convention, the term "region" shall, except where the context indicates otherwise, include the regions and areas defined in the Radio Regulations and any region defined under the provisions of this Resolution;

invites the Administrative Council

1. to take note of this Resolution and to take any appropriate action;
2. to consider combining, where appropriate, the consultation of Members on the definition of the region with the consultation on convening a regional administrative conference.



Constitution  
B.11/5

## ARTICLE 16

## Languages

- NOC
- MOD 124 1. (1) The official and working languages of the Union shall be Arabic, Chinese, English, French, Russian and Spanish.
- ADD 124A (2) These languages shall be used for drawing up and publishing documents and texts of the Union, in versions equivalent in form and content, as well as for reciprocal interpretation during conferences, assemblies and meeting of the Union.
- SUP 125
- NOC 126 (3) In case of [dispute]\*, the French text shall prevail.
- SUP 127-133
- NOC 134 2. When all participants in a conference or in a meeting so agree, discussions may be conducted in fewer languages than those mentioned above.

\* It may be preferable to use the term "discrepancy" recommended by the Group of Experts in No. 203 of the draft Constitution.

ARTICLE 19

MOD Right to Vote in Plenary Assemblies

SUP 214-215

(MOD) 216 1. The Members which are authorized to vote at sessions of Plenary Assemblies of the International Consultative Committees are those to which reference is made in the relevant provision of Article 2 of the Constitution. However, when a Member is not represented by an administration, the representatives of the recognized private operating agencies of the Member concerned shall, as a whole, and regardless of their number, be entitled to a single vote, subject to the provisions of No. 194 of this Convention.

NOC 217 2. The provisions of Nos. 188 to 191 of this Convention concerning the transfer of powers shall apply to Plenary Assemblies.

B.11/7

## RESOLUTION NO. COM8/3

**Limitations in the use of Working Languages**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having regard

to Article 16 of the Constitution and Article 27 of the Convention of the International Telecommunication Union (Nice, 1989),

taking into account

Resolution No. 65 of the Plenipotentiary Conference (Nairobi, 1982),

conscious

a) of the desirability of making greater use of the official languages of the Union as working languages so as to enable a larger number of Members to participate more actively in the work of the Union;

b) of the technological, administrative, financial and staffing advantages of such greater use;

c) of the need for such use of the official languages in order to permit greater understanding among Members and to arrive at full realization of the Union's purposes;

considering

that the full-scale use of all official languages as working languages of the Union in the present structure of the Union could involve significant resources which can now hardly be provided;

notwithstanding

the provisions of No. 124A of the Constitution

resolves

1. that the following documents at the Union shall be drawn up in English, French and Spanish only:

- all documents of the Plenipotentiary and Administrative Conferences except their Final Acts, Protocols, Resolutions, Recommendations and Opinions;
- the preparatory documents of the Study Groups of the International Consultative Committees, the documents and minutes of their Plenary Assemblies, except the texts of the Books of these Committees;

B.11/8

- the proposals and contributions to Conferences, Plenary Assemblies and meetings of the International Consultative Committees communicated to Members, the originals of which have been submitted to these conferences, assemblies and meetings in any of the working languages of the Union;

- all other documents for general distribution prepared by the Secretary-General in the course of his duties, except the Weekly Circulars of the IFRB and the Circular-letters of the Secretary-General, the Chairman of the IRFB and the Directors of the International Consultative Committees, following the agreement of the Secretary-General with [the countries or group of countries] concerned;

2. that at meetings of the International Consultative Committees, other than those of the Plenary Assembly and Study Groups included in the programme of work approved by a Plenary Assembly, reciprocal interpretation between English, French and Spanish is provided if those Members which require interpretation for one of these languages give at least 90 days notice of their participation in these meetings;

3. that the total expenditure incurred shall remain within the financial limits fixed [in Additional Protocol I];

instructs the Secretary-General

1. to organize, after consulting the [countries or groups of countries] concerned, the preparation of the documents of the Union in Arabic, Chinese and Russian as efficiently and economically as possible;

2. to submit a report to the Administrative Council on the progress made in this field;

instructs the Administrative Council

1. to consider the report of the Secretary-General;

2. to take any necessary action to ensure the general circulation in the official languages of the Union of the documents chosen by the [countries or groups of countries] concerned within the credit limit fixed by this Conference.

## RESOLUTION No. COM5/1

## Adjustment of Pensions

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recalling

Resolution No. 61 adopted by the Plenipotentiary Conference (Nairobi, 1982), in connection with the adjustment of the level of pensions,

having considered

the reports of the Administrative Council, the Secretary-General and the ITU Staff Pension Committee,

acknowledging

the concern of ITU staff about the level of pensions in the present system and possible subsequent changes to it, as well as the potential effects of future monetary fluctuations and inflation,

concerned

by the fact that no long-term solution has yet been found which satisfies the concerns expressed by the staff on this issue,

further concerned

by the uncertainties which weigh heavily on the future level of pensions and their consequences for the staff in the professional and higher categories retiring to countries with strong currencies,

noting that

the United Nations General Assembly has commissioned reviews of staff remuneration, conditions of service and pensions and is to take decisions on these matters by the end of 1990,

noting further that

interim measures have been taken within the framework of the United Nations common system to reduce the impact of currency fluctuations and that these measures will come to an end on 31 December 1990 and will not constitute an acquired right,

reaffirming

the strong attachment of ITU Members to the UN common system,

B.11/10

strongly urges

the representative of the ITU Staff Pension Committee on the United Nations Joint Staff Pension Board to take all the necessary steps to ensure that the proposal for a Pension Purchasing Power Protection Insurance Plan is fully evaluated as one possible response to the concerns of ITU staff and to insist that an appropriate solution is found to the problem;

urges

all ITU Members to take all the necessary steps to ensure that the concerns of ITU staff are properly understood by Members' representatives dealing with the general policy of remuneration and conditions of service of international civil servants in order that these concerns are taken into account in the decision-making process;

instructs the Administrative Council

to follow carefully the evolution of this issue in order to ensure that ITU views are fully and appropriately represented in the common system bodies responsible for the pensions of ITU staff and to implement any decision adopted within the framework of the United Nations common system;

instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations and to the relevant United Nations bodies responsible for staff conditions of service and remuneration, including pensions.

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 415-E

24 June 1989

Original : English

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PLENARY MEETING

Note by the Secretary-General

TRANSFER OF POWERS

People's Republic of Angola - Cape Verde

The Delegation of the People's Republic of Angola announced that it had to leave the Conference on 23 June 1989.

Pursuant to No. 392 of the Convention, the Delegation of the People's Republic of Angola has given to the Delegation of the Republic of Cape Verde a mandate to exercise its vote at the present Conference.

R.E. BUTLER  
Secretary-General

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 416-E

23 June 1989

Original: French

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COMMITTEE 10

## THIRD SERIES OF TEXTS FROM COMMITTEE 4 TO THE EDITORIAL COMMITTEE

Committee 4 has adopted the attached texts, which it submits to the Editorial Committee for consideration and subsequent transmission to the Plenary Meeting.

M. GHAZAL  
Chairman of Committee 4

Annex: 1



RESOLUTION No. COM4/5

Settlement of Accounts in Arrears

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

in view of

a) the Report of the Secretary-General to the Plenipotentiary Conference on  
the situation with regard to amounts owing to the Union;

b) Resolution No. 10 annexed to the International Telecommunication  
Convention (Malaga-Torremolinos, 1973);

c) Resolution No. 53 annexed to the International Telecommunication  
Convention (Nairobi, 1982),

noting with satisfaction

a) that Chile, Costa Rica, the Republic of Haiti, Peru, the Eastern Republic  
of Uruguay and the Yemen Arab Republic with regard to Resolution No. 10 of the  
Malaga-Torremolinos Conference and the Central African Republic with regard to  
Resolution No. 53 of the Nairobi Conference have settled their debts in full;

b) that the Republic of El Salvador has been regularly reducing its debt and  
that only one further payment remains to be received by the Union,

regretting

that the Republic of Bolivia and the Dominican Republic with regard to  
Resolution No. 10 of the Malaga-Torremolinos Conference and the Republic of Guatemala,  
the Islamic Republic of Mauritania and the Republic of Chad with regard to  
Resolution No. 53 of the Nairobi Conference have not announced any schedule for the  
settlement of their debts,

considering

that it is in the interests of all Members of the Union to maintain the finances  
of the Union on a sound footing,

resolves

1. for the Republic of Sudan

1.1 that the contributions for the years 1980 to 1983, amounting to  
567,047.95 Swiss francs, shall be transferred to a special arrears  
account bearing no interest;

1.2 that the interest on arrears, namely, 306,507.55 Swiss francs,  
shall be transferred to a special interest account;

2. for the Republic of Liberia

2.1 that the contributions for the years 1979 to 1989, amounting to  
1,030,810 Swiss francs, shall be transferred to a special arrears  
accounting bearing no interest;

2.2 that the interest on arrears, namely, 514,766.50 Swiss francs, shall be transferred to a special interest account;

3. for the Islamic Federal Republic of the Comoros

3.1 that the contributions and the amounts owing for publications for the years 1978 to 1989, amounting to 612,205.20 Swiss francs, shall be transferred to a special arrears account bearing no interest;

3.2 that the interest on arrears, namely, 285,725.45 Swiss francs, shall be transferred to a special interest account;

4. that the transfer to the special arrears account shall not release the countries concerned from the obligation to settle their arrears;

5. that the amounts due in the special arrears account shall not be taken into account when applying No. 117 of the Convention;

6. that this Resolution shall not in any circumstances be invoked as a precedent;

instructs the Secretary-General

1. to negotiate with the competent authorities of all the countries in arrears in the payment of their contributions, the terms for the staggered payment of their debts;

2. to report annually to the Administrative Council on the progress made by these countries towards repaying their debts;

invites the Administrative Council

1. to study ways of settling the special interest account;

2. to adopt appropriate measures for the application of this Resolution;

3. to report to the next Plenipotentiary Conference on the results obtained by the above-mentioned arrangements.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 417 (Rev.1) -E

24 June 1989

Original : English

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COMMITTEE 7

Note by the Chairman of Committee 7 (Structures)

**HISTORY OF MEMBERS ELECTED TO THE ADMINISTRATIVE COUNCIL**

At the request of several delegates, the history of Members elected to the Administrative Council prepared for deliberations of Committee 7 concerning the Administrative Council, has been updated to include the elections at the Nice Plenipotentiary Conference, is attached as an annex.

Annex

A. VARGAS ARAYA

Chairman of Committee 7

A N N E X

**HISTORY OF MEMBERS ELECTED TO THE ADMINISTRATIVE COUNCIL**

Plenipotentiary:	'47	'52	'59	'65	'73	'82	'89	
Region A:	ARG	ARG	ARG	ARG	ARG	ARG	ARG	32 Members 8 Seats 25.0 %
	B	B	B	B	B	B	B	
	CAN	CAN	CAN	CAN	CAN	CAN	CAN	
	USA	USA	USA	USA	USA	USA	USA	
	CLM	MEX	MEX	MEX	MEX	MEX	MEX	
			CLM	VEN	VEN	VEN	JMC	
					TRD	CLM	CLM	
						PRU	CUB	
Region B:	F	F	F	F	F	F	F	25 Members 7 Seats 28.0 %
	G	G	G	G	G	G	GRC	
	I	I	I	I	I	I	I	
	SUI	SUI	SUI	SUI	SUI	SUI	SUI	
	POR	E	E	IRL	E	E	E	
			D	D	D	D	D	
					S	S	S	
Region C:	URS	URS	URS	URS	URS	URS	URS	12 Members 4 Seats 33.3 %
	YUG	YUG	YUG	YUG	HNG	YUG	BUL	
	POL	TCH	TCH	POL	POL	DDR	DDR	
					ROU	ROU	TCH	
Region D:	EGY	EGY	ETH	ETH	ETH	ETH	MLI	51 Members 12 Seats 23.5 %
			MRC	MRC	MRC	MRC	MRC	
			TUN	NIG	NIG	NIG	NIG	
				ALG	ALG	ALG	ALG	
				UGA	ZAI	BEN	BEN	
				MDG	SEN	SEN	SEN	
				BEN	TZA	TZA	TZA	
					EGY	EGY	EGY	
					CME	CME	CME	
						KEN	KEN	
						ZMB	BFA	
							CPV	
Region E:	CHN	CHN	CHN	CHN	CHN	CHN	CHN	46 Members 12 Seats 26.1 %
	PAK	IND	IND	IND	IND	IND	IND	
	LBN	PAK	PHL	PAK	MLA	PAK	PAK	
	TUR	TUR	IRN	ARS	IRN	KWT	KWT	
			UAE	LBN	ARS	ARS	ARS	
			AUS	AUS	AUS	AUS	AUS	
			J	J	J	J	J	
					LBN	LBN	MLA	
					THA	THA	THA	
						INS	INS	
						PHL	PHL	
							KOR	
Members of ITU:	78	90	96	129	140	158	166	
Members elected to Admin Council:	18	18	25	29	36	41	43	
Percentage elected:	23.1 %	20.0 %	26.0 %	22.5 %	25.7 %	25.9 %	25.9 %	
Rotation:		22.2 %	11.1 %	28.0 %	20.7 %	16.7 %	19.5 %	

# PLENIPOTENTIARY CONFERENCE

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22 June 1989

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COMMITTEE 7

Note by the Chairman of Committee 7 (Structures)

**HISTORY OF MEMBERS ELECTED TO THE ADMINISTRATIVE COUNCIL**

At the request of several delegates, the history of Members elected to the Administrative Council prepared for deliberations of Committee 7 concerning the Administrative Council, has been updated to include the elections at the Nice Plenipotentiary Conference, is attached as an annex.

Annex

A. VARGAS ARAYA

Chairman of Committee 7

## HISTORY OF MEMBERS ELECTED TO THE ADMINISTRATIVE COUNCIL

Plenipotentiary:	'47	'52	'59	'65	'73	'82	'89	
Region A:	ARG	ARG	ARG	ARG	ARG	ARG	ARG	
	B	B	B	B	B	B	B	
	CAN	CAN	CAN	CAN	CAN	CAN	CAN	
	USA	USA	USA	USA	USA	USA	USA	
	CLM	MEX	MEX	MEX	MEX	MEX	MEX	
			CLM	VEN	VEN	VEN	JMC	
					TRD	CLM	CLM	
						PRU	CUB	32 Members 8 Seats 25.0 %
Region B:	F	F	F	F	F	F	F	
	G	G	G	G	G	G	GRC	
	I	I	I	I	I	I	I	
	SUI	SUI	SUI	SUI	SUI	SUI	SUI	
	POR	E	E	IRL	E	E	E	
			D	D	D	D	D	
					S	S	S	
								25 Members 7 Seats 28.0 %
Region C:	URS	URS	URS	URS	URS	URS	URS	
	YUG	YUG	YUG	YUG	HNG	YUG	BUL	
	POL	TCH	TCH	POL	POL	DDR	DDR	
					ROM	ROM	TCH	
								12 Members 4 Seats 33.3 %
Region D:	EGY	EGY	ETH	ETH	ETH	ETH	MLI	
			MRC	MRC	MRC	MRC	MRC	
			TUN	NIG	NIG	NIG	NIG	
				ALG	ALG	ALG	ALG	
				UGA	ZAI	BEN	BEN	
				MDG	SEN	SEN	SEN	
				BEN	TZA	TZA	TZA	
					EGY	EGY	EGY	
					CME	CME	CME	
						KEN	KEN	
						ZMB	BFA	
							CPV	
Region E:	CHN	CHN	CHN	CHN	CHN	CHN	CHN	
	PAK	IND	IND	IND	IND	IND	IND	
	LBN	PAK	PHL	PAK	MLA	PAK	PAK	
	TUR	TUR	IRN	ARS	IRN	KWT	KWT	
			UAR	LBN	ARS	ARS	ARS	
			AUS	AUS	AUS	AUS	AUS	
			J	J	J	J	J	
					LBN	LBN	MLA	
					THA	THA	THA	
						INS	INS	
						PHL	PHL	
							COR	
Members of ITU:	78	90	96	129	140	158	166	
Members elected to Admin Council:	18	18	25	29	36	41	43	
Percentage elected:	23.1 %	20.0 %	26.0 %	22.5 %	25.7 %	25.9 %	25.9 %	
Rotation:		22.2 %	11.1 %	28.0 %	20.7 %	16.7 %	19.5 %	

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

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24 June 1989

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French

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COMMITTEE 10

**EIGHTH SERIES OF TEXTS FROM COMMITTEE 9  
TO THE EDITORIAL COMMITTEE**

On behalf of Committee 9, I take pleasure in transmitting to the Editorial Committee this eighth series of texts as adopted by Committee 9, for:

- Article 43 of the draft Constitution (Document A)
- Article 35 of the Draft Convention (Document B)

for consideration by Committee 10 and forwarding them to the Plenary Meeting. These texts are contained in the Annex to the present document.

H.H. SIBLESZ  
Chairman of Committee 9

Annex: 1

**A N N E X**

**Draft Constitution (Document A)**

**ARTICLE 43**

**NOC Provisions for amending this Constitution**

- NOC 186** 1. Any Member of the Union may propose any amendment to this Constitution. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Members of the Union, reach the Secretary-General not later than eight months prior to the opening date fixed for the Plenipotentiary Conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, forward any such proposal to all the Members of the Union.
- MOD 187** 2. Any proposed modification to any amendment submitted in accordance with paragraph 1 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.
- NOC 188** 3. The quorum required at any Plenary Meeting of the Plenipotentiary Conference for consideration of any proposal for amending this Constitution or modification thereto shall consist of more than one half of the delegations accredited to the Plenipotentiary Conference.
- MOD 189** 4. To be adopted, any proposed modification to a proposed amendment as well as the proposal as a whole, whether or not modified, shall be approved, at a Plenary Meeting, by at least two-thirds of the delegations accredited to the Plenipotentiary Conference and having the right to vote.
- NOC 190** 5. Unless specified otherwise in the preceding paragraphs of the present Article, which shall prevail, the general provisions regarding conferences and the rules of procedures of conferences and other meetings as contained in the Convention shall apply.
- MOD 191** 6. Any amendments to this Constitution adopted by a Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument enter into force on the thirtieth day after the deposit of instruments of ratification, acceptance or approval, or accession by Members not having signed such amending instrument, with the Secretary-General by three-quarters of the Members. Thereafter, such amendments shall be binding on all the Members of the Union. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.



- MOD 192 7. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession and of the date of entry into force of any such amending instrument.
- MOD 193 8. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 38 and 39 of this Constitution shall apply to the Constitution as amended.
- MOD 194 9. After the entry into force of any such amending instrument, the Secretary-General shall register it with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter of the United Nations. Paragraph 4 of Article 46 of this Constitution shall also apply to any such amending instrument.

Draft Convention (Document B)

ARTICLE 35

- NOC Provisions for amending this Convention
- NOC 420 1. Any Member of the Union may propose any amendment to this Convention. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Members of the Union, reach the Secretary-General not later than eight months prior to the date of the opening of the Plenipotentiary Conference at which the amendment is to be considered. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, forward any such proposal to all the Members of the Union.
- MOD 421 2. Any proposed modification to any amendment submitted in accordance with paragraph 1 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.
- NOC 422 3. The quorum required at any Plenary Meeting of the Plenipotentiary Conference for consideration of any proposal for amending this Convention or modification thereto shall consist of more than one half of the delegations accredited to the Plenipotentiary Conference.
- MOD 423 4. To be adopted, any proposed modification to a proposed amendment as well as the proposal as a whole, whether or not modified, shall be approved, at a Plenary Meeting, by more than half of the delegations accredited to the Plenipotentiary Conference and having the right to vote.

- NOC**            424        5. Unless specified otherwise in the preceding paragraphs of the present Article, which shall prevail, the general provisions regarding conferences and the rules of procedures of conferences and other meetings as contained in this Convention shall apply.
- MOD**            425        6. Any amendments to this Convention adopted by any Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument, enter into force on the thirtieth day after the deposit of instruments of ratification, acceptance or approval, or accession by Members not having signed such amending instrument, with the Secretary-General by two-thirds of the Members. Thereafter, such amendments shall be binding on all the Members of the Union. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.
- NOC**            426        7. Notwithstanding the preceding paragraph, the Plenipotentiary Conference may decide that an amendment to this Convention is necessary for the proper implementation of an amendment to the Constitution. In that case, the former amendment shall not enter into force prior to the entry into force of the latter amendment.
- MOD**            427        8. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession and of the date of entry into force of any such amending instrument.
- MOD**            428        9. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 38 and 39 of the Constitution shall apply to the Convention as amended.
- MOD**            429        10. After the entry into force of any such amending instrument, the Secretary-General shall register it with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter of the United Nations. Paragraph 4 of Article 46 of the Constitution shall also apply to any such amending instrument.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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24 June 1989

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COMMITTEE 10

**NINTH SERIES OF TEXTS FROM COMMITTEE 9  
TO THE EDITORIAL COMMITTEE**

On behalf of Committee 9, I take pleasure in transmitting to the Editorial Committee this ninth series of texts as adopted by Committee 9 for:

- Article 42 of the draft Constitution (Document A)
- Article 34 of the draft Convention (Document B)
- Optional Protocol on the Compulsory Settlement of Disputes (GE-BIU Document 50(Rev.), Final Report, Annex 4)

for consideration by Committee 10 and forwarding them to the Plenary Meeting. These texts are contained in the Annex to the present document.

H.H. SIBLESZ  
Chairman of Committee 9

Annex: 1

Draft Constitution (Document A)

ARTICLE 42

Settlement of Disputes

- MOD 184 1. Members may settle their disputes on questions relating to the interpretation or application of this Constitution, the Convention or of the Administrative Regulations by negotiation, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.
- MOD 185 2. If none of these methods of settlement is adopted, any Member party to a dispute may submit the dispute to arbitration in accordance with the procedure defined in the Convention.
- ADD 185bis 3. The Optional Protocol to this Constitution and the Convention on the Compulsory Settlement of Disputes shall be applicable as between Members parties to that Protocol.

Draft Convention (Document B)

ARTICLE 34

Arbitration: Procedure

- NOC
- (see Article 42 of the Constitution)
- NOC 408 1. The party which appeals to arbitration shall initiate the arbitration procedure by transmitting to the other party to the dispute a notice of the submission of the dispute to arbitration.
- NOC 409 2. The parties shall decide by agreement whether the arbitration is to be entrusted to individuals, administrations or governments. If within one month after notice of submission of the dispute to arbitration, the parties have been unable to agree upon this point, the arbitration shall be entrusted to governments.
- NOC 410 3. If arbitration is to be entrusted to individuals, the arbitrators must neither be nationals of a State party to the dispute, nor have their domicile in the States parties to the dispute, nor be employed in their service.
- NOC 411 4. If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Members which are not parties to the dispute, but which are parties to the agreement, the application of which caused the dispute.

- NOC 412 5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator.
- NOC 413 6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in Nos 411 and 412 of this Convention, by each of the two groups of parties having a common position in the dispute.
- NOC 414 7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations, must fulfil the conditions indicated in No. 410 of this Convention, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary-General shall then draw lots in order to select the third arbitrator.
- NOC 415 8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary-General to draw lots to decide which of the persons so nominated is to act as the single arbitrator.
- MOD 416 9. The arbitrator or arbitrators shall be free to decide upon the venue and the rules of procedure to be applied to the arbitration.
- NOC 417 10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.
- NOC 418 11. Each party shall bear the expense it shall have incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.
- NOC 419 12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need. If the parties to the dispute so agree, the decision of the arbitrator or arbitrators shall be communicated to the Secretary-General for future reference purposes.

**OPTIONAL PROTOCOL**

**to the**

**Constitution of the International Telecommunication Union**

**and to the**

**Convention of the International Telecommunication Union**

**on the**

**Compulsory Settlement of Disputes**

At the time of signing the Constitution of the International Telecommunication Union and the Convention of the International Telecommunication Union (Nice, 1989), the undersigned plenipotentiaries have signed the present Optional Protocol on the Compulsory Settlement of Disputes.

The Members of the Union, Parties to this Optional Protocol to the Constitution of the International Telecommunication Union and to the Convention of the International Telecommunication Union (Nice, 1989),

expressing the desire to resort to compulsory arbitration, so far as they are concerned, for the settlement of any disputes concerning the interpretation or application of the Constitution, the Convention or of the Administrative Regulations mentioned in Article 36 of the Constitution,

have agreed upon the following provisions:

**ARTICLE 1**

Unless one of the methods of settlement listed in Article 42 of the Constitution has been chosen by common agreement, disputes concerning the interpretation or application of the Constitution, the Convention or of the Administrative Regulations mentioned in Article 36 of the Constitution shall, at the request of one of the parties to the dispute, be submitted for compulsory arbitration. The procedure to be followed is laid down in Article 34 of the Convention, paragraph 5 of which shall be amplified as follows:

"5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator. If one of the parties has not appointed an arbitrator within this time-limit, this appointment shall be made, at the request of the other party, by the Secretary-General who shall act in accordance with paragraphs 3 and 4 of Article 34 of the Convention."

**ARTICLE 2**

This Protocol shall be open to signature by Members at the same time as they sign the Constitution and the Convention. It shall be ratified, accepted or approved by any Signatory Member in accordance with its constitutional rules. It may be acceded to by any Members Parties to the Constitution and the Convention and by any States which become Members of the Union. The instrument of ratification, acceptance, approval or accession shall be deposited with the Secretary-General.

### ARTICLE 3

This Protocol shall come into force for the Parties hereto who have ratified, accepted, approved or acceded to it on the same date as the Constitution and the Convention, provided that at least two instruments of ratification, acceptance, approval or accession in its respect have been deposited on that date. Otherwise, it shall come into force on the thirtieth day after the date on which the second instrument of ratification, acceptance, approval or accession is deposited.

### ARTICLE 3a

This Protocol may be amended by the Parties hereto during a Plenipotentiary Conference of the Union.

### ARTICLE 3b

Each Member Party to this Protocol may denounce it by a notification addressed to the Secretary-General, such denunciation taking effect at the expiration of a period of one year from the date of receipt of its notification by the latter.

### ARTICLE 4

The Secretary-General shall notify all Members:

- a) of the signatures appended to this Protocol and of the deposit of each instrument of ratification, acceptance, approval or accession;
- b) of the date on which this Protocol shall have come into force;
- c) of the date of entry into force of any amendment;
- d) of the effective date of any denunciation."

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Protocol in each of the Arabic, Chinese, English, French, Russian and Spanish languages, in a single copy within which, in case of discrepancy, the French text shall prevail, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Nice, .. June 1989

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 420(Rev.1)-E

26 June 1989

Original: English

COMMITTEE 7

Report by the Chairman of Drafting Group 7 ad hoc 3  
to the Chairman of Committee 7

1. Drafting Group 7 ad hoc 3 held two meetings to prepare draft provisions for the consideration of Committee 7 relating to the non-structural aspects of the IFRB in accordance with the terms of reference in Document DL/24.
2. The annexed drafts of Article 10 of the Constitution (Annex 1) and Article 5 of the Convention (Annex 2) are submitted for the consideration of Committee 7. The provisions as included in the Draft Constitution, Document A, and the Draft Convention, Document B, have been amended as appropriate by Drafting Group 7 ad hoc 3 and should be read together with the following notes.
3. Article 10 of the Draft Constitution (Annex 1)
  - 3.1 The Drafting Group was not competent to take any decision with regard to the word "five" in square brackets in provision No. 73. The Group noted the footnote in Document DL/22 which indicated that this matter had been referred to Committee 9.
  - 3.2 The Drafting Group has included the text from Document 385 for provision No. 74. It noted that this text had been accepted by Committee 7.
  - 3.3 The Group noted that the USSR proposal URS/16/3, proposal FRG/108/1 of the Federal Republic of Germany and GRC/110/15 of Greece had been referred to Working Group PL-C by the Plenary Meeting and requested the Chairman to draw the attention of the Chairman of PL-C to the text recommended for provision No. 80. However, the Group agreed on the additional text as given in Annex 1 for transmittal to the Chairman of Working Group PL-C.
  - 3.4 The Working Group did not include a specific reference to the collegiate functions of the Board in this Article of the Constitution and noted that the matter would be the subject of further study by an expert group following a decision of the Conference.
4. Article 5 of the draft Convention (Annex 2)
  - 4.1 It was noted that the presence of square brackets in the text of provision No. 110 had been referred to Committee 9. In this connection, the comment in paragraph 3.1 of this report is also relevant.
  - 4.2 The Canadian delegate in the Drafting Group withdrew proposals CAN/72/13-27 in respect of an additional paragraph 5 to provision No. 116, indicating that the inclusion of this material in the Convention was the subject of further study in connection with the long-term review.
5. The Drafting Group finished its work on Saturday, 24 June 1989.

S. ROESTAM  
Chairman of  
Drafting Group 7 ad hoc 3

Annexes: 2

Note.- The annexes included in this report have been revised in accordance with the decisions of Committee 7.



ANNEX 1

(A) ARTICLE 10

NOC International Frequency Registration Board

MOD 73 1. The International Frequency Registration Board (IFRB) shall consist of ~~five~~ independent members, elected by the Plenipotentiary Conference. These members shall be elected from the candidates sponsored by Members of the Union in such a way as to ensure equitable distribution amongst the regions of the world. Each Member may propose only one candidate who shall be one of its nationals.

MOD 74 2. The members of the International Frequency Registration Board shall take up their duties on the dates determined at the time of their election and shall remain in office until dates determined by the following Plenipotentiary Conference, ~~At each election any serving member of the Board may be proposed again as a candidate by the Member of which he is a national,~~ and they shall be eligible for re-election once only.

NOC [315] 75 3. If in the interval between two Plenipotentiary Conferences which elect members of the Board, an elected member of the Board resigns or abandons his duties or dies, the Chairman of the Board shall request the Secretary-General to invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next annual session of the Administrative Council. However, if the vacancy occurs more than 90 days before the session of the Administrative Council or after the session of the Administrative Council preceding the next Plenipotentiary Conference, the Member of the Union concerned shall designate, as soon as possible and within 90 days, another national as a replacement who will remain in office until the new member elected by the Administrative Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate; in both cases, the travel expenses incurred by the replacement member shall be borne by his Administration. The replacement shall be eligible for election by the Administrative Council or by the Plenipotentiary Conference, as appropriate.

MOD [75] 76 4. The members of the International Frequency Registration Board shall serve, not as representing their respective Member States ~~or~~ nor a region, but as ~~[impartial agents entrusted with an international mandate~~ custodians of an international public trust].

NOC [76] 77 5. The essential duties of the International Frequency Registration Board shall be:

NOC [77] 78 a) to effect an orderly recording and registration of frequency assignments made by the different Members in accordance with the procedure provided for in the Radio Regulations and in accordance with any decision which may be taken by competent conferences of the Union, with a view to ensuring formal international recognition thereof;

- MOD  
[78] 79            b)    to effect, in the same conditions and for the same purpose, an orderly recording of the frequencies and associated orbital positions assigned by Members to geostationary satellites;\*
- MOD  
[79] 80            c)    to furnish advice to Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur, and with a view to the equitable, effective and economical use of the geostationary satellite orbit, taking into account the needs of Members requiring assistance, the specific needs of developing countries, as well as the special geographical situation of particular countries; [to provide Members of the Union with information contained in the IFRB data bases in machine-readable form;]
- NOC  
[80] 81            d)    to perform any additional duties, concerned with the assignment and utilization of frequencies and with the equitable utilization of the geostationary satellite orbit, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference of the Union, or by the Administrative Council with the consent of a majority of the Members of the Union, in preparation for or in pursuance of the decisions of such a conference;
- MOD  
[81] 82            e)    to provide technical assistance in making preparations for ~~and organising~~ radio conferences in consultation, as appropriate, with the other permanent organs of the Union, and with due regard for the relevant directives of the Administrative Council in carrying out these preparations; the Board shall also provide assistance to the developing countries in their preparations for these conferences;
- NOC  
[82] 83            f)    to maintain such essential records as may be related to the performance of its duties.

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\*See also provision 18 a), Article 4 of the Constitution in Document 369.

ANNEX 2

(B) ARTICLE 5 [57]

NOC International Frequency Registration Board

MOD  
[310] 110

1. (1) †The International Frequency Registration Board (IFRB) shall consist of five independent members, elected by the Plenipotentiary Conference.† The members of the International Frequency Registration Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.

NOC  
[311] 111

(2) Moreover, for the more effective understanding of the problems coming before the Board under the relevant provisions of Article 10 of the Constitution, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.

NOC  
[312] 112

2. The election procedure shall be established by the Plenipotentiary Conference as specified in the relevant provisions of Article 10 of the Constitution.

NOC  
[316] 113

3. (1) The working arrangements of the Board are defined in the Radio Regulations.

NOC  
[317] 114

(2) The members of the Board shall elect from their own numbers a Chairman and a Vice-Chairman, for a period of one year. Thereafter the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected.

NOC  
[318] 115

(3) The Board shall be assisted by a specialized secretariat.

NOC  
[319] 116

4. No member of the Board shall request or receive instructions relating to the exercise of his duties from any government or a member thereof, or from any public or private organization or person. Furthermore, each Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 420-E  
24 June 1989  
Original: English

COMMITTEE 7

Report by the Chairman of Drafting Group 7 ad hoc 3  
to the Chairman of Committee 7

1. Drafting Group 7 ad hoc 3 held two meetings to prepare draft provisions for the consideration of Committee 7 relating to the non-structural aspects of the IFRB in accordance with the terms of reference in Document DL/24.
2. The annexed drafts of Article 10 of the Constitution (Annex 1) and Article 5 of the Convention (Annex 2) are submitted for the consideration of Committee 7. The provisions as included in the Draft Constitution, Document A, and the Draft Convention, Document B, have been amended as appropriate by Drafting Group 7 ad hoc 3 and should be read together with the following notes.
3. Article 10 of the Draft Constitution (Annex 1)
  - 3.1 The Drafting Group was not competent to take any decision with regard to the word "five" in square brackets in provision No. 73. The Group noted the footnote in Document DL/22 which indicated that this matter had been referred to Committee 9.
  - 3.2 The Drafting Group has included the text from Document 385 for provision No. 74. It noted that this text had been accepted by Committee 7.
  - 3.3 The Group noted that the USSR proposal URS/16/3 had been referred to Working Group PL-C by the Plenary Meeting and requested the Chairman to draw the attention of the Chairman of PL-C to the text recommended for provision No. 80. However, the Group agreed on the additional text as given in Annex 1 for transmittal to the Chairman of Working Group PL-C.
  - 3.4 The Working Group did not include a specific reference to the collegiate functions of the Board in this Article of the Constitution and noted that the matter would be the subject of further study by an expert group following a decision of the Conference.
4. Article 5 of the draft Convention (Annex 2)
  - 4.1 It was noted that the presence of square brackets in the text of provision No. 110 had been referred to Committee 9. In this connection, the comment in paragraph 3.1 of this report is also relevant.
  - 4.2 The Canadian delegate in the Drafting Group withdrew its proposals CAN/72/13-19 in respect of an additional paragraph 5 to provision No. 116, indicating that the inclusion of this material in the Convention was the subject of further study in connection with the long-term review. The Resolution detailed in Canadian proposal CAN/72/27 was no longer relevant to the work of the Drafting Group.
5. The Drafting Group finished its work on Saturday, 24 June 1989.

S. ROESTAM  
Chairman of  
Drafting Group 7 ad hoc 3

ANNEX 1

(A) ARTICLE 10

NOC International Frequency Registration Board

NOC 73 1. The International Frequency Registration Board (IFRB) shall consist of [five] independent members, elected by the Plenipotentiary Conference. These members shall be elected from the candidates sponsored by Members of the Union in such a way as to ensure equitable distribution amongst the regions of the world. Each Member may propose only one candidate who shall be one of its nationals.

MOD 74 2. The members of the International Frequency Registration Board shall take up their duties on the dates determined at the time of their election and shall remain in office until dates determined by the following Plenipotentiary Conference, ~~At each election any serving member of the Board may be proposed again as a candidate by the Member of which he is a national.~~ and they shall be eligible for re-election once only.

NOC [315] 75 3. If in the interval between two Plenipotentiary Conferences which elect members of the Board, an elected member of the Board resigns or abandons his duties or dies, the Chairman of the Board shall request the Secretary-General to invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next annual session of the Administrative Council. However, if the vacancy occurs more than 90 days before the session of the Administrative Council or after the session of the Administrative Council preceding the next Plenipotentiary Conference, the Member of the Union concerned shall designate, as soon as possible and within 90 days, another national as a replacement who will remain in office until the new member elected by the Administrative Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate; in both cases, the travel expenses incurred by the replacement member shall be borne by his Administration. The replacement shall be eligible for election by the Administrative Council or by the Plenipotentiary Conference, as appropriate.

MOD [75] 76 4. The members of the International Frequency Registration Board shall serve, not as representing their respective Member States ~~or~~ nor a region, but as ~~impartial agents entrusted with an international mandate~~ custodians of an international public trust.

NOC [76] 77 5. The essential duties of the International Frequency Registration Board shall be:

NOC [77] 78 a) to effect an orderly recording and registration of frequency assignments made by the different Members in accordance with the procedure provided for in the Radio Regulations and in accordance with any decision which may be taken by competent conferences of the Union, with a view to ensuring formal international recognition thereof;

- MOD  
[78] 79            b) to effect, in the same conditions and for the same purpose, an orderly recording of the frequencies and associated orbital positions assigned by Members to geostationary satellites;
- MOD  
[79] 80            c) to furnish advice to Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur, and with a view to the equitable, effective and economical use of the geostationary satellite orbit, taking into account the needs of Members requiring assistance, the specific needs of developing countries, as well as the special geographical situation of particular countries; to provide Members of the Union with information contained in the IFRB data bases in machine-readable form;
- NOC  
[80] 81            d) to perform any additional duties, concerned with the assignment and utilization of frequencies and with the equitable utilization of the geostationary satellite orbit, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference of the Union, or by the Administrative Council with the consent of a majority of the Members of the Union, in preparation for or in pursuance of the decisions of such a conference;
- MOD  
[81] 82            e) to provide technical assistance in making preparations for ~~and organizing~~ radio conferences in consultation, as appropriate, with the other permanent organs of the Union, and with due regard for the relevant directives of the Administrative Council in carrying out these preparations; the Board shall also provide assistance to the developing countries in their preparations for these conferences;
- NOC  
[82] 83            f) to maintain such essential records as may be related to the performance of its duties.

ANNEX 2

(B) ARTICLE 5 [57]

NOC International Frequency Registration Board

NOC  
[310] 110 1. (1) The International Frequency Registration Board (IFRB) shall consist of [five] independent members, elected by the Plenipotentiary Conference. The members of the International Frequency Registration Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.

NOC  
[311] 111 (2) Moreover, for the more effective understanding of the problems coming before the Board under the relevant provisions of Article 10 of the Constitution, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.

NOC  
[312] 112 2. The election procedure shall be established by the Plenipotentiary Conference as specified in the relevant provisions of Article 10 of the Constitution.

NOC  
[316] 113 3. (1) The working arrangements of the Board are defined in the Radio Regulations.

NOC  
[317] 114 (2) The members of the Board shall elect from their own numbers a Chairman and a Vice-Chairman, for a period of one year. Thereafter the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected.

NOC  
[318] 115 (3) The Board shall be assisted by a specialized secretariat.

NOC  
[319] 116 4. No member of the Board shall request or receive instructions relating to the exercise of his duties from any government or a member thereof, or from any public or private organization or person. Furthermore, each Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.

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INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 421-E

24 June 1989

Original: English

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COMMITTEE 10

## FIRST SERIES OF TEXTS FROM COMMITTEE 7 TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which are transmitted to the Editorial Committee for study and subsequent submission to the Plenary Meeting.

A. VARGAS ARAYA  
Chairman

Annex: 1



ANNEX

CONSTITUTION

ARTICLE 10

**International Frequency Registration Board**

MOD

74

2. The members of the International Frequency Registration Board shall take up their duties on the dates determined at the time of their election and shall remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election once only.

CONSTITUTION

ARTICLE 11

International Consultative Committees

- MOD [92] 93 c) a Director, elected by the Plenipotentiary Conference for the interval between two Plenipotentiary Conferences. He shall be eligible for re-election once only.
- MOD [323] 94 4. If the position becomes unexpectedly vacant, the Administrative Council shall appoint a new Director at its next session in accordance with the relevant provisions of Article 3 of the Convention.
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INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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COMMITTEE 10

SECOND SERIES OF TEXTS FROM COMMITTEE 7  
TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1

ANNEX

Texts for the Convention

ARTICLE 6 [58]

NOC International Consultative Committees

- NOC [320] 117 1. Each International Consultative Committee shall work through the medium of:
- NOC [321] 118 a) the Plenary Assembly, preferably meeting every four years. When a corresponding world administrative conference has been convened, the Plenary Assembly should meet, if possible, at least eight months before this conference;
- NOC [322] 119 b) study groups, which shall be set up by the Plenary Assembly to deal with questions to be examined;
- NOC [324] 120 c) a Director, assisted by a specialized secretariat;
- SUP [325] 121 d) laboratories or technical installations set up by the Union.
- NOC [326] 122 2. (1) The questions studied by each International Consultative Committee, on which it shall issue recommendations, shall be those referred to it by the Plenipotentiary Conference, by an administrative conference, by the Administrative Council, by the other Consultative Committee, or by the International Frequency Registration Board, in addition to those decided upon by the Plenary Assembly of the Consultative Committee itself, or, in the interval between its Plenary Assemblies, when requested or approved by correspondence by at least twenty Members of the Union.
- NOC [327] 123 (2) At the request of the Members concerned each Consultative Committee may also study and offer advice concerning their national telecommunication problems. The study of such problems shall be conducted in accordance with No. 122 [326] of this Convention; where a comparison of technical alternatives is involved, economic factors may be taken into consideration.

1) For the word "recommmendations", please see Doc. 348.

ARTICLE 16 [68]

- NOC
- Conditions for Participation
- NOC [395] 192 1. The members of the International Consultative Committees referred to in the relevant provisions of Article 11 of the Constitution may participate in all the activities of the Consultative Committee concerned.
- MOD [396] 193 2. (1) Any request from a recognized private operating agency or scientific or industrial organization to take part in the work of a Consultative Committee must be approved by the Member recognizing it. The request should be forwarded by that Member to the Secretary-General who shall inform all Members and the Director of that Consultative Committee. The Director of the Consultative Committee shall advise the recognized private operating agency or scientific or industrial organization of the action taken on its request.
- MOD\* [397] 194 (2) A recognized private operating agency may ~~not~~ act on behalf of the Member which has recognized it unless provided that Member informs the Consultative Committee concerned in each particular case that it is authorized to do so.
- NOC [398] 195 3. (1) International organizations and regional telecommunication organizations mentioned in Article 28 [32] of the Constitution which coordinate their work with the International Telecommunication Union and which have related activities may be admitted to participate in the work of the Consultative Committees in an advisory capacity.
- NOC [399] 196 (2) The first request from an international organization or regional telecommunication organization mentioned in Article 28 [32] of the Constitution to take part in the work of a Consultative Committee shall be addressed to the Secretary-General who shall inform all the Members by the most appropriate means of telecommunication and invite them to state whether the request should be granted; the request shall be granted if the majority of the replies of the Members received within a period of one month are favourable. The Secretary-General shall inform all the Members and the members of the Coordination Committee of the result of the consultation.

\* Spanish text to be aligned.

- SUP [400] 197        4. (1) Scientific or industrial organizations, which are engaged in the study of telecommunication problems or in the design or manufacture of equipment intended for telecommunication services, may be admitted to participate in an advisory capacity in meetings of the study groups of the Consultative Committees, provided that their participation has received approval of the administrations of the Members concerned.
- SUP [401] 198        (2) Any request from a scientific or industrial organization for admission to meetings of study groups of a Consultative Committee must be approved by the administration of the Member concerned. The request shall be forwarded by that administration to the Secretary-General, who shall inform all the Members and the Director of that Consultative Committee. The Director of the Consultative Committee shall advise the scientific or industrial organization of the action taken on its request.
- NOC [402] 199        5. Any recognized private operating agency, international organization, regional telecommunication organization or scientific or industrial organization allowed to take part in the work of an International Consultative Committee has the right to denounce such participation by notifying the Secretary-General. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

ARTICLE 17 [69]

NOC

Duties of the Plenary Assembly

NOC [403] 200

The Plenary Assembly shall:

MOD\* [404] 201

a) consider the reports of study groups and approve, modify or reject the draft recommendations contained in these reports, and take note of the amended or new Recommendations which have already been approved by procedures that may be agreed to by the Plenary Assembly for the approval of new and revised Recommendations between Plenary Assemblies;

M O D [405] 202

b) consider existing questions as to whether or not their study should be continued, and prepare a list of the new questions to be studied in conformity with No. 122 of this Convention. In formulating new questions it shall be borne in mind that, in principle, their consideration should be completed in the period which is no longer than twice the interval between two Plenary Assemblies;

NOC [406] 203

c) approve the programme of work arising from the considerations in No. 202 [405] of this Convention, determine the order of questions to be studied according to their importance, priority and urgency, bearing in mind the need to keep the demands on the resources of the Union to a minimum;

NOC [407] 204

d) decide, in the light of the approved programme of work derived from No. 203 [406] of this Convention whether or not existing study groups should be maintained or dissolved and whether or not new study groups should be set up;

NOC [408] 205

e) allocate to study groups the questions to be studied;

NOC [409] 206

f) consider and approve the report of the Director on the activities of the Committee since the last meeting of the Plenary Assembly;

\* French text to be aligned.

NOC [410] 207 g) approve, if appropriate, for submission to the Administrative Council, the estimate of the financial needs of the Committee up to the next Plenary Assembly, as submitted by the Director in accordance with No. 236 [439] of this Convention;

MOD\* 208 [411] h) when adopting resolutions and decisions, the Plenary Assembly should take into account the foreseeable financial implications and shall try to avoid adopting resolutions and decisions which might give rise to expenditure in excess of the upper limits on credits laid down by the Plenipotentiary Conference;

1)  
MOD\* [412] 209 i) ~~to~~ consider [the] reports of the [World Plan Committee] and <sup>\*\*</sup> any other matters deemed necessary under the provisions of Article 11 of the Constitution and of this Chapter.

\* Text to be aligned in relation with provision 200

1) Spanish text to be aligned.

\*\* ) Pending decision concerning "functions of the new organ for development".



ARTICLE 18 [70]

NOC

Meetings of the Plenary Assembly

- NOC [413] 210. 1. The Plenary Assembly shall normally meet at a date and place fixed by the preceding Plenary Assembly.
- NOC [414] 211 2. The date and place, or either, of the meeting of the Plenary Assembly may be changed with the approval of the majority of the Members of the Union replying to the Secretary-General's request for their opinion.
- NOC [415] 212 3. At each of these meetings, the Plenary Assembly shall be presided over by the Head of the delegation of the Member in whose territory the meeting is held or, in the case of a meeting held at the seat of the Union, by a person elected by the Plenary Assembly itself. The Chairman shall be assisted by Vice-Chairmen elected by the Plenary Assembly.
- NOC [416] 213 4. The Secretary-General shall be responsible for making the necessary administrative and financial arrangements, in agreement with the Director of the Consultative Committee concerned, for meetings of the Plenary Assembly and the study groups.

ARTICLE 20 [72]

Study Groups

NOC

MOD [421] 218 1. The Plenary Assembly shall set up and maintain as necessary study groups to deal with questions to be studied with a view to preparing reports and Recommendations. The administrations, recognized private operating agencies, scientific or industrial organizations international organizations and regional telecommunication organizations admitted in accordance with Nos. 195 and 196 of this Convention which desire to take part in the work of the study groups shall give in their names either at the meeting of the Plenary Assembly or, at a later date, to the Director of the Consultative Committee concerned.

SUP

[422] 219 2. In addition, and subject to the provisions of Nos 197 [400] and 198 [401] of this Convention, experts of scientific or industrial organizations may be admitted to take part in an advisory capacity in any meeting of any study group.

NOC

[423] 220 3. The Plenary Assembly shall normally appoint a Chairman and one Vice-Chairman of each study group. If the workload of any study group requires, the Plenary Assembly shall appoint such additional Vice-Chairmen as it feels necessary for such study group or groups. In appointing Chairmen and Vice-Chairmen, particular consideration shall be given to the requirements of competence, equitable geographical distribution and the need to promote more efficient participation by the developing countries. If, in the interval between two meetings of the Plenary Assembly, a group Chairman is unable to carry out his duties and only one Vice-Chairman has been appointed, then such a Vice-Chairman shall take the Chairman's place. In the case of a study group for which the Plenary Assembly has appointed more than one Vice-Chairman, the study group at its next meeting shall elect a new Chairman from among such Vice-Chairmen and, if necessary, a new Vice-Chairman from among the members of the study group. It shall likewise elect a new Vice-Chairman if one of the Vice-Chairmen is unable to carry out his duties during that period.



MOD [430] 227

The Director shall send the final reports of the Study Groups including a listing of any Recommendations approved since the previous Plenary Assembly to the participating administrations, to the recognized private operating agencies, and scientific or industrial organizations of the Consultative Committee and, as occasion may demand, to such international organizations and regional telecommunication organizations as have participated. These shall be sent as soon as possible and, in any event, in time for them to be received at least one month before the date of the next meeting of the Plenary Assembly. This provision may be waived only when Study Group meetings are held immediately prior to the meeting of the Plenary Assembly. Questions which have not formed the subject of a report furnished in this way shall not appear on the agenda for the meeting of the Plenary Assembly.

ARTICLE 22 [74]

NOC

Duties of the Director. Specialized Secretariat

- NOC [431] 228 1. (1) The Director of a Consultative Committee shall coordinate the work of the Plenary Assembly and study groups, and shall be responsible for the organization of the work of the Consultative Committee.
- NOC [432] 229 (2) The Director shall be responsible for the documents of the Committee and arrange for their publication, in the working languages of the Union, with the Secretary-General.
- NOC [433] 230 (3) The Director shall be assisted by a secretariat composed of a specialized staff to work under his direction and to aid him in the organization of the work of the Committee.
- MOD [434] 231 (4) The staff of the specialized secretariats, ~~laboratories and technical installations~~, of the Consultative Committees shall be under the administrative control of the Secretary-General in accordance with the provisions of No. 82 [282] of this Convention.
- NOC [435] 232 2. The Director shall choose the technical and administrative members of the secretariat within the framework of the budget as approved by the Plenipotentiary Conference or the Administrative Council. The appointment of the technical and administrative personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.
- NOC [436] 233 3. The Director shall participate as of right, but in an advisory capacity, in meetings of the Plenary Assembly and of the study groups. He shall, subject to the provisions of No. 213 [416] of this Convention, make all necessary preparations for meetings of the Plenary Assembly and of the study groups.
- NOC [437] 234 4. The Director shall submit to the Plenary Assembly a report on the activities of the Consultative Committee since the last meeting of the Plenary Assembly. After approval, this report shall be sent to the Secretary-General for transmission to the Administrative Council.

- NOC [438] 235        5. The Director shall submit to the Administrative Council at its annual session a report on the activities of the Committee during the previous year for the information of the Council and of the Members of the Union.
- NOC [439] 236        6. The Director after consultation with the Secretary-General shall submit for the approval of the Plenary Assembly an estimate of the financial needs of the Committee up to the next meeting of the Plenary Assembly; this estimate, after approval by the Plenary Assembly, shall be sent to the Secretary-General for submission to the Administrative Council.
- NOC [440] 237        7. The Director shall prepare, for inclusion by the Secretary-General in the annual budget of the Union, an estimate of the expenses of the Committee for the following year, based on the estimate of the financial needs of the Committee approved by the Plenary Assembly.
- NOC [441] 238        8. The Director shall participate as necessary in technical cooperation and assistance activities of the Union within the framework of the Constitution and this Convention.



# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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24 June 1989

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WORKING GROUP 7

AD HOC 4

## REPORT OF THE CHAIRMAN OF WORKING GROUP 7 AD HOC 4 TO COMMITTEE 7

The Working Group 7 ad hoc 4 held two meetings in which representatives of some 15 countries participated. At its first meeting it adopted the terms of reference contained in Annex 1.

The ad hoc Group reached a consensus on the texts of Articles 5 and 12 as given in Annex 2.

With regard to Article 11A, there was a consensus on all items as given in Annex 3, except for the square bracket left in 3 a) on which I have the following comments.

1. All participants agreed that there will be Regional Development Conferences of the Telecommunications Development Bureau.
2. As regards the proposal of World Development Conferences, a large majority of the participants gave reasons justifying the institutionalizing of such conferences. However, as some participants insisted to leave the proposal in square brackets, it is herewith presented to the Committee for final decision.

SERGIO REGUEROS

Chairman of Working Group 7 ad hoc 4

Annexes: 3



ANNEX 1

TERMS OF REFERENCE

WORKING GROUP 7 AD HOC 4

PROVISIONS DESCRIBING THE PERMANENT ORGAN FOR DEVELOPMENT

1. Drafting Group 7 ad hoc 4 shall produce the text of a provisions for adoption at this Conference, setting forth objectives and functions of the Permanent Organ for Development.
2. The Drafting Group shall draw upon the text set forth in Documents 311(Rev.1), 364, as well as the deliberations in Committee 7 concerning the organ, and the conclusions of the Chairman contained in Documents 238 and 295, and all other relevant documents submitted to the Conference.
3. The Working Group shall complete its work as soon as possible.
4. The Drafting Group will be chaired by Mr. Sergio Regueros, (Colombia), Box 935.

ANNEX 2

ARTICLE 5

**Structure of the Union**

The Union shall comprise the following organs:

1. the Plenipotentiary Conference, which is the supreme organ of the Union;
2. administrative conferences;
3. the permanent organs of the Union which are:
  - a) the General Secretariat;
  - b) the International Frequency Registration Board (IFRB);
  - c) the International Radio Consultative Committee (CCIR);
  - d) the International Telegraph and Telephone Consultative Committee (CCITT);
  - e) the Telecommunications Development Bureau (TDB).

ARTICLE 12

**Coordination Committee**

1. The Coordination Committee shall consist of the Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the Telecommunications Development Bureau, and the Chairman and Vice-Chairman of the International Frequency Registration Board. It shall be presided over by the Secretary-General, and in his absence by the Deputy Secretary-General.

ANNEX 3  
ARTICLE 11A

**Telecommunications Development Bureau**

1. The duties of the Telecommunications Development Bureau (TDB) shall be to fulfill the purposes of the Union as embodied in No. [...] and to discharge the Union's dual responsibilities as a United Nations Specialized Agency and Executing Agency for implementing projects of the United Nations development system and other funding arrangements so as to facilitate and enhance telecommunications development by offering, organizing and coordinating technical cooperation and assistance activities.

2. Within the foregoing framework, the specific functions of the Telecommunications Development Bureau shall be to:

- a) raise the level of awareness of decision-makers on the important role of telecommunications in the socio-economic development programme of a country, and provide information and advice on possible policy options;
- b) promote the development, expansion and operation of telecommunication networks and services world-wide, particularly in developing countries, taking account of the activities of other relevant bodies, specifically by reinforcing related capabilities for human resources development, planning, management, resource mobilization, and research and development (R&D);
- c) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions;
- d) encourage the participation of industry with telecommunications development in developing countries, and offer advice on the choice and transfer of appropriate technology;
- e) offer advice, carry out or sponsor studies as necessary on technical, economic, financial, managerial, regulatory and policy issues, including specific projects in the field of telecommunications;
- f) collaborate with the International Consultative Committees and other concerned bodies, in developing a general plan for international and regional telecommunication networks so as to facilitate their respective coordinated development towards the provision of telecommunication services;
- g) provide technical support in making preparations for and organizing development conferences.

3. The Telecommunications Development Bureau shall work through the medium of:

- a) [its world development conferences;]
- b) its regional development conferences;
- c) a Director elected by the Plenipotentiary Conference and appointed in accordance with No. [...].

The agenda of the development conferences shall be formulated by the TDB as appropriate.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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25 June 1989

Original: English

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COMMITTEE 7

REPORT OF THE CHAIRMAN OF DRAFTING GROUP 7 AD HOC 2

In accordance with its terms of reference as discussed in Committee 7, the Drafting Group held five meetings to complete its work. It has prepared the text of a draft Resolution No. COM7/1 on the "Review of the Structure and Functioning of the International Telecommunication Union" which is annexed.

H. VENHAUS  
Chairman of  
Drafting Group 7 ad hoc 2

Annex: 1

ANNEX

Draft

RESOLUTION No. COM7/1

**Review of the Structure and Functioning of the  
International Telecommunication Union**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

recognizing

a) the Report of the Administrative Council to the Plenipotentiary Conference on the activities of the Union since 1982;

b) Resolutions Nos. 21, 38, 47, 48, 66, 67 and 68 of the Plenipotentiary Conference (Nairobi, 1982);

c) Resolution No. PL/4 of the World Administrative Telegraph and Telephone Conference (Melbourne, 1988);

d) Resolutions Nos. 1, 2, 17 and 18 of the Plenary Assembly of the CCITT (Melbourne, 1988);

e) Resolutions 24, 33, 61, 82, 83 and Opinion 84 of the Plenary Assembly of the CCIR (Dubrovnik, 1986);

f) [Article 5 of the Constitution of the ITU (Nice, 1989) which establishes the Telecommunication Development Bureau as a permanent organ for telecommunications cooperation and assistance;]

g) [Resolutions [YY] and [ZZ] of the Plenipotentiary Conference (Nice 1989);]

h) Documents 11, 19, 51, 55, 61, 69, 71, 72, 81, 82, 86, 97, 98, 110, 114, 162, 184, 194 as well as relevant minutes, and summary records of Committee 7, of the Plenipotentiary Conference (Nice, 1989),

considering

a) the continuing growth in the volume and complexity of the tasks to be performed by the Union;

b) the changing nature of the telecommunications environment;

c) the need for the structure, management practices and working methods of the Union to respond to these changes and to the increases in the demands placed upon it to match the ever-accelerating progress in telecommunications;

d) the economic pressures upon the Union, especially the fact

- that the existing funds are insufficient to finance all the activities desired by all the Members; and
- that the distribution of funds within the Union is not transparent,

considering also

the great service rendered to the Members of the Union by its permanent organs, elected officials and appointed staff,

resolves

1. that a high-level committee is to be established;
2. that this committee is to be composed, with due regard to equitable geographical representation, of fifteen to twenty Member countries which shall designate representatives enjoying the highest reputation in international telecommunications and having broad experience in respect of the ITU;
3. that this committee should call on the services of outside consultants selected by the Administrative Council within the limits of the budget agreed for this purpose;
4. that the members of the committee will work on a voluntary basis on the understanding that where necessary financial assistance for attending the meetings will be provided to members of the committee;
5. that all expenditure is to be kept as low as possible and to be financed from the regular budget of the ITU, subject to the supervision of the Administrative Council;

resolves further

1. that the mandate of the committee shall be to carry out an in-depth review of the structure and functioning of the Union, in order to study and recommend, as necessary, measures to ensure a greater cost-effectiveness within and between all ITU organs and activities by improving the structural, organizational, financial, personnel, procedural and coordination conditions. This review should especially:
  - 1.1 identify and analyse options for the structure of the Union's permanent organs;
  - 1.2 study the internal management of the permanent organs including organizational, financial and personnel aspects; this shall include conclusions relating to:
    - the most effective organization of the growing volume of work in the various organs;
    - cost-effective and harmonized working procedures in and between the individual organs;

- personnel requirements in the medium term (three to five years) considering the projects and activities of the Union;
- the establishment of improved financial management and control processes suitable to the needs of the Union and for increasing the financial transparency and accountability.

1.3 study the method of cooperation between the permanent organs including the role of the Coordination Committee with a view to ensuring greater harmonization of the activities of the organs;

2. examine the functioning of the non-permanent organs of the Union in order to improve efficiency and management and study the question of rotation in respect of the membership of the Administrative Council;

3. provide for interim reports and a final report to be prepared showing clearly advantages and disadvantages of any alternative proposals;

instructs the Administrative Council

1. at an extraordinary session to be held in November 1989 to establish the Committee on the basis of a proposal of the Secretary-General and to define precise procedures for the tasks required including general guidance to the Committee on its statement of work;

2. to instruct the Committee to develop, on the basis of its terms of reference, a detailed statement of work elements and study tasks, considering the views received from administrations;

3. to approve the detailed study tasks of the outside consultants and to select them on the basis of a proposal of the Committee;

4. to examine periodically reports of the Committee;

5. to ensure that all Members are regularly informed in a global and exhaustive manner so that they can send their comments;

6. to ensure that the final report will be circulated to the Members together with its comments at least one year before a Plenipotentiary Conference decides on the recommendations and to consider the possibility of convening regional seminars to present and explain the results;

7. after due consideration to implement, within its competence, the recommendations of the Committee and to transmit to the Heads of the permanent organs for action whatever recommendations fall within the latter's scope;

8. to decide at its session in 1991, if considered necessary, to provide for an additional Plenipotentiary Conference, as early as possible, to implement all or part of the recommendations of the study;

instructs the Secretary-General

1. after consultation of and in cooperation with the Member countries, to submit to the Administrative Council proposals for the composition of the Committee seeking as wide a representation of all interests of the Union as possible;

2. to invite all administrations to provide written comments not later than 1 November 1989 with respect to work elements and study tasks of the review;
3. to fully support the Committee in its work;
4. to report to the Administrative Council on the progress of the work and the interim and final results obtained by the Committee;
5. to distribute the interim and final reports of the Committee to all Members of the Union along with the relevant decisions and comments of the Administrative Council and a summary of any action taken by the permanent organs in response to the recommendations of the Committee;
6. to make all necessary preparations for the invitation to and organization of the relevant Plenipotentiary Conference;

instructs the Heads of the permanent organs

1. to afford the Committee all necessary assistance and cooperation required for the successful completion of the review;
  2. to take action, as appropriate, on the recommendations of the Committee transmitted by the Administrative Council.
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**Documents of the Plenipotentiary Conference (Nice, 1989)**

**Document No. 425**

**Not available**

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**Pas disponible**

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**No disponible**

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 426-E

25 June 1989

B.12

PLENARY MEETINGTWELFTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.9	419	<u>Constitution</u> : Article 42
	418	Article 43
	419	<u>Convention</u> : Article 34
	418	Article 35
	419	Optional Protocol
PL	312(Rev.3)	Resolution No. PLEN/2

M. THUE  
Chairman of Committee 10Annex: 9 pages

ARTICLE 42

Settlement of Disputes

- MOD 184 1. Members may settle their disputes on questions relating to the interpretation or application of this Constitution, the Convention or of the Administrative Regulations by negotiation, through diplomatic channels, or according to procedures established by bilateral or multilateral treaties concluded between them for the settlement of international disputes, or by any other method mutually agreed upon.
- MOD 185 2. If none of these methods of settlement is adopted, any Member Party to a dispute may submit the dispute to arbitration in accordance with the procedure defined in the Convention.
- ADD 185A 3. The Optional Protocol to this Constitution and the Convention on the Compulsory Settlement of Disputes shall be applicable as between Members Parties to that Protocol.

ARTICLE 43

NOC Provisions for Amending this Constitution

- NOC 186 1. Any Member of the Union may propose any amendment to this Constitution. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Members of the Union, reach the Secretary-General not later than eight months prior to the opening date fixed for the Plenipotentiary Conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, forward any such proposal to all the Members of the Union.
- MOD 187 2. Any proposed modification to any amendment submitted in accordance with No. 186 may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.
- NOC 188 3. The quorum required at any Plenary Meeting of the Plenipotentiary Conference for consideration of any proposal for amending this Constitution or modification thereto shall consist of more than one half of the delegations accredited to the Plenipotentiary Conference.

- MOD 189 4. To be adopted, any proposed modification to a proposed amendment as well as the proposal as a whole, whether or not modified, shall be approved, at a Plenary Meeting, by at least two-thirds of the delegations accredited to the Plenipotentiary Conference which have the right to vote.
- NOC 190 5. Unless specified otherwise in the preceding paragraphs of the present Article, which shall prevail, the general provisions regarding conferences and the rules of procedures of conferences and other meetings as contained in the Convention shall apply.
- MOD 191 6. Any amendments to this Constitution adopted by a Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument, enter into force on the thirtieth day after the deposit with the Secretary-General by three-quarters of the Members of instruments of ratification, acceptance or approval, or of instruments of accession by Members which have not signed the amending instrument. Thereafter, such amendments shall be binding on all the Members of the Union. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.
- MOD 192 7. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession and of the date of entry into force of any such amending instrument.
- MOD 193 8. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 38 and 39 of this Constitution shall apply to the Constitution as amended.
- MOD 194 9. After the entry into force of any such amending instrument, the Secretary-General shall register it with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter of the United Nations. No. 202 of this Constitution shall also apply to any such amending instrument.

CHAPTER VII

NOC

Arbitration and Amendment

ARTICLE 34

NOC

Arbitration: Procedure

(see Article 42 of the Constitution)

NOC

408

1. The party which appeals to arbitration shall initiate the arbitration procedure by transmitting to the other party to the dispute a notice of the submission of the dispute to arbitration.

NOC

409

2. The parties shall decide by agreement whether the arbitration is to be entrusted to individuals, administrations or governments. If within one month after notice of submission of the dispute to arbitration, the parties have been unable to agree upon this point, the arbitration shall be entrusted to governments.

NOC

410

3. If arbitration is to be entrusted to individuals, the arbitrators must neither be nationals of a State party to the dispute, nor have their domicile in the States parties to the dispute, nor be employed in their service.

NOC

411

4. If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Members which are not parties to the dispute, but which are parties to the agreement, the application of which caused the dispute.

NOC

412

5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator.

NOC

413

6. If more than two parties are involved in the dispute, an arbitrator shall be appointed in accordance with the procedure set forth in Nos 411 and 412 of this Convention, by each of the two groups of parties having a common position in the dispute.

NOC

414

7. The two arbitrators thus appointed shall choose a third arbitrator who, if the first two arbitrators are individuals and not governments or administrations, must fulfil the conditions indicated in No. 410 of this Convention, and in addition must not be of the same nationality as either of the other two arbitrators. Failing an agreement between the two arbitrators as to the choice of a third arbitrator, each of these two arbitrators shall nominate a third arbitrator who is in no way concerned in the dispute. The Secretary-General shall then draw lots in order to select the third arbitrator.

- NOC 415 8. The parties to the dispute may agree to have their dispute settled by a single arbitrator appointed by agreement; or alternatively, each party may nominate an arbitrator, and request the Secretary-General to draw lots to decide which of the persons so nominated is to act as the single arbitrator.
- MOD 416 9. The arbitrator or arbitrators shall be free to decide upon the venue and the rules of procedure to be applied to the arbitration.
- NOC 417 10. The decision of the single arbitrator shall be final and binding upon the parties to the dispute. If the arbitration is entrusted to more than one arbitrator, the decision made by the majority vote of the arbitrators shall be final and binding upon the parties.
- NOC 418 11. Each party shall bear the expense it shall have incurred in the investigation and presentation of the arbitration. The costs of arbitration other than those incurred by the parties themselves shall be divided equally between the parties to the dispute.
- MOD 419 12. The Union shall furnish all information relating to the dispute which the arbitrator or arbitrators may need. If the parties to the dispute so agree, the decision of the arbitrator or arbitrators shall be communicated to the Secretary-General for future reference purposes.

#### ARTICLE 35

#### NOC Provisions for Amending this Convention

- (MOD) 420 1. Any Member of the Union may propose any amendment to this Convention. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Members of the Union, reach the Secretary-General not later than eight months prior to the opening date fixed for the Plenipotentiary Conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, forward any such proposal to all the Members of the Union.
- MOD 421 2. Any proposed modification to any amendment submitted in accordance with No. 420 may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.
- NOC 422 3. The quorum required at any Plenary Meeting of the Plenipotentiary Conference for consideration of any proposal for amending this Convention or modification thereto shall consist of more than one half of the delegations accredited to the Plenipotentiary Conference.
- MOD 423 4. To be adopted, any proposed modification to a proposed amendment as well as the proposal as a whole, whether or not modified, shall be approved, at a Plenary Meeting, by more than half of the delegations accredited to the Plenipotentiary Conference which have the right to vote.

- NOC 424 5. Unless specified otherwise in the preceding paragraphs of the present Article, which shall prevail, the general provisions regarding conferences and the rules of procedures of conferences and other meetings as contained in this Convention shall apply.
- MOD 425 6. Any amendments to this Convention adopted by any Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument, enter into force on the thirtieth day after the deposit with the Secretary-General by two-thirds of the Members of instruments of ratification, acceptance or approval, or of instruments of accession by Members which have not signed the amending instrument. Thereafter, such amendments shall be binding on all the Members of the Union. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.
- NOC 426 7. Notwithstanding No. 425, the Plenipotentiary Conference may decide that an amendment to this Convention is necessary for the proper implementation of an amendment to the Constitution. In that case, the amendment to the Convention shall not enter into force prior to the entry into force of the amendment to the Constitution.
- MOD 427 8. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession and of the date of entry into force of any such amending instrument.
- MOD 428 9. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 38 and 39 of the Constitution shall apply to the Convention as amended.
- MOD 429 10. After the entry into force of any such amending instrument, the Secretary-General shall register it with the Secretariat of the United Nations, in accordance with the provisions of Article 102 of the Charter of the United Nations. No. 202 of the Constitution shall also apply to any such amending instrument.

**OPTIONAL PROTOCOL**

to the

**Constitution of the International Telecommunication Union**

and to the

**Convention of the International Telecommunication Union**

on the

**Compulsory Settlement of Disputes**

At the time of signing the Constitution of the International Telecommunication Union and the Convention of the International Telecommunication Union (Nice, 1989), the undersigned plenipotentiaries have signed the present Optional Protocol on the Compulsory Settlement of Disputes.

The Members of the Union, Parties to this Optional Protocol to the Constitution of the International Telecommunication Union and to the Convention of the International Telecommunication Union (Nice, 1989),

expressing the desire to resort to compulsory arbitration, so far as they are concerned, for the settlement of any disputes concerning the interpretation or application of the Constitution, the Convention or of the Administrative Regulations mentioned in Article 36 of the Constitution,

have agreed upon the following provisions:

**ARTICLE 1**

Unless one of the methods of settlement listed in Article 42 of the Constitution has been chosen by common agreement, disputes concerning the interpretation or application of the Constitution, the Convention or of the Administrative Regulations mentioned in Article 36 of the Constitution shall, at the request of one of the parties to the dispute, be submitted for compulsory arbitration. The procedure to be followed is laid down in Article 34 of the Convention, paragraph 5 (No. 412) of which shall be amplified as follows:

"5. Within three months from the date of receipt of the notification of the submission of the dispute to arbitration, each of the two parties to the dispute shall appoint an arbitrator. If one of the parties has not appointed an arbitrator within this time-limit, this appointment shall be made, at the request of the other party, by the Secretary-General who shall act in accordance with Nos. 410 and 411 of the Convention."

**ARTICLE 2**

This Protocol shall be open to signature by Members at the same time as they sign the Constitution and the Convention. It shall be ratified, accepted or approved by any Signatory Member in accordance with its constitutional rules. It may be acceded to by any Members Parties to the Constitution and the Convention and by any States which become Members of the Union. The instrument of ratification, acceptance, approval or accession shall be deposited with the Secretary-General.



**ARTICLE 3**

This Protocol shall come into force for the Parties hereto who have ratified, accepted, approved or acceded to it on the same date as the Constitution and the Convention, provided that at least two instruments of ratification, acceptance, approval or accession in its respect have been deposited on that date. Otherwise, it shall come into force on the thirtieth day after the date on which the second instrument of ratification, acceptance, approval or accession is deposited.

**ARTICLE 3A**

This Protocol may be amended by the Parties hereto during a Plenipotentiary Conference of the Union.

**ARTICLE 3B**

Each Member Party to this Protocol may denounce it by a notification addressed to the Secretary-General, such denunciation taking effect at the expiration of a period of one year from the date of receipt of its notification by the Secretary-General.

**ARTICLE 4**

The Secretary-General shall notify all Members:

- a) of the signatures appended to this Protocol and of the deposit of each instrument of ratification, acceptance, approval or accession;
- b) of the date on which this Protocol shall have come into force;
- c) of the date of entry into force of any amendment;
- d) of the effective date of any denunciation.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Protocol in each of the Arabic, Chinese, English, French, Russian and Spanish languages, in a single copy within which, in case of discrepancy, the French text shall prevail, and which shall remain deposited in the archives of the International Telecommunication Union, which shall forward a copy to each of the signatory countries.

Done at Nice, .. June 1989

RESOLUTION No. PLEN/2

**Condemnation of the Practices of Israel in the Occupied Arab Territories**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recalling

the Charter of the United Nations and the Universal Declaration of Human Rights,

considering

that the fundamental principles of the International Telecommunication Convention (Nairobi, 1982) are designed to strengthen peace and security in the world for the development of international cooperation and better understanding among peoples,

bearing in mind

a) Resolution No. 48 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973) concerning the destruction of means of telecommunication of Members of the ITU;

b) Resolution No. 74 of the Plenipotentiary Conference (Nairobi, 1982) regarding Israel and assistance to Lebanon;

c) Resolution 607 of the United Nations Security Council concerning the policy of deportation of Palestinians from their territory;

d) Recommendation No. 1 of the Plenipotentiary Conference (Nairobi, 1982) relating to the unrestricted transmission of news,

noting

that Israel has refused to accept and to implement the numerous relevant resolutions of the United Nations Security Council and General Assembly,

alarmed

by Israel's repressive practices against the uprising ("Intifada") of the Palestinian people and against Arab civilians in the Palestinian and other occupied Arab territories,

convinced

that these practices constitute manifest violations of the principles of international law and human rights as well as of the principles of the Fourth Geneva Convention (1949) relating to the protection of civilians during armed conflicts,

concerned

by the fact that the Israeli occupation authorities deliberately and repeatedly interrupt the means of telecommunication within the Palestinian and other occupied Arab territories, in breach of the principles of Articles 18 and 25 of the International Telecommunication Convention (Nairobi, 1982),

vigorously condemns

Israel's continual violation of international law, its repressive practices against the Palestinian people and the refusal by Israel to recognize their fundamental and legitimate rights;

irrevocably condemns

the deliberate isolation by Israel of the occupied Palestinian and other Arab territories from the outside world and the restriction of free transmission of information;

resolves

that World and Regional Administrative Radio Conferences and the IFRB shall take due account of and safeguard the requirements of the occupied Palestinian territories in all matters relating to the utilization of the frequency spectrum and satellite positions on the geostationary-satellite orbit;

instructs the Administrative Council

to form a committee from among its Members with the task of ascertaining the facts concerning Israel's violations of the International Telecommunication Convention and of reporting to the Administrative Council on these violations which, within the occupied Palestinian and other occupied Arab territories, prevent the Palestinian people and Arab civilians from making unrestricted use of telecommunication facilities;

instructs the Secretary-General

to find suitable means of providing technical support and assistance for the benefit of the Palestinian people in order to improve the situation of telecommunications in the occupied territories;

requests the Chairman of the Plenipotentiary Conference

to bring this Resolution immediately to the attention of the Secretary-General of the United Nations.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 427-E

26 June 1989

Original: English  
French

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## COMMITTEE 10

### TENTH SERIES OF TEXTS FROM COMMITTEE 9 TO THE EDITORIAL COMMITTEE

On behalf of Committee 9, I take pleasure in transmitting to the Editorial Committee this tenth series of texts adopted by Committee 9, i.e.:

- Article 40 of the draft Constitution, and
- Article 25 (paragraph 16) of the draft Convention

for consideration by Committee 10 and forwarding them to the Plenary Meeting. These texts are contained in the Annex to the present document.

H.H. SIBLESZ  
Chairman of Committee 9

Annex: 1

Draft Constitution (Document A)

A N N E X

Article 40

Administrative Regulations

- MOD 179 1. The Administrative Regulations, as specified in Article 36 of this Constitution, are international agreements and shall be subject to the provisions of this Constitution and the Convention.
- MOD 180 2. Ratification, acceptance or approval of, or accession to, this Constitution and the Convention, in accordance with Articles 38 and 39 of this Constitution, shall also constitute consent to be bound by the Administrative Regulations adopted by competent world administrative conferences prior to the date of signature (29 June 1989) of this Constitution and the Convention. Such consent is subject to any reservation made at the time of signature of the Administrative Regulations or revisions thereof to the extent maintained at the time of deposit of the instrument of ratification, acceptance, approval or accession.
- MOD 181 3. Revisions of the Administrative Regulations, either partial or complete, adopted subsequent to the aforementioned date shall, to the extent permitted by their domestic law, apply provisionally in respect of all Members having signed such revisions. Such provisional application shall be effective from the date or dates specified therein, and shall be subject to such reservations as may have been made at the time of signature of such revisions.
- ADD 181A 4. Such provisional application shall continue until:
- a) the Member notifies the Secretary-General of its consent to be bound by any such revision and indicates, if appropriate, the extent to which it maintains any reservation made in respect of that revision at the time of signature of that revision; or
  - b) sixty days after receipt by the Secretary-General of the Member's notification informing him that it will not consent to be bound by any such revision.

- ADD 181B 5. If no notification under a) or b) in paragraph 4 above has been received by the Secretary-General from any Member having signed any such revision, prior to the expiry of a period of thirty-six months from the date or dates specified therein for the commencement of provisional application, that Member shall be deemed to have consented to be bound by that revision, subject to any reservation it may have made in respect of that revision at the time of signature of that revision.
- ADD 181C 6. Any Member of the Union not having signed any such revision of the Administrative Regulations, either partial or complete, adopted subsequent to the date stipulated in paragraph 2 above, shall endeavor to promptly notify the Secretary-General of its consent to be bound. If no such notification has been received by the Secretary-General from such a Member prior to the expiry of the period stipulated in paragraph 5 above, that Member shall be deemed to have consented to be bound by that revision.
- ADD 181D 7. The Secretary-General shall inform Members promptly of any notification received pursuant to this Article.

Draft Convention (Document B)

ARTICLE 25

NOC 16. Reservations

- NOC 349 1. As a general rule, any delegation whose views are not shared by the remaining delegations shall endeavour, as far as possible, to conform to the opinion of the majority.
- MOD 350 2. However, if any decision appears to a delegation to be of such a nature as to prevent its government from consenting to be bound by amendments to the Constitution or this Convention or by the revision of the Administrative Regulations, the delegation may make reservations, final or provisional, regarding this decision; any such reservations may be made by a delegation on behalf of a non-participating Member, who has given to that delegation proxy powers to sign in accordance with the provisions of Article 15 of this Convention.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 428-E

25 June 1989

Original: English

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COMMISSION 7

Greece

DRAFT CONVENTION

ARTICLE 25 [77]

NOC 4. Appointment of Committees

ADD [4.2A] Legal Committee

ADD [471] [267A] This Committee shall consider any legal matters within the scope of the Union and connected with the work of their conferences. Accordingly, it shall also examine any relevant draft amendment or revision of any provisions of the Constitution, the [Convention] [General Regulations] and Administrative Regulations as appropriate and report for approval to the Plenary Meeting of the relevant Conference.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 429-E

25 June 1989

Original: English

COMMITTEE 9

Greece

DRAFT CONSTITUTION

ADD ARTICLE [39A] or [43A]

ADD Reservations

ADD Each Member State may make reservations with regard to the application of one or more of the provisions of the present Constitution, the [Convention] [General Regulations] and the Administrative Regulations at any time from the moment of signature until the moment of ratification, adoption, approval of, or accession to the Final Acts of the relevant Conference, amending or revising, accordingly, the above-mentioned instruments.

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**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 430-E

25 June 1989

B.13

PLENARY MEETINGTHIRTEENTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.7	422	<u>Convention</u> : Article 6 Articles 16 to 18 Articles 20 to 24

M. THUE  
Chairman of Committee 10Annex: 9 pages

ARTICLE 6

NOC International Consultative Committees

- NOC 117 1. Each International Consultative Committee shall work through the medium of:
- NOC 118 a) the Plenary Assembly, preferably meeting every four years; when a corresponding world administrative conference has been convened, the Plenary Assembly should meet, if possible, at least eight months before this conference;
- NOC 119 b) Study Groups, which shall be set up by the Plenary Assembly to deal with questions to be examined;
- NOC 120 c) a Director, assisted by a specialized secretariat.
- SUP 121
- (MOD) 122 2. (1) The questions studied by each International Consultative Committee, on which it shall issue Recommendations, shall be those referred to it by the Plenipotentiary Conference, by an administrative conference, by the Administrative Council, by the other International Consultative Committee, or by the International Frequency Registration Board, in addition to those decided upon by the Plenary Assembly of the International Consultative Committee itself, or, in the interval between its Plenary Assemblies, when requested or approved by correspondence by at least twenty Members of the Union.
- (MOD) 123 (2) At the request of the Members concerned each International Consultative Committee may also study and offer advice concerning their national telecommunication problems. The study of such problems shall be conducted in accordance with No. 122 of this Convention; where a comparison of technical alternatives is involved, economic factors may be taken into consideration.

CHAPTER III

NOC General Provisions Regarding International Consultative Committees

ARTICLE 16

NOC Conditions for Participation

- (MOD) 192 1. The Members of the International Consultative Committees referred to in the relevant provisions of Article 11 of the Constitution may participate in all the activities of the International Consultative Committee concerned.
- MOD 193 2. (1) Any request from a recognized private operating agency or scientific or industrial organization to take part in the work of an International Consultative Committee must be approved by the Member recognizing it. The request should be forwarded by that Member to the Secretary-General who shall inform all Members and the Director of that International Consultative Committee. The Director of the International Consultative Committee shall advise the recognized private operating agency or scientific or industrial organization of the action taken on its request.
- MOD 194 (2) A recognized private operating agency may act on behalf of the Member which has recognized it provided that Member informs the International Consultative Committee concerned in each particular case that it is authorized to do so.
- (MOD) 195 3. (1) International organizations and regional telecommunication organizations mentioned in Article 28 of the Constitution which coordinate their work with the International Telecommunication Union and which have related activities may be admitted to participate in the work of the International Consultative Committee in an advisory capacity.
- (MOD) 196 (2) The first request from an international organization or regional telecommunication organization mentioned in Article 28 of the Constitution to take part in the work of an International Consultative Committee shall be addressed to the Secretary-General who shall inform all the Members by the most appropriate means of telecommunication and invite them to state whether the request should be granted; the request shall be granted if the majority of the replies of the Members received within a period of one month are favourable. The Secretary-General shall inform all the Members and the Members of the Coordination Committee of the result of the consultation.
- NOC 199 4. Any recognized private operating agency, international organization, regional telecommunication organization or scientific or industrial organization allowed to take part in the work of an International Consultative Committee has the right to denounce such participation by notifying the Secretary-General. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

ARTICLE 17

NOC Duties of the Plenary Assembly

- NOC 200 The Plenary Assembly:
- MOD 201 a) shall consider the reports of Study Groups and approve, modify or reject the draft Recommendations contained in these reports, and take note of the amended or new Recommendations which have already been approved by procedures that may be agreed to by the Plenary Assembly for the approval of new and revised Recommendations between Plenary Assemblies;
- MOD 202 b) shall consider existing questions as to whether or not their study should be continued, and prepare a list of the new questions to be studied in conformity with No. 122 of this Convention. In formulating new questions, it shall be borne in mind that, in principle, their consideration should be completed in a period which is no longer than twice the interval between two Plenary Assemblies;
- (MOD) 203 c) shall approve the programme of work arising from the considerations in No. 202 of this Convention, determine the order of questions to be studied according to their importance, priority and urgency, bearing in mind the need to keep the demands on the resources of the Union to a minimum;
- (MOD) 204 d) shall decide, in the light of the approved programme of work derived from No. 203 of this Convention, whether or not existing Study Groups should be maintained or dissolved and whether or not new Study Groups should be set up;
- (MOD) 205 e) shall allocate to Study Groups the questions to be studied;
- (MOD) 206 f) shall consider and approve the report of the Director on the activities of the Committee since the last meeting of the Plenary Assembly;
- (MOD) 207 g) shall approve, if appropriate, for submission to the Administrative Council, the estimate of the financial needs of the Committee up to the next Plenary Assembly, as submitted by the Director in accordance with No. 236 of this Convention;

- MOD 208 h) when adopting Resolutions and Decisions, [should] take into account the foreseeable financial implications and shall try to avoid adopting Resolutions and Decisions which might give rise to expenditure in excess of the upper limits on credits laid down by the Plenipotentiary Conference;
- MOD 209 i) shall consider [the] reports of the [World Plan Committee and]\* any other matters deemed necessary under the provisions of Article 11 of the Constitution and of this Chapter.

**ARTICLE 18**

- Meetings of the Plenary Assembly**
- NOC 210 1. The Plenary Assembly shall normally meet at a date and place fixed by the preceding Plenary Assembly.
- NOC 211 2. The date and place, or either, of the meeting of the Plenary Assembly may be changed with the approval of the majority of the Members of the Union replying to the Secretary-General's request for their opinion.
- NOC 212 3. At each of these meetings, the Plenary Assembly shall be presided over by the Head of the delegation of the Member in whose territory the meeting is held or, in the case of a meeting held at the seat of the Union, by a person elected by the Plenary Assembly itself. The Chairman shall be assisted by Vice-Chairmen elected by the Plenary Assembly.
- (MOD) 213 4. The Secretary-General shall be responsible for making the necessary administrative and financial arrangements, in agreement with the Director of the International Consultative Committee concerned, for meetings of the Plenary Assembly and the Study Groups.

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\* Pending decision concerning "functions of the new organ for development".

ARTICLE 20

Study Groups

- NOC
- MOD 218 1. The Plenary Assembly shall set up and maintain as necessary Study Groups to deal with questions to be studied with a view to preparing reports and Recommendations. The administrations, recognized private operating agencies, scientific or industrial organizations international organizations and regional telecommunication organizations admitted in accordance with Nos. 195 and 196 of this Convention which desire to take part in the work of the Study Groups shall submit their names either at the meeting of the Plenary Assembly or, at a later date, to the Director of the International Consultative Committee concerned.
- SUP 219
- NOC 220 2. The Plenary Assembly shall normally appoint a Chairman and one Vice-Chairman of each Study Group. If the workload of any Study Group requires, the Plenary Assembly shall appoint such additional Vice-Chairmen as it feels necessary for such Study Group or Groups. In appointing Chairmen and Vice-Chairmen, particular consideration shall be given to the requirements of competence, equitable geographical distribution and the need to promote more efficient participation by the developing countries. If, in the interval between two meetings of the Plenary Assembly, a group Chairman is unable to carry out his duties and only one Vice-Chairman has been appointed, then such a Vice-Chairman shall take the Chairman's place. In the case of a Study Group for which the Plenary Assembly has appointed more than one Vice-Chairman, the Study Group at its next meeting shall elect a new Chairman from among such Vice-Chairmen and, if necessary, a new Vice-Chairman from among the members of the Study Group. It shall likewise elect a new Vice-Chairman if one of the Vice-Chairmen is unable to carry out his duties during that period.

ARTICLE 21

NOC                                   **Conduct of Business of Study Groups**

- NOC            221        1.     Study Groups shall conduct their work as far as possible by correspondence.
- NOC            222        2.     (1) However, the Plenary Assembly may give directives concerning the convening of any meetings of the Study Groups that may appear necessary to deal with large groups of questions.
- NOC            223                (2) As a general rule, Study Groups shall hold no more than two meetings between sessions of the Plenary Assembly, including the final meetings held before that Plenary Assembly.
- NOC            224                (3) Moreover, if after a Plenary Assembly a Chairman considers it necessary for his Study Group to hold one or more meetings not provided for by the Plenary Assembly to discuss orally questions which could not be solved by correspondence, he may, with the approval of his Administration and after consultation with the Director concerned and the members of his Study Group, suggest a meeting at a convenient place bearing in mind the need to keep expenses to a minimum.
- ADD           224A        2A     Study Groups may initiate action for obtaining approval from Members for Recommendations completed between Plenary Assemblies. The procedures to be applied for obtaining such approval shall be those approved by the relevant Plenary Assembly. Recommendations so approved shall have the same status as ones approved by the Plenary Assembly.
- NOC            225        3.     Where necessary, the Plenary Assembly may set up joint working parties for the study of questions requiring the participation of experts from several Study Groups.
- (MOD)        226        4.     The Director of an International Consultative Committee, after consultation with the Secretary-General and in agreement with the Chairmen of the various Study Groups concerned, shall draw up the general plan of meetings of groups of Study Groups which are to meet in the same place during the same period.

MOD 227           The Director shall send the final reports of the Study Groups including a listing of any Recommendations approved since the previous Plenary Assembly to the participating administrations, to the recognized private operating agencies, scientific or industrial organizations of the International Consultative Committee and, as occasion may demand, to such international organizations and regional telecommunication organizations as have participated. These shall be sent as soon as possible and, in any event, in time for them to be received at least one month before the date of the next session of the Plenary Assembly. This provision may be waived only when Study Group meetings are held immediately prior to the meeting of the Plenary Assembly. Questions which have not formed the subject of a report furnished in this way shall not appear on the agenda for the meeting of the Plenary Assembly.

**ARTICLE 22**

NOC           **Duties of the Director. Specialized Secretariat**

(MOD) 228       1.   (1) The Director of an International Consultative Committee shall coordinate the work of the Plenary Assembly and Study Groups, and shall be responsible for the organization of the work of the Committee.

NOC 229           (2) The Director shall be responsible for the documents of the Committee and arrange for their publication, in the working languages of the Union, with the Secretary-General.

NOC 230           (3) The Director shall be assisted by a secretariat composed of a specialized staff to work under his direction and to aid him in the organization of the work of the Committee.

MOD 231           (4) The staff of the specialized secretariats of the International Consultative Committees shall be under the administrative control of the Secretary-General in accordance with the provisions of No. 82 of this Convention.



- NOC 232 2. The Director shall choose the technical and administrative members of the secretariat within the framework of the budget as approved by the Plenipotentiary Conference or the Administrative Council. The appointment of the technical and administrative personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.
- NOC 233 3. The Director shall participate as of right, but in an advisory capacity, in meeting of the Plenary Assembly and of the Study Groups. He shall, subject to the provisions of No. 213 of this Convention, make all necessary preparations for meetings of the Plenary Assembly and of the Study Groups.
- (MOD) 234 4. The Director shall submit to the Plenary Assembly a report on the activities of the International Consultative Committee since the last meeting of the Plenary Assembly. After approval, this report shall be sent to the Secretary-General for transmission to the Administrative Council.
- NOC 235 5. The Director shall submit to the Administrative Council at its annual session a report on the activities of the Committee during the previous year for the information of the Council and of the Members of the Union.
- NOC 236 6. The Director, after consultation with the Secretary-General, shall submit for the approval of the Plenary Assembly an estimate of the financial needs of the Committee up to the next meeting of the Plenary Assembly; this estimate, after approval by the Plenary Assembly, shall be sent to the Secretary-General for submission to the Administrative Council.
- NOC 237 7. The Director shall prepare, for inclusion by the Secretary-General in the annual budget estimates of the Union, an estimate of the expenses of the Committee for the following year, based on the estimate of the financial needs of the Committee approved by the Plenary Assembly.
- NOC 238 8. The Director shall participate as necessary in technical cooperation and assistance activities of the Union within the framework of the Constitution and this Convention.

**ARTICLE 23**

NOC **Proposals for Administrative Conferences**

- NOC 239 1. The Plenary Assemblies of the International Consultative Committees are authorized to submit to administrative conferences proposals arising directly from their Recommendations or from findings on questions under their study.
- (MOD) 240 2. The Plenary Assemblies may also make proposals for modification of the Administrative Regulations.
- NOC 241 3. Such proposals shall be sent to the Secretary-General in good time for assembly, coordination and communication, as laid down in No. 175 of the Convention.

**ARTICLE 24**

(MOD) **Relations of International Consultative Committees Between Themselves and With International Organizations**

- (MOD) 242 1. (1) Plenary Assemblies of the International Consultative Committees may set up joint Study Groups to study and make Recommendations on questions of common interest.
- (MOD) 243 (2) The Directors of the Committees may, in collaboration with Study Group Chairmen, organize joint meetings of Study Groups of both Committees, to study and prepare draft Recommendations on questions of common interest. Such draft Recommendations shall be submitted to the next meeting of the Plenary Assembly of each Committee.
- NOC 244 2. When one of the Committees is invited to participate in a meeting of the other Committee or of an international organization, the Plenary Assembly or the Director of the invited Committee is authorized to make arrangements for such representation in an advisory capacity, taking into account the provisions of No. 125 of this Convention.
- 245 [Still to be discussed in Committee 7.]

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to  
Document 431-E  
26 June 1989  
Original : English

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REPORT OF WORKING GROUP PL-C  
TO THE PLENARY MEETING

(This corrigendum does not concern the English text.)

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 431-E

25 June 1989

Original: English

PLENARY MEETING

COMMITTEE 4

## REPORT OF WORKING GROUP PL-C TO THE PLENARY MEETING

1. According to its mandate (Documents DT/52 and DT/61) the Working Group of the Plenary on Information Systems (PL-C) held three meetings in order to consider all the matters referred to it:

- A. Future of the Frequency Management System, FMS,
- B. ITU Telecom Information Exchange Services,
- C. Remote Access,
- D. Dissemination of statistical information,
- E. Computer Department Role and Resources,
- F. Proposed Amendments to the basic instrument.

### A - Future of the Frequency Management System

2. Having considered Document 27, a joint report by the General Secretariat and the IFRB on the Frequency Management System (FMS), Working Group PL-C recognized that:

- a) the development and installation of the Frequency Management System represent a successful but irreversible operational commitment without which the essential duties of the IFRB could not be performed; and
- b) the FMS software also represents a heavy financial investment by the Union which must be safeguarded by appropriate provisions to ensure its ongoing maintenance and development.

3. In view of these facts, Working Group PL-C recommends that the following action should be taken. This should be without prejudice to any comprehensive review of the structure and functioning of the Union that may be undertaken in future:

- a) the responsibility for ongoing maintenance and development of the FMS software should remain with the IFRB;
- b) in discharging this responsibility, the development of software to automate the Board's regulatory examinations and the development of the international monitoring sub-system are not considered priority items;

- c) the Board should seek by all available means to centralize and integrate all of the software development and maintenance essential for the discharge of its duties in the common ITU computer environment and software structure in order to promote efficiency and hold down long-range costs;
- d) the FMS Project Management Team should be dissolved as early as possible;
- e) some selected staff from the Project Management Team should be integrated into the Specialized Secretariat of the IFRB and the Computer Department of the General Secretariat; and
- f) as a result of the foregoing, Working Group PL-C recommends to the Plenipotentiary Conference that the Administrative Council be requested to take appropriate action on the recommendations in Document 27, section 7.

4. Working Group PL-C also recommends that, in view of the dependence of the IFRB upon the FMS software, the Plenipotentiary Conference and the Administrative Council should afford adequate human resources for the maintenance and development of the software of this system.

5. A draft Resolution PL-C/1 (Annex 1) is submitted to cover a number of the foregoing points.

6. In view of the importance of the Frequency Management System and the dependence of the IFRB on this system the Working Group concluded that it was essential to put the minimum sufficient resources for the maintenance as well as limited developments of the system.

7. Aware of the financial constraints which are surrounding the establishment of the budget ceilings the Working Group noted that the required resources were already included in the provisional budget for 1990 and that the amounts devoted to the FMS are decreasing.

8. The Working Group noted that paragraph 1 a) of the "resolves" part of Draft Resolution PL-C 1 would require some immediate action by the Administrative Council.

#### B - ITU Telecom Information Exchange Services

9. During the consideration of the Document 25 on the ITU Telecom Information Exchange Services by the Working Group, the following views were expressed:

- a) There is support for the modernization of the ITU information exchange capabilities.
- b) It was recognized that there was a need to include these subject matters (information exchange, office automation, etc) in the Review of the Structure and Functioning of the ITU.
- c) It was recommended that the services should use, to the extent possible, standard software packages existing in the market.
- d) While it was recognized that there would be, in due course a need for an implementation plan including the implementation priorities, the role of the Administrative Council in reviewing priorities, resources and developments was emphasized.

10. The Working Group noted Document 25 relating to the ITU Telecom Information Exchange Services (TIES) and thanked the Secretary General for the information.

11. The Working Group also noted a document on the financial consequences of the resource implications of Document 25 but could take no position on this matter in view of the high level budgetary discussions continuing in Committee 4. They would dominate all resource consideration and it could eventually be submitted to the Administrative Council to take decision on resources for TIES. The meeting noted a Draft Resolution on this matter and decided, in view of the foregoing that the subject has to be further examined in accordance with the above mentioned decision of the Administrative Council.

### C - Remote Access

12. Working Group PL-C has considered the documents submitted to the Plenipotentiary Conference on this subject and has drawn the following conclusions on the basis of the recommendations in Document 26, paragraph 7:

- a) the Union should agree upon the progressive introduction of facilities at its Headquarters, giving administrations the opportunity to have direct remote access to certain data bases held in Geneva, including those of the IFRB, for the purposes of submitting and extracting data;
- b) the common hardware and software required to give access must be the responsibility of the General Secretariat and overall coordination must be the responsibility of the Secretary-General. The responsibility for the data bases hitherto maintained by each permanent organ should remain with the organ concerned. The prime responsibility for the specialized software to provide access to each data base should also rest with each organ concerned, with due consideration to the integration and most efficient use of the overall ITU resources.
- c) the Union should also agree that studies be made of the additional possibility of developing these facilities to permit administrations to undertake remote engineering studies using the computer resources of ITU headquarters jointly with local computer resources;
- d) in the provision of such facilities under a) and in the studies to be made under c), particular care should be taken to ensure that all administrations have equal opportunities to use the facilities provided; and
- e) similarly, the main purpose of providing any such facilities should be to meet the needs of all administrations in their dealings with the permanent organs of the Union.

13. Working Group PL-C recognized the potentially far-reaching impact of the use of such facilities upon many other activities of the Union (e.g. upon relations with Members, the relationships between the permanent organs, the internal staffing and working of these organs, and upon publications, their formats and costs). The Secretary-General and other Heads of Organs of the Union will therefore need to monitor that impact and advise the Administrative Council on any necessary action required to maximize the benefits for all Members of the Union.

14. The Working Group appreciated that the issue of information exchange is a highly complex and fast-developing, multi-disciplinary subject in which the Plenipotentiary Conference can best give overall policy direction to the Administrative Council, leaving to the Council responsibility for taking the high-level management decisions upon which Heads of Organs can then take action. A draft Resolution PL-C/2 (Annex 2) is submitted for this purpose.

15. Having approved Draft Resolution PL-C/2 and in view of the responsibilities of Committee 4 in establishing budget ceilings the Working Group PL-C considers that it is to this Committee 4 to indicate what resources could be devoted for the development and implementation of the Remote Access.

#### D - Dissemination of statistical information

16. Working Group PL-C noted Document 42 on the dissemination of telecommunication statistical information which had been considered by WATT-88 and transmitted to the Plenipotentiary by the 44th Session of the Administrative Council. Working Group PL-C recommends to the Plenipotentiary Conference that the Administrative Council be requested to take appropriate action on the proposal of the document.

#### E - Computer Department Role and Resources

17. Working Group PL-C noted Document 28 on the role of the Computer Department and expressed appreciation for the important work performed by it.

18. The Working Group also noted a draft Resolution on the Computer Department's role and resources which was presenting it.

19. While perhaps such a Resolution would give helpful guidance to Committee 4 in its work to establish financial ceilings it was felt that it was not appropriate to include such a Resolution in the Convention. Working Group PL-C felt that it was the role of the Administrative Council rather than that of the Plenipotentiary Conference to balance these requests for resources with other competing demands.

#### F - Proposed amendments to the basic instrument

20. Proposed amendments to No. 80 of Article 10 of the Convention were submitted to PL-C for consideration.

At the third meeting of the Working Group, the Chairman was informed that Drafting Group 7 ad hoc 3 had already decided on this matter and approved the following addition to the text:

"to provide Members of the Union with information contained in the IFRB data in machine readable form".

21. The Working Group approved this proposed addition to the text.

22. This Report as well as the two Draft Resolutions are submitted to the Plenary Meeting by its PL-C Working Group without prejudice to any future review of the structure and functioning of the Union that may be established by the Plenipotentiary Conference.

C. MERCHAN  
Chairman of Working Group PL-C

Annexes: 2



ANNEX 1

DRAFT RESOLUTION PL-C/1

**The Frequency Management System of the  
International Frequency Registration Board**

The Plenipotentiary Conference of the International Telecommunication Union,  
(Nice, 1989),

considering

- a) the success of the action taken under Resolution No. 69 of the Plenipotentiary Conference, Nairobi, 1982;
- b) the virtual completion of the project "Increased Computerization of the IFRB";
- c) the dependence of the IFRB upon the resulting "Frequency Management System" (FMS) for the discharge of its duties; and
- d) the consequent need to terminate the project and provide the necessary resources for the ongoing maintenance and development of the software of the FMS,

noting and accepting

- e) the report of the Working Group PL-C in Document 431 of the present Plenipotentiary Conference,

resolves

1. to invite the Administrative Council to take the necessary decisions:
  - a) to dissolve the FMS Project Management Team;
  - b) to provide the minimum necessary staff to the Specialized Secretariat of the IFRB and to the Computer Department of the General Secretariat to ensure the ongoing maintenance and development of the FMS software, and
  - c) in so doing, to have due respect to the importance of the FMS, the severe pressures upon the budget of the Union and the report of Working Group PL-C in Document 431;
2. to instruct the IFRB to ensure that the software of the FMS is maintained for operational use and that further development is directed towards better meeting the changing requirements of the Members of the Union;
3. to instruct the Secretary-General and the IFRB, through the Coordination Committee, to submit to the Administrative Council revised proposals to achieve the purposes of this Resolution.

ANNEX 2

DRAFT RESOLUTION PL-C/2

**Development of Direct Remote Access to ITU Information Systems**

The Plenipotentiary Conference of the International Telecommunication Union,  
(Nice, 1989),

considering

- a) the instructions given in Resolution No. 69 of Nairobi, 1982;
- b) the reports and contributions by administrations to the work of the Conference on this subject;
- c) the need for the Union to continue its efforts to improve the services provided for administrations, and
- d) the increasing opportunities provided by the convergence between telecommunications, computers and other electronic facilities,

recognizing

- e) the need to provide policy guidance for the Administrative Council to enable it to take the necessary decisions for execution by the Heads of Organs of the Union;
- f) the severe pressures on the budget of the Union;

noting and accepting

- g) the report of Working Group PL-C in Document 431 of the present Plenipotentiary Conference,

recommends

to include the aspects of remote access in a broader study on information exchange and publication policy with a view to giving a better and more efficient response to the needs of all Members of the Union;

resolves

to invite the Administrative Council:

1. to authorize, within appropriate budgetary constraints, the progressive installation at the Union's headquarters of facilities giving all administrations the opportunity to obtain direct remote access to appropriate information systems;
2. to consider whether it would be helpful to establish a Panel of Experts from administrations to assist the Council and the permanent organs in the development of these facilities;

to instruct the Secretary-General

1. in consultation with the other permanent organs to submit detailed Recommendations with proposed costings for the first phase of the installation to the annual session of the Council in 1990;
  2. to price the remote access services in accordance with policies related to the cost of provision while ensuring due consideration to the principle of equal access by the administrations;
  3. to ensure that these Recommendations have particular regard to problems that may face developing countries and take full account of the report of Working Group PL-C in Document 431;
  4. to use technical assistance programmes to support the related training and technology requirements of the developing countries.
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**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 432-E  
25 June 1989

B.14

PLENARY MEETINGFOURTEENTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.5	347	Resolution No. COM5/6

M. THUE  
Chairman of Committee 10Annex: 2 pages

## RESOLUTION No. COM5/6

**Human Resources Development**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recognizing

the value of the human resources of the Union to the fulfilment of its goals,

further recognizing

the mutual value to the Union and to the staff of developing those resources to the fullest extent possible,

considering

the impact on the Union and its staff of the continuing evolution of activities in the domain of telecommunications and the need for the Union and its human resources to adapt to this evolution,

noting

that the International Civil Service Commission (ICSC) recognizes human resources management as "a systematic approach, contributing to the efficient and effective utilization of human resources",

recalling

its decisions on recruitment (Resolution No. COM5/3), on in-service training (Resolution No. COM5/2), and on post classification,

resolves

1. that the systematic development of human resources in the Union should take account of the nature and extent of its work;
2. that principles of human resources development should be applied with regard to recruitment, training, job evaluation, post-performance evaluation, appraisal of further career potential and separation;

instructs the Secretary-General

to study how human resources development principles, taking into account the recommendations of the ICSC, might best be applied within the Union, and report to the Administrative Council;

requests the Administrative Council

1. to ensure that the necessary resources are made available for conducting this study;
2. to examine the Secretary-General's report on this matter and to decide on the action to be taken in the light of the potential financial implications.

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 433-E

28 June 1989

Original: English

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COMMITTEE 7

SUMMARY RECORD  
OF THE  
TWENTY-FOURTH MEETING OF COMMITTEE 7  
(STRUCTURE OF THE UNION)

Friday, 23 June 1989, at 1955 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

1. Organization of the work
2. Consideration of summary records
3. Creation of Drafting Group 7 ad hoc 5

DL/53, DT/19, 11

1. Organization of the work

1.1 The Chairman, in response to the delegate of Spain, confirmed that the subjects settled in Document 338(Rev.1), supported by 96 delegations, were no longer under debate in Committee 7 and that documents concerning juridical aspects of the provision on structural evolution would be transferred to Committee 9.

1.2 The delegate of the Netherlands reserved his position on consideration of the summary records until he had seen his Delegation's comments reflected in an adequate document.

2. Consideration of summary records

2.1 The Chairman repeated his request that delegations wishing to comment on the summary records of debates, none of which had as yet been approved, should submit their comments in writing to the Secretariat. In due course the necessary revisions would be issued and a decision taken. Delegations could hand in their comments up to midday, Saturday, 24 June.

He informed the meeting that he had spoken with the Secretary-General about other investigations concerning the mutilation of the summary records of the ninth meeting of Committee 7 of Wednesday, 7 June specifically regarding the decision adopted on the principle of creating a permanent organ for development.

2.2 The Secretary-General said that his attention had been drawn to the question of who was responsible for the minutes of meetings; and that responsibility rested with the Chairman of the meeting concerned. Explaining the procedure observed, he said that the summary records, being of a technical character, were subject to review by the Secretary of a Committee and its Chairman. They followed long-standing internal procedure whereby they passed through a process within the General Secretariat, from the minute-writers to the Secretary of the Committee. Then from the viewpoint of information and balance, and he emphasized balance, they were normally seen by the Deputy Secretary-General and the Secretary-General, perhaps both, depending on the special interests of whichever of the two had participated in the meeting, bearing in mind that they were not intended to be extensive verbatim comments. They then went on to the Chairman of the Committee who authorized the presentation. That procedure having been observed, attention had since been drawn to the fact that, for some reason, part of the draft summary record of the ninth meeting (the paragraphs between 1.31 and 1.33) were missing. This missing text had been reviewed by the Chairman, who had authorized its publication in Document 227. A Rev.1 has been prepared which he believed reflected the conclusion and decision of the meeting. He had been unable to ascertain in the movement of documents around the building how the omission had in fact arisen, but he trusted that the revised document suitably covered the summary of the activity at that point in time.

2.3 The delegate of the Netherlands expressed appreciation for the frank explanation by the Secretary-General on the processing of the draft summary records but wished to reserve his position on Document 227(Rev.1) until he had read it. Drawing up records on such serious subjects as the restructuring of the Union was a question of carefulness and conscientiousness. Delegations had to be able to build on the summary records while the Conference was going on and rely on them as a reflection of what they had said in the meeting. They did not wish to be placed in a position where they could not rely on the records because that might give the impression of manipulation, and no delegation nor Chairman would wish to be subject to such a process.

2.4 The delegate of the Federal Republic of Germany said he had listened carefully to the clarifications by the Secretary-General but was duty bound to state that they were not satisfactory to his Delegation. They did not enhance his Delegation's



confidence in the objective approach to work by the General Secretariat. It was essential for the international civil servants of the ITU to be neutral and that decisions of the Members be respected. With respect to the other summary records, he had taken great care to go through all those that had been distributed and had submitted to the Secretariat his corrections in accordance with the deadlines set. Enquiring whether there would be corrigenda, he stressed that revised versions of the summary records were to be published.

2.5 The Chairman said that all comments submitted by delegations to the Secretariat up to the end of the meeting the following morning would be published in corrigenda. Once that was done, they would be submitted to the Committee for approval.

2.6 The delegate of Papua New Guinea, subscribing to the views expressed by the delegate of the Federal Republic of Germany, said that there had been serious problems in the Committee throughout. The summary records of 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15 June and the provisional extracts of the meetings of 17 and 19 June had all been distributed on 21 June bearing the date of 20 June. That seemed a direct contravention of No. 588 of the Nairobi Convention and he therefore felt he had to protest. There was very little chance for a small delegation such as Papua New Guinea's to cover any detail and even a cursory glance showed that the record was quite poor. References to regular complaints about procedure in Committee 7 did not seem to have been recorded and in that regard also No. 592 of the Nairobi Convention did not appear to have been followed. No. 588 stated clearly that summary records should be drawn up meeting by meeting and distributed to delegations not later than five working days thereafter. Some of the documents had been issued 15 days after the meeting, which seemed to be a direct contravention. No. 592 stated that at the beginning of each meeting the Chairman should enquire if there were any comments on the minutes of the previous meeting. He was unable to record a single case of that happening in Committee 7 and felt it was a very serious matter. On the question of how records came to be mutilated, he could not accept what he had heard so far as it was simply too vague. He realized and sympathized, as the Netherlands Delegation did, with the amount of paper being circulated, but at the same time had to go on record as finding unsatisfactory the explanation that "something or other happened". The Chairman had informed delegates that revised texts would be coming out, but wondered how comments could be made on something that would appear in a future document. That had happened several times and was cause for real concern. Before going into detail, he wished to await the particular document and formally reserved Papua New Guinea's right to return to the matter at a later stage. On many occasions in Committee 7 references had been made to the absence of procedure and confusion in procedure and, specifically, to a lack of balance, but he did not get that sense reading through the records. Committee 8 records in comparison could be described as a model of record taking but the same could not be said for Committee 7. He wished that statement specifically to be included in the minutes and he reserved Papua and New Guinea's right to return to it at a future date.

2.7 The delegate of the USSR said that he also had been placed in a rather embarrassing position at receiving such a large number of documents at once. Indeed, a cursory glance showed that the texts did not reflect appropriately the discussions held in the Committee. He reserved the position of his Delegation as regards those documents and requested that his statement be included in the summary record of the meeting. He hoped to be able to receive the summary records before the end of the Conference.

2.8 The delegate of the United States said that many of the comments he was about to make had been stated very clearly and succinctly by the delegates that had already spoken. The summary records were an important part of the work. As the subjects being dealt with were extremely difficult, timely reporting of the proceedings could have materially helped negotiations and discussions. The requirements stated in the Convention, to have summary records out within a five-day period, were there for a good purpose. All delegations had made comments on very important subjects and the summary

records of the discussions could aid and guide all of them in their activities. An accurate, correct and timely record of the discussions was important to the work of every Committee. He had personally read each one of the summary records and had found certain difficulties. For reasons stated by other delegations he reserved the right of his Delegation on all the summary records until such time as he saw revisions.

2.9 The delegate of the United Kingdom thanked the Chairman for giving him the floor as he had first raised the matter and the Chairman had kindly asked the Secretary-General to investigate and provide an explanation on the missing portion of the summary records of the ninth meeting of the meeting. A number of other delegates had commented on that explanation. However, given the Secretary-General's statement about the role of the Chairman in the approval process, it was important to know whether the Chairman had found the Secretary-General's explanations satisfactory and whether he had been able to approve the draft records with or without the relevant passage present. It was illuminating to have heard the Secretary-General's explanation of the process by which the minutes were prepared and that immediately led him to the question of timeliness which had been the concern of his Delegation along with many others. The absence of those records for a long period of the discussions had, as a number of delegations had repeated that evening, severely impeded the flow of business in the Committee. On the more general point of the overall balance, and the Secretary-General had drawn attention to that word, he had submitted comments on behalf of the United Kingdom Delegation on the details of his interventions in the various debates of the Committee and looked forward to seeing revised texts in due course. In a note to the Secretariat he had made clear that he, too, wished to reserve the position of his Delegation as regards the overall balance of reporting in the summary records and reserved that position, as a number of other delegations had done, until he saw what he hoped would be fully revised versions: corrigenda on their own would not be sufficient. In that sense he fully supported the proposal of the Federal Republic of Germany, supported by a number of other delegations. He added one important reason in support of that proposal: he was aware from the work going on in an ad hoc Group of the Committee which was drafting terms of reference for the forthcoming review of the structures and functioning of the Union, that the high-level representatives that would be appointed would have their attention specifically drawn to the Conference documents and records of the discussions in Committee 7. It was therefore vitally important for all Members of the Union to have confidence in the basic documentation which would set the foundation of the forthcoming review. If they did not, then the review itself would be based on a shaky foundation and the end result would, in his view, be a repetition of the unhelpful and prolonged debates that had been held in Nice.

2.10 The Secretary-General said that he had not been present at the ninth meeting of the Committee. His investigations had shown that the text had been approved by the Chairman and had indicated that there had been a debate and a conclusion. But beyond the Chairman up to the stage of reproduction, regretfully he could not give an answer as to why a particular part of the draft had not been reproduced. He had taken note of the various points that had been made and could add nothing more except that when submitting corrections, it was to be borne in mind that minutes and summary records were not intended to be verbatim transcripts but rather suitable summaries of individual particular points of view. He emphasized that in the processing, minutes and summary records were seen either by the Deputy Secretary-General or the Secretary of the Conference, but again he emphasized, from the viewpoint of balance, because from time to time complaints were received that some speakers seemed to have their interventions recorded very fully, whereas others apparently were not to the same extent. That was what he meant by the question of balance. Obviously, the records had to reflect the points of particular issues of substance made by representatives.

2.11 The delegate of New Zealand said that he had heard comments in the meeting about balance and his Delegation shared some of those comments and views. His main concern with the records had been with their timeliness and he had been somewhat disappointed

in that area. He was fully aware of the approval process that had been followed in past meetings and the importance of the role of the Chairman in that process. Of course, he was not able to comment specifically on what had happened to the particular document in question. But returning to balance, it was important to record in the present meeting that the production of the summary records, and indeed all the documents of the Conference, required the skills of several different groups intercommunicating and interworking to make the Conference a cohesive whole. He believed that many of the people in that process were hard-working and dedicated and that they served the delegations well and he expected they would try and do so again in the future. He extended a vote of thanks from his Delegation to the hard-working staff at the Conference.

2.12 The delegate of the Netherlands said that after the intervention of the Secretary-General, and in connection with the remarks of the previous speaker, he wished to make an additional and, in his opinion, fundamental point. In an international organization like the ITU there had to be one very precious and fundamental issue that it was appreciated that delegations contributed with an open mind to the discussions. As soon as delegations had the feeling that their opinions were no longer respected or received with an equally open mind, one had to look at the roots of the organization; the roots of the organization were in danger, and other events that day had given him the same uneasy feeling that expressing oneself with an open mind was no longer well-received. His Delegation had throughout the Conference expressed its views frankly; they might not be shared by other delegations, and he took that for granted, but he thought that his Delegation's opinion ought to be respected as much as that of other delegations.

2.13 The delegate of the United Kingdom said that one way of putting some minds at rest might be to ensure that the Review Committee which was to be established had access to the full verbatim transcripts of the discussion in Committee 7 and that, of course, would ensure that the question of balance could be assessed fully by that Committee. He hoped that the Secretary-General might confirm that those documents could be made available to the Review Committee.

2.14 The Secretary-General said the taped records of the meetings would be maintained.

2.15 The Chairman said he had taken note of all the comments made by the various delegations and the Secretary-General. Regarding the summary records of the first to eighteenth sessions, he once again requested delegations to submit comments in writing at the latest by midday Saturday, so that he could then issue a corrigendum including all of the contributions in which delegations would be entirely free to express their opinions. Secondly, all the summary records of debates listed on the agenda were open for consideration or were still awaiting approval, which would only be given once corrections and comments from delegations had been issued in a document. Regarding some comments which were out of place, it was not the first time that that had happened in the debates. He reserved the right to come back in due course and to express a general opinion regarding a certain number of comments which had been made in the meetings. That would be done once the work had been completed and in no way could there be interference on the important work that had been entrusted to the Committee. He closed consideration of the matter.

### 3. Creation of Drafting Group 7 ad hoc 5 (Documents DL/53, DT/19, DT/11)

3.1 The Chairman proposed creating Drafting Group 7 ad hoc 5 to draft provisions for Articles 6, 7, 9 and 12 of the Constitution and Articles 1, 2, 4, 7 and 23 of the Convention and any related Resolutions or Recommendations. The terms of reference were proposed in Document DL/53 and the Group would be chaired by Mr. Molina Negro (Spain).

Delegations interested in participating in the work of the Group were requested to duly inform the Secretariat in writing.

3.2 The delegate of the United Kingdom, seeking advice on procedure in relation to a proposal by the United Kingdom which he had thought could be considered in Drafting Group 7 ad hoc 1, and which was a draft Resolution relating to the acceleration of the international adoption of CCIR Recommendations, wondered whether it might not be added to the remit of the Group on miscellaneous items with appropriate terms of reference.

3.3 In response to the Chairman, the Chairman of Drafting Group 7 ad hoc 1, whose report was to be presented to the Committee the following morning, said that the United Kingdom proposal on the approval of recommendations between Plenary Assemblies had been considered in his Group's document and could be discussed when the document was presented in its entirety. The reference to the Study Groups had been worded in such a way that it was felt that both the CCITT and CCIR were included.

3.4 The delegate of Canada, on a point of clarification, said he had understood that the Drafting Group was to base its discussions on the documents mentioned and discussions in Committee 7. He did not recall having discussed some of the issues in the Committee and wondered whether a Working Group was being established to discuss substance. He had no objection to discussing substance but felt that a Working Group would be more appropriate than a Drafting Group.

3.5 The Chairman recalled that there had been extensive debates on the Coordination Committee and the General Secretariat and it was to those debates that he had been referring. However, he endorsed the view that the Group should be a Working Group and not just a Drafting Group.

3.7 The delegate of Spain, commenting on the more or less reliable state of the summary records, said that if they were to form the basis of the work of the Group as in the terms of reference, it was obvious that there would be a certain degree of conflict between the content of the summary record as published and their intention and it was therefore necessary to remain flexible and keep an open mind. Concurring with the delegate of Canada, he said that was one more reason for the Group to be a Working Group rather than a Drafting Group. He hoped that the debates in the Group would not be of a procedural nature or of the scope reflected in several summary records. Taken in that vein he had no objection to coordinating the Group.

3.8 The Chairman said the Delegation of Kuwait had a proposal of substance in Document DT/18 concerning the Administrative Council. The terms of reference of Drafting Group 7 ad hoc 5 would be extended to include that specific proposal. If there were no objections, the Group would be created.

It was so agreed.

The meeting rose at 2055 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Corrigendum 1 to  
Document 434-E  
5 September 1989

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SUMMARY RECORD OF THE

TWENTY-FIFTH MEETING OF COMMITTEE 7

Page 5, paragraph 3.2.42 should read as follows :

"3.2.42 The delegate of India enquired whether the Secretary-General could tell the Committee whether the post of Director of a CCI had ever fallen vacant in the circumstances mentioned by the delegate of the United States and, if so, whether there was any problem in filling the post."

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 434-E

6 July 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

TWENTY-FIFTH MEETING OF COMMITTEE 7

Saturday, 24 June 1989, at 0910 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- |    |   |   |
|----|---|---|
| 1. | Transitional provisions relating to a Plenipotentiary Conference to consider the review (continued)                       | 86(Rev.1), 340(Rev.1),<br>349, 357, 362, 363,<br>388(Rev.1), 408<br>DL/47 |
| 2. | International Frequency Registration Board: limit on the election eligibility of IFRB members (continued)                 | 385   |
| 3. | International Consultative Committees (continued)   |   |
|    | 3.1 Summary by the Chairman of Committee 7 relating to the number of terms of elected office of CCI Directors (continued) | DT/57   |
|    | 3.2 Limit of re-election eligibility of Directors of CCIs (continued)   | 96, 353   |

1. Transitional provisions relating to a Plenipotentiary Conference to consider the review (continued) (Documents 86(Rev.1), 340(Rev.1), 349, 357, 362, 363, 388(Rev.1), 408, DL/47)
  - 1.1 The Chairman suggested that the Committee should leave aside the consideration of necessary transitional provisions, and transfer to Committee 9 the texts referred to in his note to the Chairman of that Committee (Document 408) relating to juridical and related issues.

It was so decided.
2. International Frequency Registration Board: limit on the election eligibility of IFRB members (continued) (Document 385)

The Committee adopted the consolidated text (Document 385) for point 74 (Constitution, Article 10) - re-election of members of the IFRB.
3. International Consultative Committees (continued)
  - 3.1 Summary by the Chairman of Committee 7 relating to the number of terms of elected office of CGI Directors (continued) (Document DT/57)

Committee 7 accepted the Chairman's summary contained in Document DT/57.
  - 3.2 Limit on re-election eligibility of Directors of CCIs (continued) (Documents 96, 353)
    - 3.2.1 The delegate of the United States asked whether his Delegation's proposals USA/96/9 and USA/96/10 relating to that matter would be appearing in some form from Drafting Group 7 ad hoc 1.
    - 3.2.2 The Chairman suggested that, before hearing observations and proposals relating to No. 94, the Committee could perhaps agree on the text relating to MOD 93 in the first part of Document 353.
    - 3.2.3 The delegate of India said that his Delegation would have preferred to approve the text of Document 353 as a whole, but was prepared to listen to a separate discussion relating to No. 94.
    - 3.2.4 The delegate of Nigeria reminded the Committee that his Administration's proposal NIG/353/1, relating to a modification to No. 93, appeared in Document 353 because his Delegation had informed the Chairman of Drafting Group 7 ad hoc 1 that it wished the matter to be dealt with in Committee.
    - 3.2.5 The Chairman said, in reply to a request by the delegate of Hungary, that the Hungarian Delegation would be added as a sponsor of the proposed common text in Document 353.
    - 3.2.6 The delegate of Mexico asked whether his Delegation's proposal to insert, in the text of No. 93, the words "in the same post" after the words "He shall be eligible for re-election", had been discussed in the Drafting Group.
    - 3.2.7 The Chairman of Drafting Group 7 ad hoc 1 said that No. 93 had not been part of the Drafting Group's terms of reference.

- 3.2.8 The delegate of Brazil observed that it was for that reason that it had been understood that the Mexican Delegation could propose its amendment when the text in Document 353 was tabled in the Committee.
- 3.2.9 The delegate of Mexico said that the aim of the proposed amendment was to clarify, in the Constitution, what seemed to be an implicit understanding. The same clarification could be made in respect of other elected offices of the Union - but perhaps that was a matter for discussion elsewhere.
- 3.2.10 The delegates of Guinea, Cameroon and Kenya supported the Mexican Delegation's proposal.
- 3.2.11 The delegate of Canada said that his Delegation had earlier made an informal proposal similar to that submitted by the Delegation of Mexico. Following discussions, however, it had accepted the view that, in the context of the paragraphs preceding No. 93, the point being made by the Delegation of Mexico was implicitly covered.
- 3.2.12 The delegate of Mexico, replying to a question by the delegate of Algeria said that, although it would clearly be inappropriate for a former CCIR Director to seek election to directorship of the CCITT and vice versa, there was no reason why suitable persons could not move from one post to another in respect of various other elective offices.
- 3.2.13 The delegate of France said that, although the provisions as currently worded might implicitly cover the point raised by the Mexican Delegation, an explicit provision could help to avoid any temptation to seek an unduly long career within the Union by moving from one elective office to another.
- 3.2.14 The delegate of Colombia said that although his Delegation did not oppose the Mexican proposal in principle, it agreed with the delegate of Canada that the point was implicitly covered in the existing provisions.
- 3.2.15 The delegate of the United States said that, despite the implicit coverage, an explicit text was safer. Therefore, his Delegation could support the amendment proposed by the Mexican Delegation.
- 3.2.16 The delegate of Brunei Darussalam said he was not convinced that the additional text proposed by the delegate of Mexico was necessary, since the point was implicitly covered, inter alia, in No. 66 of the Nairobi Convention. His Delegation could support the text in Document 353 as it stood.
- 3.2.17 The delegates of Pakistan and India also supported the proposed text for No. 93 as it stood in Document 353.
- 3.2.18 The delegate of Nigeria said he could see no objection to incorporating the additional wording proposed by the Mexican Delegation.
- 3.2.19 The delegate of Indonesia said that his Delegation had no strong preference between the text as it stood in Document 353 and the additional wording proposed by the Mexican Delegation. However, if the additional wording was adopted, a similar addition would surely be required to the consolidated text for No. 74 (Constitution, Article 10) (Document 385) adopted earlier in the meeting under agenda item 2.
- 3.2.20 The Chairman said that consideration of Document 385 had been concluded and the text accepted. The current discussion related solely to a modification of No. 93.



3.2.21 The delegate of Tunisia thought that the text in Document 385 was clear enough as it stood. Since, however, the term "re-eligible", occurred several times in the Convention, perhaps it should be defined under the Article on definitions.

3.2.22 The delegate of France proposed, under Nos. 519 and 520 of the Convention, that the debate should be closed.

3.2.23 The delegate of Mexico opposed the proposal.

The Committee decided, by 71 votes to 1, with 8 abstentions, to close the debate.

3.2.24 The Chairman accordingly invited the Committee to vote on the amendment proposed by the Delegation of Mexico to add the words "in the same post" after the words "He shall be eligible for re-election" in the text of MOD 93 c) in Document 353.

The proposed amendment was rejected by 42 votes to 24, with 16 abstentions.

3.2.25 The Chairman invited the Committee to resume consideration of the second part of Document 353, relating to a modification to No. 94.

3.2.26 The Chairman of Drafting Group 7 ad hoc 1 said that consideration of the United States Administration's proposals USA/96/9 and USA/96/10 had not been within the Group's terms of reference and would have to be considered in Committee 7 itself or transferred to another Drafting Group.

3.2.27 The delegate of Kenya said that the proposals suggested that vacancies of the sort contemplated should be filled in the manner applicable to members of the IFRB. It caused his Delegation some difficulty, because candidates for the posts of CCI Directors were normally specially qualified individuals considered by a Plenipotentiary Conference. The question was whether the Administrative Council would adopt the same assessment criteria as a Plenipotentiary Conference. His Delegation deemed it essential to uphold the current approach, which stressed individual qualifications rather than regional considerations.

3.2.28 The delegate of India thought that the text in Document 353 was adequate as it stood, and saw no reason to expand it along the lines proposed by the United States Delegation.

3.2.29 The delegates of Indonesia and Tanzania agreed that the text in Document 353 was satisfactory as it stood.

3.2.30 The Chairman said that, in the absence of support for the United States proposals USA/96/9 and USA/96/10, it appeared that the Committee agreed to retain the text of No. 94 as set out in Document 353.

3.2.31 The delegate of the United States pointed out that his Delegation's proposal had in fact been supported by the delegate of Greece as witness paragraph 1.53 of the summary record of the 17th meeting (Document 308).

3.2.32 The delegate of Greece said that a misunderstanding had arisen since his Delegation did not support the substance of proposal USA/96/9 but had merely expressed the view that the proposal should be separated from USA/96/10. In fact it supported the substance of the amendment by Algeria and others in Document 353.

3.2.33 The Chairman enquired if there were any support for the United States amendment.

- 3.2.34 The delegates of Tanzania and Switzerland proposed the closure of the debate.
- 3.2.35 The Chairman asked whether the United States Delegation wished to insist on its proposal.
- 3.2.36 The delegate of the United States said that he would not press the point but still considered that his Delegation's proposals were reasonable. The Convention did not take into account the possibility of a Director of either of the CCIs leaving the post because of illness, death, injury or other reasons for a period of at least 90 days before a meeting of the Administrative Council. Indeed, if that were to occur a few days after an Administrative Council meeting, there would be 363 days in which there was no leadership of one of the major organs of the ITU. That was clearly not conducive to the efficiency about which so much had been spoken.
- 3.2.37 The delegate of France supported by the delegate of Papua-New Guinea pointed out that the United States proposal was merely to use the same procedures as for the Director of the IFRB in respect of the Directors of the CCIs, who were no less important. He would support the proposal if it was still under discussion.
- 3.2.38 After a procedural discussion, the Chairman ruled that proposals USA/96/9 and USA/96/10 were still open for discussion.
- 3.2.39 The delegate of the United Kingdom supported the United States proposal which deserved very serious consideration. Past precedents were interesting but not perhaps entirely relevant in the changing telecommunications environment with the increasing importance of the standardization activities of the two CCIs.
- 3.2.40 The delegate of the Philippines proposed that further consideration be given to proposals USA/96/9 and USA/96/10 and perhaps a compromise provision could be evolved.
- 3.2.41 The delegate of the Islamic Republic of Iran said that his Delegation believed that the present arrangements under the Convention were quite satisfactory and saw no need for modification.
- 3.2.42 The delegate of India enquired whether the Secretary-General could tell the Committee whether the post of Director of a CCI had ever fallen vacant in the circumstances mentioned by the delegate of the United States.
- 3.2.43 The delegate of Indonesia said he was surprised at the return to a proposal which had been opposed by many delegations. He did not agree with the procedure adopted. It was essential for delegations to be reasonable in pressing their proposals. In any case the figure of 90 days was quite arbitrary. The Administrative Council should be given time to reflect on the proposal which had been submitted at a late stage.
- 3.2.44 The Secretary-General said that in the period before 1965 a Director of the CCIR had died when in office. Pending the Administrative Council meeting and in accordance with the legal advice of the time, the Secretary-General had designated the very senior official within the CCIR Secretariat to carry on with the coordination of the work leaving it to the Administrative Council to take appropriate decisions. The Administrative Council had designated an ad interim director pending the next Plenary Assembly. Subsequently the Convention had provided specifically for the Administrative Council to carry out an election.

A similar situation arose again in 1972 a few months before the Plenary Assembly of the CCITT. The Secretary-General designated the senior experienced official of the CCITT Secretariat to continue the coordination of the secretariat activity until the Plenary Assembly could hold an election. The senior official was not only familiar with

the work, but also acted on behalf of the Director at the monthly meetings of the Coordination Committee, when it was not always possible for all the officials to be present. The Members of the Union and the Administrative Council had agreed that the Secretary-General had acted correctly in those cases.

3.2.45 The Chairman said that several delegations had asked for the floor but in view of the shortage of time he requested them not to prolong the debate, but to vote on the United States proposal USA/96/10 to amend No. 94A.

24 votes were cast in favour of the proposal and 37 against. The United States proposal was thus rejected.

The Chairman then asked the Committee whether it was prepared to approve Proposal ALG/B/CAN/NIG/352/2.

The proposal was approved.

The meeting rose at 1210 hours.

The Secretary:

A. M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 435-E  
6 July 1989  
Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

TWENTY-SIXTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Saturday, 24 June 1989, at 1650 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- |    |   |                      |
|----|---|----------------------|
| 1. | International Consultative Committees:<br>Report of Drafting Group 7 ad hoc 1 | 330,<br>348 + Corr.1 |
| 2. | Oral report by the Chairman of Working Group 7 ad hoc 4                       |                      |
| 3. | Oral report on the work of Working Group 7 ad hoc 3                           |                      |
| 4. | Extension of the terms of reference of Working Group 7<br>ad hoc 2            |                      |

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1. International Consultative Committees:

1.1 Report of Drafting Group 7 ad hoc 1 (Documents 330, 348 + Corr.1)

The representative of Canada, Chairman of Drafting Group 7 ad hoc 1 introduced the report of the Group (Document 348 + Corr.1). The Group's terms of reference, set out in Document 330, were to produce provisions for consideration by Committee 7 relating to the working methods of the International Consultative Committees, including: Article 11 of the new Constitution insofar as working methods were concerned; Articles 6, 16-18 and 20-24 of the new Convention; and any associated Resolutions or Recommendations of the Conference.

The Group had reviewed part of Article 11 of the Constitution and under No. 86 had found it necessary to retain square brackets around the words "Each/The", which could now be removed following decisions in Plenary. The proposals for No. 86 resulted from consolidating the two previous sections dealing with the CCITT and the CCIR.<sup>1</sup>

He apologized for an error in Document 348(Corr.1) where in the first line of No. 86A the words "and where appropriate tariff" should have been added and the words "technical and operating" should not have been removed.

Agreement must be reached in Committee 7 on the removal of the square brackets around the words "and the geostationary-satellite orbit" in the last line of No. 86A, which had been added for the sake of completeness.

In Article 11, No. 87, the Drafting Group suggested that the original text, reading "The International Consultative Committees shall have as members" be accepted.

No comments were required on Article 11 No. 94, which had already been extensively discussed by the Committee.

However, the proposal by Ethiopia (Document 81) to delete No. 95 of Article 11 had not been discussed by the Group, and the Committee should therefore take a decision on that matter.

With regard to the Articles of the Convention, there was a proposal to delete No. 121 of Article 6 as a result of decisions already taken in Plenary.

In No. 193 of Article 16, "scientific or industrial organizations" had been added and changes had been made to No. 194. As a consequence of those changes it was proposed to delete Nos. 197 and 198.

In Article 17, additions had been made to No. 201 giving directions to the Plenary Assembly regarding recommendations which had already been approved between Plenary Assemblies of the Consultative Committees.

A minor change to No. 202 had also been made to clarify the existing wording.

The Committee would have to take a decision on the Group's proposal to remove the square brackets around the words "the World Plan Committee" in No. 209 of Article 17.

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<sup>1</sup> Note by the Secretariat: However, see verbal correction by the Chairman of 7AN1 at paragraph ..., Summary Record of the 27th meeting, Document 436.

No changes were proposed to Article 18.

Changes had been made to Article 20, No. 208 concerning reports and recommendations and inclusion of scientific or industrial organizations. Since it was proposed to delete Nos. 197 and 198, the Drafting Group had agreed to the removal of No. 219 of Article 20.

No. 224A of Article 21 had been added to include direction to the Study Groups concerning procedures to be used when seeking approval for recommendations between Plenary Assemblies. Document 348(Corr.1) corrected that section by removing from the end of the first line the word "final", which had been left in by mistake.

No. 227 of Article 21 had been modified to include references to the contents of Final Reports.

No. 231 of Article 22 had been changed to remove reference to laboratories and technical installations.

No. 240 of Article 23 had been expanded to include reference to conference preparatory meetings.

In No. 245 of Article 24 he proposed that the square brackets around the proposals for change be removed and that the existing text be used.

Because of lack of time, the Drafting Group had been unable to reach agreement on the inclusion of the draft Resolution proposed by the United Kingdom in Document 82 regarding the acceleration of the adoption of the Recommendations of the CCIR. He therefore proposed that the item be considered by Committee 7.

If the Committee agreed to those proposals he would make appropriate corrections to Document 348 and submit them to the Editorial Committee.

1.2 The Chairman, having thanked the Chairman of Drafting Group 7 ad hoc 1 for his very clear introduction, suggested that the Committee should examine paragraph by paragraph the provisions of the Drafting Group's report dealing with the articles of Convention and return to Article 11 of the Constitution at a later stage, when the draft Resolution of the United Kingdom (Document 82) would be discussed.

#### Convention

##### Article 6

###### No. 121

1.2.1 It was agreed to delete No. 121d)

##### Article 16

###### No. 193

The addition of words "or scientific or industrial organization" in two places in No. 193 was agreed on the understanding that the Spanish text would be aligned with the English.

No. 194

1.3 The delegate of Spain, supported by the delegate of Paraguay, proposed that the Spanish version of the words "A recognized private operating agency" should be "Cualquier empresa privada ..." and not "Una empresa privada...".

It was so agreed.

1.4 In response to the delegate of Algeria who asked where the expression "scientific or industrial organization" was defined, the delegate of India indicated that the definition was in Document 355 and the delegate of Cameroon said that the term appeared in the Nairobi Convention as No. 118.

No. 194 as amended was approved.

Nos. 197 and 198

1.5 The delegate of Canada, Chairman of Drafting Group 7 ad hoc 1, explained that the proposal under No. 193 to allow scientific and technical organizations to take part in the work of CCIs was merely an acknowledgment of what was actually happening. It had been recognized that the participation of such organizations in the work of the CCIs must indeed be approved by the Member recognizing the organization. The question had been raised as to whether such recognition would give scientific or industrial organizations the vote at any meetings and changes had therefore been made to No. 194 to make it clear that it would not.

Since the substance of Nos. 197 and 198 was now included in No. 193, and the exclusion of scientific and industrial organizations was in No. 194, Nos. 197 and 198 could now be deleted.

It was agreed to delete Nos 197 and 198.

Article 17

No. 201

1.6 The Chairman drew attention to the amendment proposed by the Drafting Group, to add the words "and take note of the amended or new Recommendations which have already been approved by procedures that may be agreed to by the Plenary Assembly for the approval of new or revised Recommendations between Plenary Assemblies".

1.7 The delegate of Spain, referring to the words "procedures that may be agreed to by the Plenary Assembly" in Nos. 201 and 224A, asked why the procedures were not made clear in the Constitution or the Convention.

1.8 The delegate of Canada, Chairman of Drafting Group 7 ad hoc 1 replied that in considering Article 6/17 entitled "Duties of the Plenary Assembly", the Committee had felt that more direction should be given to the Plenary Assembly to take note of any amended or new Recommendations that had already been approved by the procedures that had been previously agreed to by the Plenary Assembly, whether of the CCITT or, later on, of the CCIR.

No. 224A of Article 21 dealt with the conduct of business of the Study Groups and it had been considered that some direction should be given to the Plenary Assembly as well as to the Study Groups. That was why the wording was given in two places.

1.9 In reply to the delegate of Cameroon who suggested that the attention of the Editorial Committee be drawn to the fact that approval could not be given by procedures

but only by organs, and that some redrafting was therefore necessary, the Chairman said that that would be done.

No. 201 as amended was approved.

No. 202

No. 202 as amended was approved.

No. 208

1.10 In response to the delegate of Zambia who, supported by the delegate of Nigeria, suggested that the words "when adopting resolution and decisions, the Plenary Assembly should" be deleted so as to align the subparagraph with the others in the Article, and the delegate of Zimbabwe who proposed to delete the word "shall" in the third line of No. 208, before the words "try to avoid adopting resolutions ...", the Chairman said that those proposed drafting amendments would be transmitted to the Editorial Committee.

No. 209

1.11 The Chairman drew attention to the proposal of the Drafting Group to delete the square brackets around the words "the World Plan Committee and".

1.12 The delegate of Canada, Chairman of Drafting Group 7 ad hoc 1, explained that a proposal had been made in the Drafting Group to remove the words in the square brackets but that no general agreement had been reached pending a decision on proposals to place the World Plan and Regional Plan Committees within the purview of the newly created organ for development, which were being discussed by another ad hoc Group.

1.13 The delegates of France, the Philippines and Paraguay were in favour of maintaining the reference to the World Plan Committee in No. 209.

1.14 The delegate of Spain, supported by the delegate of Lesotho, said that consideration of the reports of the World Plan Committee by the Plenary Assembly did not preclude their consideration by the new organ. The words "World Plan Committee and" should therefore be maintained.

1.15 The delegate of the United States of America concurred. He had been informed that Committee 6 had decided that the World Plan Committee would in fact remain within the remit of the CCIs. However, that fact should be confirmed.

1.16 The delegate of Paraguay considered that the words "the World Plan Committee and" should remain in No. 209.

1.17 The Chairman enquired if there were any objections to that course.

1.18 The delegate of Algeria said that a proposal on the functions of the new development organ provided that the activities of the World and Regional Plan Committees should be directed by the new organ which would also cooperate with the other permanent organs of the Union. He therefore proposed to delete the content of the phrase in square brackets.

1.19 The delegates of Ethiopia, Saudi Arabia, Cameroon, Morocco, Guinea, Libya and Mali supported that proposal.

1.20 The delegate of India, while supporting the proposal of Algeria, suggested that the square brackets be retained pending a decision on the functions of the new development organ.



1.21 The Chairman suggested that that proposal be adopted and that an asterisk be added with a footnote signalling that a decision still had to be taken.

It was so agreed.

Article 20

No. 218

No. 218 as amended was approved.

No. 219

1.22 The Chairman recalled that the Drafting Group proposed to delete No. 219.

The proposal was approved.

Article 21

No. 224A (Document 348(Corr.1))

1.23 The delegate of Spain said that although he had agreed to leaving in to the Plenary Assemblies to approve procedures in an earlier provision, he wondered whether in drafting the additional text for No. 224, the Drafting Group had considered the possible temptation to have Recommendations approved between Plenary Assemblies without the knowledge of all the Members.

1.24 The Chairman of Drafting Group 7 ad hoc 1 first of all pointed out that the only difference between the text in the corrigendum and that in Document 348, was the deletion of the word "final".

In reply to the delegate of Spain, he said that Resolution No. 2 of the IXth CCITT Plenary Assembly, contained in Document 36, clearly described the approval procedure, the notification to all Members of the Union and the approval to be given by Members, and not by the Study Groups, to those Recommendations, whether new or amended. The intent therefore had been to ensure that the Plenary Assemblies took note of them and that the Study Groups applied the approved procedures in such a way that all Members were notified. Rather than putting the very minute details into the provision, the Group had considered it more appropriate to mention the existence of approved procedures, and that it was up to the appropriate Plenary Assembly to approve them. WATTC-88 had developed very rigid rules to ensure that all Members would be notified. The wording could perhaps be improved by Committee 10 in the light of that explanation.

1.25 The delegate of Spain accepted that explanation.

1.26 The delegate of Algeria asked whether the accelerated approval procedure had not been adopted by the CCIR at its Plenary Assembly in 1986.

1.27 The Director of the CCIR replied that at its 1986 Plenary Assembly, the CCIR had considered the accelerated procedure on the basis of a proposal put to the Assembly, and had decided to take the matter up again at its next Plenary Assembly. The accelerated approval procedure had therefore not been adopted, but the environment at that time had suggested that it might well be adopted after further consideration. The matter would be submitted to the next Plenary Assembly in May 1990.

1.28 The delegate of India supported the comments by the delegates of Spain and Algeria, and suggested that the matter be reconsidered either by the Drafting Group or by Committee 7. The Nice Plenipotentiary Conference should give guidelines to the Plenary Assemblies for the development of their procedures, to ensure that the

membership in general was kept fully informed of the Recommendations and that a reasonable proportion of the membership had to approve them. India's proposals to the Conference contained guidelines for the development of detailed procedures which in no way restricted the necessary flexibility of the Plenary Assemblies. The Indian proposal did not appear to have been agreed to in the Drafting Group, as it was not included in the text before the Committee. India had also suggested that once a Recommendation had gone through that procedure, it should have the same status as a Recommendation approved by the Plenary Assemblies, and he welcomed the fact that Corrigendum 1 to Document 348 included that provision.

1.29 The delegate of Italy said that as many delegates at the Nice Conference had expressed the wish for CCIR Recommendations to be approved rapidly because of the rapid development of telecommunications generally, instructions should be given to the CCIR Plenary Assembly to establish a procedure whereby Recommendations could be so approved without having to wait for up to four years for the next Plenary Assembly. Because, too, the Plenary Assembly was fully aware of the technical details of Recommendations, it would know how such material could quickly be approved without becoming involved in a procedure which would be contrary to what the membership wanted. The text as drafted would ensure final approval at the Plenary Assembly, but the summary record of the current (twenty-sixth) meeting of Committee 7 might usefully be forwarded to the respective Plenary Assemblies so that they could establish an accelerated procedure in the light of the variety of opinion expressed.

1.30 The delegate of Cameroon said that the formulation of No. 224A appeared to be the most reasonable one, given that the CCIR as yet had no resolution on accelerated procedures.

1.31 The delegate of the United Kingdom said that in the light of the comments of the two previous speakers, No. 224A in Corrigendum 1 to Document 348 appeared to be appropriate and no further addition to the Article was needed. The point had been made that the provision was permissive in that it recognized that each CCI was at present at a slightly different stage and might choose different procedures in their respective Plenary Assemblies. Another point which had been made was that the appropriate place for dealing with the detail was essentially in the Resolutions of the Plenary Assemblies themselves and not the Convention, where it could lead to a good deal of inflexibility in a fast-changing environment. The Committee should therefore accept the proposal from the Drafting Group.

1.32 The delegate of Australia supported the statements made by the delegates of Italy, Cameroon and the United Kingdom. The provision attempted to give effect to the genuine consensus in Melbourne which constituted a new approach for the CCITT. The Union had to have that kind of provision if it was to move ahead in the future.

1.33 The Chairman asked the Committee if, having heard the large number of views on the provision, it could approve the text as it appeared in Corrigendum 1 of Document 348.

That text was approved.

1.34 The delegate of Spain said that some of the comments appeared to indicate that Spain was opposed to the "Spirit of Melbourne". That was not the case. His comments had been intended to accelerate the work of the CCIs so that they would be in the forecast of telecommunications technology throughout the world.

1.35 The delegate of India said that his Delegation's intention had also been to see to it that the CCIs functioned efficiently, effectively and quickly, and not to block progress.

1.36 The delegate of Algeria said that although his Delegation had initiated the discussion through its question to the Director of the CCIR, the intention had not been to delay or reject the provision. It had not been necessary to ask the same question of the Director of the CCITT because that organ had already made progress. His main concern had been that many administrations, which did not participate in CCI Study Groups either from lack of resources or staff, might not be aware of the Resolutions adopted at the Plenary Assemblies. India's suggestion that the CCIs should take account of all the views expressed in the Committee and find a way of adopting texts which would help administrations was a sound one.

1.37 The Director of the CCIR said that the discussion which had taken place and the views expressed at the Plenipotentiary Conference should be very helpful to the CCIR in reconsidering the issue. No objections to the accelerated approval procedure had been heard, and against that background fruitful action could be expected at the next CCIR Plenary Assembly.

No. 227

At the suggestion of the delegate of Spain, the word "any" in the additional part of the text was replaced by "the".

No. 227, as amended, was approved.

Annex

Article 22

No. 231

1.38 The delegate of Zambia asked whether the reference to the Convention at the end of the paragraph was correct, since hitherto reference had been made to the Constitution.

1.39 The Chairman of Drafting Group 7 ad hoc 1 replied that No. 213 had been taken from Document B, the draft Convention, although he had not checked it personally. The source should perhaps be verified.

No. 231 was approved on the understanding that the attention of Committee 10 would be drawn to the Committee's query regarding the use of the word Convention.

Article 23

No. 240

1.40 The delegate of Mexico said that the additional text went too far. The value of the work done by the conference preparatory meetings and the assistance they provided to administrations was beyond doubt. The Mexican Administration had major difficulties in preparing for ITU administrative conferences because of its inability, due to shortage of technical staff, excessive workload and lack of time to send representatives to CCI meetings. Consequently it had to rely on its attendance at preparatory meetings for its first opportunity of an in-depth review of the technical aspects to be handled at a major conference. Contributions to such conferences were prepared on the basis of the work of the preparatory conferences. Mexico therefore had great difficulty in accepting the additional text since the inclusion of proposals in the reports of preparatory meetings would only add to its workload prior to a preparatory conference and make it very difficult to co-sponsor proposals. The additional text added little to the Article generally and could be deleted. The delegate of Paraguay fully supported those views.

1.41 The delegate of Italy said that the additional text was of fundamental significance to the success of the administrative conferences. Generally speaking, conferences were fairly short, for budgetary reasons, and technical bases could not be prepared on the spot, although they had to be ready at the beginning of a conference if the conference was to have any chance of success. Either, therefore, a conference would have to have two sessions, the first to prepare the technical bases and the second to do the work assigned to it, or there had to be CCI preparatory meetings. The latter possibility was the most economical way of providing the necessary technical data for a conference. Such meetings were not new, they had always proved to be very useful, and they had the backing of all the Members of the Union. Furthermore, their results had always been very positive. It was logical therefore that a preparatory conference should be able to present its conclusions directly to an administrative conference, particularly if administrations had to await the approval of a Plenary Assembly which might be held after a conference and therefore too late to be useful.

1.42 The delegate of Kenya was in favour of the new text. Preparatory meetings had been found to assist most of the small delegations wishing to make a national input to conferences and Plenary Assemblies, and he saw no harm in including the new text in No. 240.

1.43 The delegate of Paraguay said that his Delegation was not objecting to the preparation of technical bases, but was concerned that, having worked on the technical bases at preparatory meetings, that meeting would then present proposals on the invitation of a conference.

1.44 The Chairman of Drafting Group 7 ad hoc 1 said that provided the Drafting Group had felt that a conference preparatory meeting should be able to make proposals, in its report, to a major conference when invited by that conference to do so. The word "proposal" had been taken from the United States of America's Document 96 and could perhaps be replaced.

1.45 The delegate of the United States of America said that each conference preparatory meeting covered a breadth of subject matter pertinent to an administrative conference. Each administration present provided information which could be very valuable to the conference itself. If during the preparatory activities there was some agreement on certain technical matters which were appropriate to the conference, it would be worthwhile and would enhance the work of the main conference if that type of information could be provided. It would only be provided if requested, as indicated in the proposal. Having that ability to present proposals would assist conferences in their efforts and would also support the new accelerated procedures to be introduced in the CCIs. Conferences could take advantage of information approved within the CCIs or discussed and developed within conference preparatory meetings and put forward to the conference for its consideration. The final decision on the type of information so submitted would be taken by the administrations at the conference.

1.46 The delegate of Mexico said that he still had doubts on the subject, and his attention had been drawn in particular to comments concerning the presentation of conclusions. In the period between a preparatory conference and a major conference, some delegations, unable to attend the preparatory meetings, used the information they provided as a basis for their own national proposals. However, those delegations, on analysing the information, were not always able to agree with the conclusions of the preparatory meeting. While therefore he agreed with the United States of America that each administration participating in a preparatory meeting supplied useful contributions, he could not agree that all administrations made such contributions. Unfortunately, those which contributed most were those which had the greatest opportunity to attend Plenary Assemblies or CCI Study Groups. They were able to follow a subject matter through from the beginning and arrive at preparatory meetings very well prepared. Other administrations, unable to attend CCI meetings, were overwhelmed with information at the preparatory meetings, and hence had very great difficulty in

co-sponsoring a proposal. While therefore it might be appropriate for a preparatory meeting to present conclusions to serve as a guide for administrations and for conferences, it was another matter to suggest they should present proposals, which would change the nature of the preparatory meetings.

1.47 The delegate of Qatar said that his Delegation also had doubts about the submission of proposals by a preparatory conference and could not support the text as it stood.

1.48 The delegate of Algeria said that his Delegation was satisfied with Nos. 226 and 230 of the Nairobi Convention. The technical bases prepared by preparatory conferences and their report should be considered as contributions rather than proposals to a conference. Only an administration could submit official proposals.

1.49 The delegate of Greece said that he shared Algeria's concern and wondered whether the difficulty was a linguistic one or more substantial. Nos. 226 and 230 made provision for preparatory conferences to prepare technical and other material, which meant proposals or conclusions to assist an administrative conference. Some further clarification by the United States of America might clear up the doubts on the subject.

1.50 The delegate of the United States of America said that his Delegation's proposal should be seen against the background of an era in which there would be faster reacting CCIs supported by accelerated approval processes for recommendations and findings. Specifically, the conference preparatory meetings could develop information during their time-frame if there were specific proposals which were technically and operationally oriented and had a significant bearing on the subject matter to be dealt with at a major conference. It would then be worthwhile having that brought to the notice of the conference through some kind of proposal. Those proposals could be subject to an accelerated approval process whereby the entire membership would be made aware of what was being proposed, and those who had not participated would have an understanding of the conference preparatory effort. The report would contain the type of information traditionally forwarded to a conference and there would also be some specific items in the form of proposals or recommendations which could be subject to an accelerated approval process. That would be consistent with the way in which conventional Recommendations of the CCIs were handled. To ensure, therefore, full coverage by and the full understanding of the entire membership, the additional text might be worded as follows: "A conference preparatory meeting may also in its report make proposals supported by the accelerated approval procedure to an administrative conference when invited ...".

1.51 The Chairman suggested that in view of the division of opinion in the Committee and the lack of time, a decision should be taken by a show of cards.

The additional text of No. 240, as orally amended by the United States of America, was rejected by thirty-nine votes to thirteen.

#### No. 245

1.52 The Chairman said that in the light of decisions already taken, the square brackets around "Chairman", the asterisk, the word "Director" and its square brackets could be deleted. As the name of the Board could not be decided until the Committee had received the report of Working Group 7 ad hoc 3, the square bracket around it would have to remain. The rest of the text was open to comment.

1.53 The delegate of Cameroon asked for clarification of the last sentence of the paragraph.

1.54 The Chairman of Drafting Group 7 and Ad hoc 1 said that the text was that of No. 448 of the Nairobi Convention, and the Drafting Group had seen no need to change it. A possible interpretation was that a CCI could decide to invite someone to participate in an advisory capacity in the event of a permanent organ considering it unnecessary to send a representative.

1.55 The Director of the CCIR explained that quite regularly the Director of the CCITT, for instance, participated in the Plenary Assemblies of the CCIR and vice versa, and one or two members of the IFRB also took part in CCIR Plenary Assemblies and many other Study Group meetings. It was almost a routine matter and clearly in the interests of those organizations to participate in the cases mentioned. However there were some cases which might not be so clear. For example in the case of a meeting of CCIR Study Group Chairmen, the CCIR might consider the participation of a representative of the IFRB or CCITT very useful, and therefore specifically invite such participation. The matter was no more complicated than that. It concerned the level of meetings and the nature of the material to be considered. Sometimes the invitation originated with the organ holding the meetings but at others the organ wishing to participate noted that there was material of interest to it.

1.56 The Chairman said that he had heard that Working Group 7 ad hoc 4, set up to consider the Telecommunications Development Bureau had finished its work and its report would be considered at the Committee's next meeting. In the meantime, he suggested that the words "the Director of the Telecommunications Development Bureau" be inserted in the text in square brackets in an appropriate place, pending a decision by Committee 7.

1.57 The delegate of Ethiopia fully supported that proposal. He further suggested that an asterisk should be added alongside those words, with a footnote indicating that the reference was included pending the results of Working Group 7 ad hoc 4. There should likewise be a second asterisk and footnote indicating that the square brackets remained around Ethiopia's proposal pending the outcome of Working Group 7 ad hoc 3.

It was so agreed.

No. 245 was thus approved.

1.58 The Director of the CCITT said that most of the changes just made to various Articles of the Convention related to changes in working methods and particularly to the accelerated approval of Recommendations. At the last Plenary Assembly of the CCITT appropriate Recommendations and Resolutions had been worked out for that purpose. The Chairman, Committee 7 and the Drafting Group and its Chairman were therefore to be thanked for having taken note of the ideas embodied in the various proposals and for having amended in a unanimous way those Articles of the Convention that referred to such changes. Delegates in the Study Groups were eager to work faster and to implement the new rules and they would also be grateful to the Chairman and the Committee.

1.59 The Chairman noted that Committee 7 had now approved Articles 6, 16, 17, 18, 20, 21, 22, 23 and 24 of the Convention as they appeared in Document 348 + Corrigendum 1 and those texts, as amended, would be forwarded to the Editorial Committee.

## 2. Oral report by the Chairman of Working Group 7 ad hoc 4

2.1 The Chairman of Working Group 7 ad hoc 4 said that after its second meeting the group had been able to conclude its work, having obtained almost total consensus on the tasks entrusted to it. It had thus amended Article 5 of the Convention on structures incorporating the Telecommunications Development Bureau. A consensus had been reached on the functions of the new Bureau in Article 11, and there had also been agreement on the advisability of working through regional development conferences and of having a Director to head the Bureau, elected by the Plenipotentiary Conference. Unfortunately,

even though the majority of participants had emphasized the importance of the work of the Bureau and the tasks entrusted to it, no consensus had been reached on the institutionalization of world development conferences. The document to be considered by Committee 7 the following day would therefore show square brackets around the reference to those conferences. He thanked all delegates who had participated in the work of his Group for their excellent cooperation which had enabled the Group's tasks to be completed rapidly.

3. Oral report on the work of Working Group 7 ad hoc 3

3.1 The delegate of Indonesia said that the Chairman of Working Group 7 ad hoc 3 was not available to comment in detail, but as a participant he could report that the Group had finalized its task on the basis of a consensus. There had been no major problems and the results should be acceptable to Committee 7.

4. Extension of the terms of reference of Working Group 7 ad hoc 2

4.1 The Chairman reported that Working Group 7 ad hoc 2 would hold one more meeting and that Working Group 7 ad hoc 5 would hold its first meeting the following day. He proposed that the terms of reference of that latter group should be extended to include Document DT/26 on which no action had so far been taken.

It was so agreed.

The meeting rose at 1945 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 436-E

5 October 1989

Original: English

COMMITTEE 7

SUMMARY RECORD

OF THE

TWENTY-SEVENTH MEETING OF COMMITTEE 7

(STRUCTURE OF THE UNION)

Sunday, 25 June 1989, at 1735 hrs and 2110 hrs  
and  
Monday, 26 June 1989, at 0930 hrs

Chairman: Mr. A. VARGAS ARAYA (Costa Rica)

Subjects discussed:

Documents

- |    |   |  |
|----|---|--|
| 1. | Review of the structure and working methods of the ITU (continued):<br>Report by the Chairman of Drafting Group 7 ad hoc 2            | 424  |
| 2. | Provisions describing the permanent organ for development - Report by the Chairman of Working Group 7 ad hoc 4                        | 423  |
| 3. | Report of Drafting Group 7 ad hoc 1 - CCIs  | 348 + Corr.1<br>DL/13  |
| 4. | Provisions relating to the basic structure of the Union: Article 5 of the Constitution and any related Resolutions or Recommendations | DL/7, DT/14 + Add.1<br>144, 180, 364   |
| 5. | Report by the Chairman of Drafting Group 7 ad hoc 3   | 420  |
| 6. | Report by the Chairman of Drafting Group 7 ad hoc 5   |  |
| 7. | Consideration of the summary records of the first to nineteenth meetings of Committee 7   | 169, 182 + Corr.1,<br>191(Rev.1), 196,<br>204, 206, 214 + Corr.1,<br>215(Rev.1), 227(Rev.2),<br>241 + Corr.1, 252(Rev.1),<br>269, 270(Rev.1), 285,<br>292 + Corr.1, 307,<br>308 + Corr.1,<br>318(Rev.1), 329 |
| 8. | Completion of the work of the Committee   |  |

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1. Review of the structure and working methods of the ITU (continued)  
Report by the Chairman of Drafting Group 7 ad hoc 2 (Document 424)

1.1 The Chairman of Drafting Group 7 ad hoc 2 said that the Group had carried out its work pursuant to the terms of reference set forth in Document DL/23(Rev.1), and proposed for the Committee's consideration draft Resolution No. COM7/1, annexed to Document 424. If the Committee approved the text, the Editorial Committee should be asked to attend to certain minor editorial amendments relating to some square brackets in recognizing. The operative part of the text, which he briefly summarized, had been agreed upon by consensus in the Drafting Group.

1.2 The Chairman thanked the Chairman and members of Drafting Group 7 ad hoc 2 for their work and invited the Committee to consider draft Resolution No. COM7/1, section by section.

1.3 The delegate of Nepal thanked the Chairman of ad hoc Group 2 and said that his Delegation endorsed the text of draft Resolution No. COM7/1.

recognizing

1.4 The delegate of Argentina associated his Delegation with the thanks expressed. Since some of the documents referred to in recognizing h) were still under consideration by other ad hoc Groups, he wondered whether the Committee should defer approval of that part of the text until the Groups in question had completed their tasks.

1.5 The Chairman said, in response to a proposal by the delegate of France, that Document 388 would be included among those referred to under recognizing h). Replying to requests by the delegates of the United Kingdom, Ethiopia, Mali and Sweden, he proposed that recognizing h) should be re-worded to read "all relevant documents, particularly the following" and then add the list of documents, for which purpose delegations were invited to indicate to the Committee secretariat the documents they wished to be included.

1.6 The delegate of Tanzania agreed with that proposal.

1.7 The delegate of Spain proposed that the wording should simply be "all relevant documents, particularly Document 388", in order to avoid any implication that there were two categories of documents.

1.8 The Chairman of Drafting Group 7 ad hoc 2 said he thought that the delegate of Spain had made a good proposal. The documents referred to by the delegates to whom the Chairman had just replied would all be taken into account if that had not already been done. With regard to a question on revised texts of documents, put by the delegate of Chile, it was understood that the latest version of any document mentioned in the list was the one to be referred to, whenever revisions, corrigenda or addenda were involved.

1.9 The Chairman said, in response to an observation by the delegate of France, that the Committee seemed generally agreed that Document 388 deserved precedence. He took it that the formula suggested by the delegate of Spain, as amended by the Chairman of Drafting Group 7 ad hoc 2, was acceptable to the Committee. Accordingly, delegations were invited to signify to the Committee secretariat any documents they wished to be listed under recognizing h) with a view to incorporation by the Editorial Committee in the final text.

It was so agreed.

On that understanding, recognizing was approved.

considering and considering also

1.10 The delegate of Zambia thought that the two indents in considering d) were not really needed, could give rise to misunderstanding and adversely affect the draft Resolution's purpose. He proposed that the entire text after the words "the economic pressures upon the Union" should be deleted.

1.11 The Chairman of Drafting Group 7 ad hoc 2 said that the text of the draft Resolution had been arrived at by consensus, following an extensive exchange of views. Financial problems had indeed adversely affected implementation of the decisions taken at the Nairobi Plenipotentiary Conference, and it was felt that the Administrative Council should be enabled, following the current Plenipotentiary Conference, to monitor follow-up action more closely.

1.12 The delegate of Zambia said that he would not insist on his proposal but wished his Delegation's view to be noted for the record.

1.13 The delegate of the Islamic Republic of Iran expressed his thanks to Drafting Group 7 ad hoc 2, especially the Chairman of the Drafting Group, for providing an excellent document. However, his Delegation had the same concerns about considering d) as had been expressed by the delegate of Zambia. He also felt it would be very appropriate to delete the rest of the provision, beginning with the part "...especially the fact that...". His Delegation would be prepared to go along with the decision of the Committee. Nevertheless, its agreement would be based on the understanding that it would not prejudice any action which would come out of the study. The importance of the study and its conclusions were manifested by the lengthy discussions occurring in the Committee. Although economic pressures were felt by all, it should not prevent implementing the results of the study, whatever they might be. He would also like that point to be very clearly mentioned in the summary record.

1.14 The delegate of Spain said that his Delegation could accept in general, as a text arrived at by consensus, draft Resolution No. COM7/1 as a whole. If the Committee was to consider the text section by section, however, his Delegation would feel bound to raise formal objections, particularly about the second indent of considering d), since the suggestion that the distribution of funds within the Union was not transparent was tantamount to an accusation against the Secretary-General and the Administrative Council.

1.15 The delegate of Peru shared the concern expressed by the delegate of Spain and agreed with the proposal that at least the second indented text of considering d) should be deleted.

1.16 The delegate of Argentina said that he also shared the concern just expressed. His Delegation could suggest an alternative wording to the text in question, but was in principle opposed to the text as it stood.

1.17 The delegate of Ethiopia agreed with the views expressed by the delegate of Spain and said that his Delegation fully supported the deletion of considering d) altogether.

1.18 The delegate of Chile opposed the deletion. The first indent of considering d) reflected matters having an important bearing on the Union's activities, to which attention had to be drawn. However, his Delegation recognized the concern expressed about the second indent. Perhaps it could be re-worded to the effect that the distribution of funds was inadequate.

1.19 The delegate of the Federal Republic of Germany, said it would be inappropriate to delete the entire text. He suggested that the words "the economic pressures upon the Union" should be retained, but that the remaining text could be deleted.

1.20 The delegate of Lebanon proposed that the second indent could be worded to the effect that there was a need for a transparent distribution of funds within the Union.

On a proposal by the Chairman, it was agreed to accept, for the text of considering d), "the economic pressures upon the Union", and to delete the remaining text. It was also agreed to leave it to the Editorial Committee to decide whether or not to reverse the current order of considerings c) and d), as proposed by the delegate of Kenya. The Editorial Committee would also be asked to note the suggestion, by the delegate of Cameroon, that, in considering also, the word "service" should read "services".

On that understanding, considering and considering also were approved.

#### resolves

1.21 The Chairman of Drafting Group 7 ad hoc 2 said, in reply to a question by the delegate of Yugoslavia, that the Group, guided by other examples such as the High-Level Committee relating to "The Missing Link" issue, had intended that membership of the High-Level Committee in question would not be restricted to representatives of countries with membership in the Administrative Council. However, paragraph 2 reflected the view that there should be some limit to the total number of members so as to prevent the Committee from being too unwieldy. The intention was that the Secretary-General would submit proposals for the composition of the Committee to the Administrative Council, drawing attention, at the same time, to the question of ensuring equitable geographical distribution.

1.22 The Chairman said, in reply to a question by the delegate of Côte d'Ivoire, about "resolves 4", that it was normal, in the case of meetings of the sort in question, for participants from developing countries to receive financial support for travel and subsistence expenses.

1.23 The delegate of the Islamic Republic of Iran expressed his understanding that the High-Level Committee should not be a very large one. He indicated, nevertheless, that it had been the normal practice to have an odd number of members in Committees. He therefore proposed that "twenty" should be changed to "twenty-one" so that in case the maximum were chosen, there would be an odd number of members in the Committee.

1.24 The Chairman thought that the proposal just made, that the number of members should be twenty-one, was a good one and that if there was no objection, it could be accepted.

1.25 The delegate of Lesotho proposed that, in resolves further 1, the words "with a view to ensuring that the Union responds effectively to the demands placed on it due to the changing nature of the telecommunications environment" should be added at the end of the first sentence.

1.26 The delegate of Ethiopia supported that proposal.

1.27 The Chairman of Drafting Group 7 ad hoc 2 said that the additional wording had been mentioned during discussions in the Group. He saw no objection to the proposed addition.

The additional wording proposed by the delegate of Lesotho was approved.

1.28 The delegate of Cameroon said that the fact that the structure of the Union itself as a whole, as well as that of its permanent organs, was to be examined should be made clear by replacing the word "Union's" by "Union and its". Since the study, as formulated in that way, would necessarily consider the role of the Coordination Committee, and thus include the activities set out in resolves further 1.3, the latter provision could be deleted.

1.29 The Chairman said that those editorial comments would be forwarded to the Secretariat and the Editorial Committee.

1.30 The delegate of Pakistan proposed that the word "cooperation" should be replaced by "interaction" to reflect the consensus in Committee 7 that more cohesiveness was required in the Union.

It was so agreed.

1.31 The delegate of Italy said that, during discussion in Drafting Group 7 ad hoc 2 relating to further resolves 2, his Delegation had said that the text was too restrictive and had reserved the right to raise the matter in Committee. His Delegation proposed that the words "and study the question" should be replaced by "and study the criteria of participation including the possibility".

1.32 The Chairman of Drafting Group 7 ad hoc 2 said he was not sure that the proposal just made would serve the purpose, since the text in question was intended to apply not to the Administrative Council exclusively but to other non-permanent organs also. He suggested that, in order to clarify the intention, the word "and" in the middle of the paragraph should be replaced by a semicolon.

1.33 The delegate of Portugal said that he had doubts about the Italian Delegation's proposal, which would weaken the effect of the paragraph. He could agree to the amendment proposed by the Chairman of Drafting Group 7 ad hoc 2.

1.34 The delegate of Italy said the point to bear in mind was that rotation could not be viewed in isolation, since it was only one of several criteria which must be considered together.

1.35 The delegate of Argentina agreed with the delegate of Italy and supported his proposal.

1.36 The delegates of Chile and the Islamic Republic of Iran supported the proposal made by the Chairman of Drafting Group 7 ad hoc 2 because the intention was that non-permanent organs should be addressed as well.

1.37 The Chairman invited the Committee to indicate by show of cards whether it accepted the amendment suggested by the Chairman of the Group, and which had been supported, namely to replace "and" by a semicolon.

The Committee favoured adoption of the amendment by 53 in favour, 1 against; therefore the Chairman concluded that it was so agreed.

1.38 The Chairman of Drafting Group 7 ad hoc 2, replying to a question from the delegate of the German Democratic Republic, said that while it was true that the term "non-permanent" was not used in Article 5 of the draft Constitution to describe the conferences listed as organs of the Union, the Group had considered it permissible to use it to designate those organs, which were not permanent, since the word "permanent" was used in Article 5 to describe the other organs of the Union. Should the Committee so wish, the conferences concerned could be referred to by name in the draft Resolution. He suggested that the matter be left to the Editorial Committee.

It was so agreed.

instructs the Administrative Council 4

1.39 In reply to a request from the delegate of Morocco for clarification of the use of the word "periodically", since only one Administrative Council session, that of 1990, would be in a position to examine reports of the Committee, the Chairman of Drafting Group 7 ad hoc 2 said the 1991 session would also be in a position to consider such reports, especially the final one. In addition, since the Administrative Council was authorized by No. 243 of the Nairobi Convention (No. 43 of the draft Nice Convention) to decide matters by correspondence, that provision would give it the requisite flexibility for periodic consideration of reports.

In reply to a further request for clarification of the use of the words "additional" and "relevant" to qualify the Plenipotentiary Conferences mentioned in paragraphs instructs the Administrative Council 8 and instructs the Secretary-General 1, the Chairman of Drafting Group 7 ad hoc 2 said that those terms had been expressly used in order to follow the form of words used in Document 388 and take into account the fact that no provision for Extraordinary Plenipotentiary Conferences was made in the Convention.

Resolution No. COM7/1, as amended, was approved.

1.40 The Chairman of Drafting Group 7 ad hoc 2 expressed his thanks to all delegations participating in the work of the Group and especially its two secretaries, Mr. Baré and Mr. Francis, whose support had been extremely useful. He hoped that the Resolution would prove fruitful in developing the structure of the Union.

1.41 The Chairman, on behalf of all delegates participating in the work of Committee 7, thanked the Chairman of Drafting Group 7 ad hoc 2 for the excellent work achieved by his Group in producing a text that had satisfied every one.

1.42 The delegate of Algeria joined in the thanks expressed to the Chairman of Drafting Group 7 ad hoc 2 for the outstanding way in which he had accomplished a very difficult task. The fact that the Committee had made very little change to the wording of what was a very important document was proof of a remarkable achievement.

The meeting was suspended at 1940 hours and resumed at 2110 hours.

2. Provisions describing the permanent organ for development - Report by the Chairman of Working Group 7 ad hoc 4 (Document 423)

2.1 The Chairman of Working Group 7 ad hoc 4, introducing Document 423, said the Group had held two meetings attended by 15 delegates under the terms of reference set out by Committee 7 and reproduced in Annex 1 of the report. It had considered Articles 5, 12, 11 and 7 of the Nairobi Convention for the purpose of inserting provisions describing the permanent organ for development. In the context of Article 7, Ethiopia had withdrawn its proposal on the subject. Consensus had been reached on all other points before the Working Group except one. The texts of Articles 5 and 12 as

agreed by the Group appeared in Annex 2. Annex 3 contained the draft text of Article 11A and attention was drawn to two editorial amendments to the English text only. Annex 3 had been prepared on the basis of Document 334 which represented a fusion of the concepts contained in the proposals from various countries set out in Document 311 and the Ethiopian proposal in Document 66. The Working Group had adopted by consensus the texts of paragraphs 1 and 2 describing the duties and functions of the Telecommunications Development Bureau. However, in the case of paragraph 3, although there was general agreement on the advisability of institutionalizing the regional development conferences, on electing the Director of the Bureau at Plenipotentiary Conferences and having the agendas of development conferences drawn up by the Bureau, no consensus was achieved on institutionalizing world development conferences (sub-paragraph 3 a)); despite the fact that a majority of the Working Group had been in favour of world development conferences, some delegates had insisted that sub-paragraph 3 a) should be submitted to the Committee in square brackets.

2.2 The delegate of the Islamic Republic of Iran drew the Committee's attention to the fact that the Administrative Council had inadvertently been omitted from the list of ITU organs in the text of Article 5 in Annex 2.

It was agreed to rectify that omission.

2.3 The delegate of Zimbabwe proposed that for clarity the words "Director of" should be added before "the Telecommunications Development Bureau" in Article 12, and that the last sentence under paragraph 3, referring to the agendas of development conferences should be made into sub-paragraph 3 d).

It was so agreed.

2.4 The delegate of Cameroon proposed that for completeness the Director of the Bureau should be added to the provision designating the number of terms for which elected officials could hold office.

It was so agreed.

2.5 The delegate of Chile asked what the position was with respect to the square brackets around sub-paragraph 3 a) referring to world development conferences and whether the intention was to forward it to the Plenary for consideration without further discussion by Committee 7 or to decide the issue in the Committee. In any case, he would prefer the terms "forums" or "seminars" to be used in the context of world-level meetings on development since the Union applied the term "world conference" to meetings dealing with technical work in specific fields that were unrelated to development as a whole.

2.6 The Chairman of Working Group 7 ad hoc 4 said the subject of world development conferences had been discussed at length in the Working Group. A majority had been of the opinion that world conferences would be needed to develop and implement the functions that had a world impact, and that a global approach was necessary when dealing with problems in different countries. Despite the many arguments in favour of such a decision, a number of delegates had insisted that the sub-paragraph be forwarded to Committee 7 in square brackets to allow the Committee to discuss the subject in full, because the Working Group had not had sufficient time to consider it in the depth it deserved.

2.7 The Chairman suggested the Committee might wish to consider the matter of sub-paragraph 3 a) in Annex 3 before reviewing the rest of Document 323.

- 2.8 The delegate of Tanzania, speaking as a participant in the work of the Maitland Commission which had led to the first development conference held in Arusha, said that the Arusha Conference, attended by nearly 100 countries, had been a world level conference and the outcome of its proceedings had been circulated to all Members of the Union. In his view, it had achieved its objective of increasing awareness of the part telecommunications could play in development. There had been general agreement in the Working Group that the Telecommunication Development Bureau should work through regional development conferences. Nevertheless, the Bureau, as part of the Union, would fail in its purpose, if it was to be restricted to working only through regional development conferences. World development conferences did not need to be held very often; such a conference held approximately every four years would help to raise the level of awareness of the role of telecommunications in development not only in the developing countries but also in the developed world.
- 2.9 The Chairman, in the light of those remarks, suggested that the Committee might wish to consider removal of the square brackets from sub-paragraph 3 a).
- 2.10 The delegate of Kenya said he shared Tanzania's views and considered that world development conferences would go a long way to fulfilling the objectives and expectations of the Maitland Report.
- 2.11 The delegate of Zimbabwe, endorsing the concept of world development conferences, said he was in favour of removing the square brackets from sub-paragraph 3 a). However, if that would cause great difficulties in the Committee, the paragraph could perhaps be forwarded to the Plenary in square brackets for consideration with other texts on the subject on which a decision had been left for the Plenary to take.
- 2.12 The delegate of Canada noted in that context that draft Resolution No. COM6/9 was being forwarded to Plenary with a reference to world telecommunication development conferences still in square brackets. He said that Committee 7 could not be asked to decide on a question which another Committee had left for consideration by Plenary.
- 2.13 The Chairman reminded the Committee that Committee 6 had left the phrase in question in square brackets pending the decision by Committee 7, which was thus entitled to come to a conclusion on the matter.
- 2.14 The Deputy Secretary-General recalled that Committee 6 had had before it only the question of regional development conferences. Proposals by delegates on the subject of world development conferences had been submitted direct to Committee 7, which was thus competent to decide the issue. He drew attention to an editorial amendment to sub-paragraphs 3 a) and 3 b) of Annex 3.
- 2.15 The delegate of Zimbabwe said the present confusion arose from the practice of keeping issues in one Committee pending, while awaiting decisions from another. The regulatory and standard-setting functions performed in the permanent organs of the Union other than the Bureau were applied to the development of technology and networks on a global scale. Such a world framework for the specific functions assigned to the Bureau in the Article under discussion ought to be embodied in the basic instrument of the Union.
- 2.16. The delegate of France, speaking on a point of order, said he had earlier asked for the floor to speak in the general debate on Document 423, which now appeared to be superseded.
- 2.17 The delegate of Spain said he felt it was an error to consider the Arusha Conference as a development conference, because it had not performed any development activities. It was a political conference at a global level seeking to create awareness

of telecommunication needs in countries that had to determine priorities for development assistance. The lack of telecommunications development in some regions could not be ascribed to the developed countries or blamed on lack of funds. As pointed out by the representative of the African Development Bank at Arusha, it was due to a low level of awareness among developing countries themselves when setting development priorities. Although conferences on the Arusha model were useful in creating such awareness, they did not result in the kind of specific telecommunication development activities that would have to be fostered within the Bureau in order to strengthen technical cooperation within an appropriate institutional framework in a manner consistent with the Maitland Report. Such activities would be better carried out at regional level since the problems of telecommunications development were not world problems but regional ones. Furthermore, some of the duties proposed for the Bureau were activities of a technical nature already covered by the World and Regional Plan Committees and were not development issues. The Bureau should not take over duties that already had a place in other organs of the Union.

2.18 The delegate of Mexico proposed that in the interest of an orderly discussion the text should be considered paragraph by paragraph starting from the beginning.

2.19 The delegate of the Islamic Republic of Iran said that he recalled it was the Missing Link report which had been the starting point for the Bureau and which had indicated the need for a permanent organ for development in the ITU, and that need would not have been so widely recognized without the world level conference in Arusha. World development conferences were essential if problems were to be addressed adequately. Regional conferences were not enough. He therefore supported deletion of the square brackets.

2.20 The delegate of Pakistan said that the question to be answered was whether or not the Plenipotentiary Conference wished the ITU to continue to play its role in international cooperation and coordination. The ITU had to act in accordance with its stature, mandate and nature as an international organization. In embarking on a new function of telecommunications development, new strategies had to be devised for which coordination at the international level was essential. Furthermore, new and innovative sources of input relating to finance, organizations and systems and their interconnection in a global network would have to be examined, and those matters could only be dealt with at international fora. He therefore also supported deletion of the square brackets.

2.21 The delegate of Algeria speaking on a point of order, said that he supported Mexico's proposal that the document should be examined paragraph by paragraph in the interest of an orderly discussion.

2.22 The Chairman said that since that proposal had been supported, and if the Committee so agreed, it should start to discuss Article 11A from the beginning, and, on reaching Section 3, take a decision on the square brackets in sub-paragraph 3 a).

2.23 The delegate of France, speaking on a point of order, asked whether Article 5, on which he had no comment, was considered approved. He also asked whether Article 12, in relation to which he supported the delegate of Zambia's views that the text would be clearer if reference were made to the Director of the Telecommunications Development Bureau, had also been approved. Once he had an answer to those questions, he would comment on Article 11A.

2.24 The Chairman replied that as far as Article 5 was concerned, the Committee had accepted the proposal of Working Group 7 ad hoc 4 that the Telecommunications Development Bureau should be included with the other permanent organs and that in



Article 12, it had been agreed that specific mention should be made of the Director of the Telecommunications Development Bureau. The Committee was now in a position to discuss Article 11A.

2.25 The delegate of France said that the text was extremely important since it was to become part of the Constitution and an expression of the Union's wish to place the new organ for development on an equal footing with the other organs. The Working Group and its Chairman were therefore to be congratulated for providing Article 11A as a working document. Generally speaking, every effort should be made to use wording suitable for a Constitution or a Convention and to that end more suitable terminology might be used. In the French text of sub-paragraph 2 b) for example, the way in which "reinforcing related capabilities" had been translated into French could be improved.

2.26 The delegate of Mali, speaking on a point of order, said that in accordance with the earlier point of order raised by the delegate of Mexico and supported by the delegates of France and Algeria, the discussion should start with paragraph 1.

2.27 Invited by the Chairman to confine comments to paragraph 1, the delegate of France said that while he would like to comment on that paragraph, he first wished to make a general comment on the structure and content of Article 11, with a view to achieving a more logical and coherent text and also to meet the delegate of Cameroon's concern about the elected Director. He also wished to suggest a paragraph for insertion between paragraphs 1 and 2. As far as the Preamble was concerned, therefore, the text would be clearer if it were simplified. As drafted, the BDT appeared to be responsible for discharging the Union's dual responsibilities, when in fact it was not the responsibility of the Bureau alone but the primordial responsibility and role of the Secretary-General. Furthermore it was the Coordination Committee which should determine the relationship between the Bureau and UNDP, an organization not named in the paragraph for understandable reasons. He therefore suggested that paragraph 1 should be reworded as follows:

"1. The Telecommunications Development Bureau cooperates in implementing the purposes of the Union as embodied in No. [...] of the Convention, having regard to its dual responsibilities as a United Nations specialized agency and executing agency for implementing projects of the United Nations development system and other funding arrangements."

The remainder of the paragraph would be deleted because it was redundant in a provision defining the purposes of the Union. Although the expression "funding arrangements" had been retained in his proposed text, he requested that it should be clarified.

2.28 The Chairman of Working Group 7 ad hoc 4 replied that the Working Group had considered various drafting possibilities for the first paragraph, including paragraph order, and had also fully discussed whether specific reference should be made to UNDP. It had eventually been agreed that it would be inappropriate to refer to UNDP by name in the ITU Constitution and that reference should instead be made to development programmes in general. On the question of "other funding arrangements", the original version of the consolidated document had contained a reference to funds-in-trust as well as other funding arrangements. The Group had preferred the version presented, on the understanding that it implied that the Bureau should try and coordinate with development organs within the United Nations system and others outside the system.

2.29 The delegate of Ethiopia said that he had participated in the work of the ad hoc Group which, after a long and substantive discussion on the first paragraph, had approved the text as it stood. As his Delegation saw it, the Bureau was one of the organs in the ITU which would be responsible for all development in telecommunications

and that, as indicated in the draft, was that of a specialized agency and executing agency, and to facilitate any other development which might be directed through the ITU itself. The Group had not dismantled any assistance activities or development function which the ITU would have to coordinate. There was now one single umbrella, under which all the activities to be undertaken were now consolidated. That was the thrust of the first paragraph. The first sentence of the paragraph did not imply that the Bureau had been mandated to discharge the dual responsibilities of the Union as a specialized agency and executing agency, which was the responsibility of the Union itself, but as one of its organs, the Bureau was being given a mandate to undertake such responsibilities. The Ethiopian Delegation saw no difficulty in accepting the wording of the first paragraph as it stood. The expression "funding arrangements" had been discussed at length and there had been specific mention of certain development funding, but it had been agreed that reference should not be made to specifics in the paragraph and that only the generalities should be defined, as the Bureau had to undertake all other funding arrangements which might be channelled through it as well as general development activities. The text had been approved by consensus, and should not now be the subject of extended debate.

2.30 The Chairman, speaking as the delegate of Costa Rica, said that he had also taken part in the Working Group and recalled that the expression "other funding arrangements" had been chosen instead of "funds-in-trust" and that the last part of the paragraph had included the particular function of coordination of development-linked activities carried out by other organs of the Union.

2.31 The Secretary-General said that he had not followed the preparation of Article 11A very closely, and was puzzled by the reference to the Telecommunications Development Bureau discharging the Union's dual responsibilities as a United Nations specialized agency. The Union had various responsibilities as a specialized agency and their inclusion in the Constitution might lead to various difficulties. There was an agreement between the ITU and the United Nations which recognized the ITU as a specialized agency responsible for taking actions etc, so it seemed that the wording in the text was far too specific, particularly in its reference to discharging the Union's dual responsibilities. He had no real comment to make on any other expression, and to that extent he shared the concern expressed by the delegate of France, without detracting from the fact that in respect of project activity in the provision of field advice, the document dealing with the changing nature of technical cooperation did refer to a dual responsibility. The language presented in Article 11A, however, was much more specific and more legally oriented, and required some reflection. As he could not suggest a draft at the present stage he suggested that the paragraph be placed in square brackets for the time being for reflection in terms similar to those suggested by the delegate of France, because the latter's understanding of the issue - from his experience as a coordinator in the United Nations and in multilateral activity - was similar to that of the Secretary-General in that he anticipated difficulties. The Committee should ask itself whether the Union was delegating all its responsibilities from the Plenipotentiary Conference and the Administrative Council, and the legal representative of the Union to this new permanent organ (BDT), because the word "development" had to be seen in a much broader sense than development projects.

2.32 The delegate of Australia endorsed the views of the delegate of France, whose wording was a much tighter formulation than that of the Working Group. He also endorsed the views of the Secretary-General regarding the confusion between roles. As the text stood, the Bureau was being given the Union's responsibilities and the paragraph would have to be reworded. The views expressed by the delegate of Spain and his explanation of the various development activities were very sound and while he was not opposed to a world development conference as such, if it was to be held rarely, when needed and with a well-defined agenda, he considered that regional conferences would be more important.

2.33 The delegate of Cameroon recalled that the expression "funding agencies" had been decided upon and he had some reservation about the expression "funding arrangements". He had no difficulties in accepting the text proposed by the delegate of France, but felt that it should take account of the Chairmans clarification, namely that the Working Group had originally wished to refer to the organization and coordination of technical cooperation and assistance activities. If the last part of the text as presented, from the words "so as to facilitate ..." were added to the proposal, the text would be fully acceptable.

2.34 The delegate of France said that his Delegation had not joined in the consensus of paragraph 1 in the Working Group. However, if the majority so wished, he would be prepared to reinstate the rest of the paragraph which he had considered unsuitable for inclusion in a Constitution.

2.35 The Secretary-General said that he had now almost concluded that the Conference would not finish on time, and he could only urge the Committee to complete the text and other items as quickly as possible. The text put forward by the delegate of France met his own concerns. It recognized the Bureau and its role in implementing the Union's aims as put forward and then continued in respect of the dual task, etc., and now included the retention of the remaining text. He could therefore go along with the French suggestion.

2.36 The Chairman asked the Committee whether it was prepared to accept the French proposal plus the final sentence of the original text at the request of the delegate of Cameroon, in the light of the Secretary-General's comments.

2.37 The delegate of Algeria said that while he had no objection to the French proposal, the Committee had before it a text provided by the Drafting Group in which 15 delegates had participated including the delegate of France, and he did not recall the French delegate making any reservations about the paragraph. The French proposal was very logical but if there were to be drafting proposals for every paragraph, amended by other delegations, the Committee would never finish its work. He therefore proposed that the discussion on the document be terminated and the document be returned to the Working Group for improvement. The delegate of Saudi Arabia fully supported that proposal.

2.38 The Chairman said that Committee 7 had been informed that the text before it had been adopted by consensus in the Working Group and that only one item had been left in square brackets. The delegate of Chile had asked for that item to be settled so that the whole document could then be looked at. In the process of so doing, the delegate of Mexico, supported by the delegate of Algeria, had proposed that the document be studied paragraph by paragraph, starting with paragraph 1. The French delegate had then suggested new wording, which had received concurrence of the Secretary-General, and the delegate of Cameroon had suggested that the last part of the existing paragraph should be retained, to which the delegate of France had agreed. He therefore asked again if the Committee would agree to accept the French proposal, which was acceptable to the Secretary-General, particularly in relation to the role of the Union, with the addition of the final part of the existing text as suggested by the delegate of Cameroon and agreed to by the delegate of France.

2.39 The delegate of Barbados said that the French proposal seemed to imply that the Bureau would be assisting in the implementation of development projects. The question to be answered therefore was whom it would be assisting. The intention had been that the Bureau should be responsible for the development processes. As the French text had been interpreted into English, it did not reflect the thrust of the draft agreed to by the Working Group. Before a definitive assessment of the French draft could be made, therefore, he wished to know which organ of the Union the Bureau was to assist. If the Bureau was no longer to be responsible for technical development, then the thrust of

the draft in Document 423 was changed. In addition, paragraph 2 on the dual responsibilities as a United Nations Specialized Agency should be read as a whole. As his Delegation had understood it, the intention was not to endow the Bureau with all the responsibilities of the Union as a specialized agency but only with those which related to the implementation of projects of the United Nations development system. Without some good explanations, therefore, he would prefer the text as drafted in Document 423.

2.40 The Secretary-General wondered where the Administrative Council would fit into the scenario if the text was left as it stood, because it would surely have a specific responsibility in regard to the Union's discharging of its dual responsibilities. He repeated that the language used was much too specific. One solution might be to indicate: "to discharge within its specific sphere of competence the dual responsibilities ...". The reference to dual responsibilities had to have some qualification.

2.41 The Chairman of Working Group 7 ad hoc 4, explaining the background to the text in Document 423, said that paragraph 1 had been discussed at both meetings of the Working Group. During the first discussion, the text proposed was that in the United States Document 364 together with some additions concerning the organization and coordination of technical assistance activities. The reference to the dual responsibilities of the Union as a United Nations specialized agency and executing agency had also come from the United States document. It had been suggested during the first discussion that the sphere of competence of the new Bureau should be limited, and some delegates had suggested that there should be some reference to the purposes of the Union in a certain paragraph. As the Chairman of Committee 7 had explained, the proposal to include in paragraph 1 the reference to purposes of the Union and specifically to technical cooperation and assistance had achieved a consensus in the Working Group. A new version of paragraph 1 was then put forward which, once analysed, had been accepted by all delegates present and that, with some drafting amendments, was the text as presented in Document 423.

2.42 The Chairman proposed that, in the light of the suggestion made by the Secretary-General, the paragraph should be worded as follows:

"The duties of the Telecommunications Development Bureau (BDT) shall be to fulfill the purposes of the Union as embodied in No. [...] and to discharge within its specific sphere of competence the Union's dual responsibilities ..., " the rest of the paragraph to remain unchanged.

2.43 The delegate of Argentina pointed out that in the Spanish text the duties were referred to in both paragraph 1 and paragraph 2. It would be better if paragraph 1 referred to mission or objectives.

2.44 The Chairman replied that the English text used two different words: "duties" ("los debers") in the first paragraph and "specific functions" ("funciones específicas") in paragraph 2. The comments of the delegate of Argentina would be submitted to the Editorial Committee.

He invited the Committee to indicate by a show of cards whether it approved the text he suggested for paragraph 1. The show of cards indicated approval by 43 to none.

It was so agreed.

#### Paragraph 2

2.45 The delegate of France explained that he had not participated in the show of cards on paragraph 1 because he thought it unwise to try and conclude so rapidly a

discussion on a document as important as a Constitution. The Committee had spent four hours on a mandate which would be very important to the Committee and as the Constitution would be in force for some considerable time, it deserved a little more time. He therefore proposed adding a new paragraph 2 to meet the concern of one delegation which had wished a reference to be made to the Director of the Telecommunications Development Bureau and his election. In an Article of that type, and in line with texts drafted for other organs of the Union, it would be appropriate to mention at the beginning of the paragraph that the Bureau was governed by an official elected by the Plenipotentiary Conference for a given period. The wording would be the same as that approved by another Committee for elected officials, so that it would cause no difficulties. It was very unusual to make an elected Director an intermediary of the Bureau, as paragraph 3 appeared to do. The Director was not an intermediary but the official responsible for the Bureau. The text might also include the provisions of MOD [323] 94 which established the steps to be taken if the position of Director became unexpectedly vacant so that the provisions would be the same as for all other elected officials. Those common provisions might even appear in a separate paragraph to be included in the text relating to the different organs of the Union.

2.46 Speaking on a point of order, the delegate of Tanzania said that as he had understood it, the Committee had been invited to discuss paragraph 2 of Article 11A. The Chairman replied that in order to consider the results of Working Group 7 ad hoc 4 the Committee had taken up the suggestion to discuss the text paragraph by paragraph. The delegate of France now wished to propose a new paragraph 2. He wondered, however, whether the point had not already been covered in Document 388.

2.47 The delegate of France said that Document 388 merely made provision for an elected Director. The Committee was drafting the Constitution and it was quite logical that mention should be made at the beginning of Article 11 of the terms of election and method of replacement if for any reason the Director had to abandon his post. As those provisions had already been established for other elected officials, there was no reason why they should not also be included for the Director of the BDT, nor why they should not be at the beginning of paragraph 2 instead of in paragraph 3.

2.48 The Chairman suggested that the provisions which applied to the Directors of the other permanent organs of the Union should be included in Article 11 with respect to the Director of the Bureau, if the Committee agreed to that suggestion, it could continue its discussion with sub-paragraph 2 a).

2.49 The delegate of Tanzania proposed that paragraph 2 be discussed in its entirety, bearing in mind firstly that the text had been approved by consensus in Working Group 7 ad hoc 4, and secondly the appeal by the Secretary-General and his own Delegation's concern about the slow progress of the work of the Committee.

2.50 The Secretary-General said that his anxiety lay in his belief that the Conference was in danger of not finishing its work on Thursday, 29 June and there were limitations on the extent to which the Conference could continue to meet in the building. He therefore urged the Committee to expedite its work in dealing with Article 11A and resolve the question of paragraph 3 and then see what other work could be done in the short time available. The Secretariat would then see what arrangements could be made for Committee 7 to meet early the following morning.

2.51 The Chairman invited the Committee, in the light of the statements by the delegate of Tanzania and the Secretary-General, to discuss paragraph 2 as a whole.

2.52 The delegate of Spain said that the Committee was running the risk of approving a text without fully discussing it. The text contained many doubtful areas, amongst them sub-paragraph 2 f). He wondered what that paragraph meant, since the activities described therein usually came within the remit of the World Plan Committee, and

whether the intention was to allow the Bureau to start planning a world telecommunications network. The Committee was taking matters out of context. It was all very well to set up a Telecommunications Development Bureau but in fact something else was being done. Sub-paragraph 2 f) in particular did not fit into paragraph 2 and he reserved the right to comment subsequently on that or any other paragraph he considered to be inappropriate.

2.53 The Chairman said that sub-paragraph 2 f) starting with the words "collaborate with the International Consultative Committees" had been approved by consensus in the Working Group but the Chairman of Working Group 7 ad hoc 4 might be able to elaborate further on its meaning and on how the discussion had proceeded in the Working Group.

2.54 The Chairman of Working Group 7 ad hoc 4 observed that sub-paragraph 2 f) had been fully debated in the Working Group in its original version. The Group had considered that the Bureau was responsible for preparing and developing a general plan for international telecommunications networks and its competence and responsibilities had also been discussed. It had in fact been decided that the responsibility for preparing a plan did not devolve upon the Bureau but that in carrying out its duties, and in view of the purpose for which it was being created, it had to cooperate with the competent bodies, namely the CCIs, in developing a world telecommunications plan. Sub-paragraph 2 f) did not therefore imply a transfer of responsibilities but was an invitation to the Bureau to collaborate with the competent bodies in developing that plan. That interpretation had been approved by consensus in the Working Group.

2.55 The delegate of Chile said that unfortunately he had not been able to participate in the Working Group and he was somewhat confused, since paragraph 1, which had already been approved in amended form, seemed to establish the tasks of one development bureau and paragraph 2 seemed to create another. Somehow the paragraphs needed to be harmonized. The duties in paragraph 1 encompassed fulfillment of the purposes of the Union, but went a lot further than Article 4 of the Constitution. The duties of the Bureau should be coordinated and described from the general down to the specific. The Committee should bear in mind that it was approving the Constitution, and that it would be a difficult matter to amend it later on.

2.56 The Chairman said that the Spanish translation was inadequate and incorrect. Paragraph 1 of the English text referred to the duties of the Bureau and paragraph 2 referred to its specific functions. Those words did not appear in the Spanish text. Paragraph 1 had been approved as amended by himself, making reference to the specific sphere of activity of the BDT.

2.57 The delegate of Argentina, addressing paragraph 2 in general, asked for clarification of sub-paragraph 2 c), in particular of the phrase "cooperation with ... global and regional development financing institutions", and of the extent of the cooperation envisaged between the Bureau and the institutions.

2.58 The Chairman replied that the Bureau would cooperate with the World Bank, for example, at the global level and with the Inter-American Development Bank or other regional development banks at the regional level.

2.59 The Chairman of Working Group 7 ad hoc 4 added that the intention was that the BDT, through cooperation and coordination with regional and world development and financing institutions, should contribute to telecommunications growth. It might have to promote the establishment of lines of credit specifically for the purposes of telecommunications development.

2.60 The delegate of Argentina suggested that in that case the wording used by the Chairman of the Working Group should be reflected in the Spanish text: "coordination" was more appropriate than "cooperation". The Chairman said that Argentina's comments would be forwarded to the Editorial Committee.

2.61 The delegate of Algeria, referring to No. 281 of the Convention, asked for the opinion of the Secretary-General as to whether the wording of sub-paragraph 2 f) gave rise to any legal problems.

2.62 The Secretary-General said that, from the enquiries he had made, those actively involved with the Plan Committee had no trouble with the text. As he understood it, it was a question of the collaboration which had been a very normal function of the Technical Cooperation Department in giving support to the Regional Plan Committees. It was sometimes found that the basic documents came from the experts associated with the regional projects. The text as it stood should not therefore create problems, particularly in view of the amendment approved for paragraph 1 stating that the Bureau was acting within its specific sphere of competence.

2.63 The Chairman asked the Committee whether, with that explanation, it could approve paragraph 2.

Paragraph 2 was approved.

2.64 The delegate of Australia drew the Committee's attention to the fact that sub-paragraph 2 e) dealt with general provisions concerning economics and financing and that Document 369, prepared for the Plenary, listed as one of the purposes of the Union working with international financial organizations towards the establishment of preferential and favourable lines of credit to be used for the development of social projects. It was clearly inappropriate for that kind of provision to be included under the purposes of the Union, it should rather be in the text being discussed by the Committee 7. He wondered whether it would in some way be possible to bring that information to the attention of the various Conference Committees.

2.65 The Chairman said that the comments made by the delegate of Australia were relevant and would be passed on to the appropriate Committees of the Conference.

2.66 The delegate of the United Kingdom, speaking on a point of order, said that he had tried to take the floor at various points in the debate as the Committee had moved procedurally from treating the document first in one way and then in another and he had had a variety of comments to make, particularly on Article 2, but had not had the opportunity to do so. If the Chairman were to rule that the discussion was closed he would not interfere with the procedure. He was, however, very conscious that at long last the Committee was dealing with a matter of substance, namely the text to go into the Constitution of the Union, and he was deeply disturbed that the text before the Committee had obviously caused the Secretary-General much concern. That reinforced his own doubts about certain aspects of the text, not with regard to the general policy it was trying to implement but to the very specific drafting and the clarity and specificity of that drafting. Generally speaking, that was the point which the delegate of France had been making in a number of his interventions. He had a number of points on paragraph 2 which he wished to make and hoped that the Chairman would not regard the debate on that paragraph as having been closed.

2.67 The Chairman said that a few minutes earlier he had asked the Committee whether it had any objections to paragraph 2, and as there had been none, the text had been approved.

2.68 The delegate of France said that he had wished to speak on paragraph 2 before the Chairman had said it was approved. It should be made very clear that the French Delegation had done everything in its power to ensure that the BDT was given the necessary structure and financial means.

2.69 The delegate of Tanzania, speaking on a point of order, said that while it was true that the Article under discussion was very important, it had been entrusted to Working Group 7 ad hoc 4 in which every delegate had had the opportunity of participating. He was therefore bringing a motion, under No. 520 of the Convention, to close the debate on the subject.

2.70 The Chairman observed that it was now too late for the Committee to continue its work. It would therefore resume at 0900 hours the following morning with the same agenda, starting with the point of order raised by the delegate of Tanzania under Nos. 519 and 520 of the Convention.

2.71 The delegate of Canada, also speaking on a point of order, asked whether Working Group 7 ad hoc 4 could meet in parallel with Committee 7 to accelerate the work of the Committee.

2.72 The delegate of the USSR, speaking on a further point of order, said that he would like to defer the decision on procedure until the following morning.

2.73 The Chairman invited any delegates with comments on the text to communicate them to the Chairman of Working Group 7 ad hoc 4 so that they could be incorporated into the debate.

The meeting was suspended at 0010 hours and resumed at 0930 hours on Monday, 26 June 1989.

2.74 The Deputy Secretary-General, stressing the urgent need for the Committee to finish its work that morning, said it was important to avoid a situation that had occurred at past conferences where important decisions were taken by a minority of delegations, only to be subsequently contested. Every effort had to be undertaken to arrive at a consensus so as to facilitate the work of the Plenary when the texts were submitted for approval on first and second readings.

2.75 The Chairman informed the Committee that consultations had been held with delegations on the fundamental question of the form of the text of Article 11A submitted by the Chairman of Working Group 7 ad hoc 4 in his report to Committee 7.

He recalled that in section 1 it had been agreed, at the suggestion of the Secretary-General, to insert the words "within its specific sphere of competence" after "discharge" in the second line of the English text. Several delegations had suggested that the reference to "sphere of competence" was covered elsewhere and when improving the text consideration would be given to including that phrase, which had been accepted as a principle in Committee 7, in Section 1.

With respect to Section 2 e) the end of the sentence was to read: "specific studies of projects" and he suggested that the word "technical" be deleted from 2 g).

In addition, Section 3 was to refer only to world development conferences, in square brackets, and regional development conferences.

A new Section 4 would then contain the text appearing in 3 c) of Document 423, aligned with the provisions already adopted concerning re-election for one term only, as well as the other relevant provisions relating to the election of the Directors of the permanent organs of the Union.

He enquired whether the foregoing amendments could be accepted by the Committee and on that basis appealed to the delegate of Tanzania to withdraw his point of order.



2.76 The delegate of Saudi Arabia questioned the relationship between the deletion of "world-wide" in 2 b) and the removal of the square brackets from 3 a), since he was of the opinion that the BDT could promote telecommunications world-wide.

2.77 The Chairman said that the Committee had yet to decide on the removal of the square brackets and asked the meeting if it could accept their removal if conferences and the Director were mentioned in two different sections.

In response to the delegate of Venezuela, he said that once the text had been adopted by Committee 7 it would be transmitted to Committees 9 and 10. Committee 9 would then decide on the parts of the texts to be included in the Constitution and those to be included in the Convention.

2.78 The delegate of Tanzania said that Document 423 was the product of serious discussions based on contributions, including those of the Delegation of the United States and a large number of African Delegations co-sponsoring Document 311, and as such was an attempt to achieve balance in respect of the Telecommunications Development Bureau. Disagreement in Working Group 7 ad hoc 4 had only been registered in regard to Annex 3. It seemed that the debate had been re-opened at midnight and he had therefore moved that discussion on the matter be closed. He recognized that the Chairman had been attempting to reach a consensus but thought that if there were proposals of substance, Members had to be given time to examine them. The three documents that had formed the basis of the Working Group's examination had been available for a number of days and delegations had had time to study the matter and submit any divergent views in writing. In the spirit of progress and hoping that the Chairman's appeal would achieve results, he said that he would withdraw his motion to close the debate only on the understanding that the matter be cleared speedily, say within 15-20 minutes.

2.79 The delegate of Spain, on a point of order, said that it was unacceptable for a delegation to establish a time limit.

2.80 The delegate of the USSR, speaking on a point of order under No. 531 of the Convention, requested permission to be able to speak later on all three points concerning Section 2, so as to arrive at a simpler alternative for inclusion in the Constitution.

2.81 The delegate of France supported the Chairman's suggestions for improving Section 2 which also reflected the request for a simpler text formulated by the delegate of the USSR. With respect to the question posed by the delegate of Saudi Arabia on the relationship between 2 b) and 3 a), he said that they ought not to be linked and although he had no objection to the word "world-wide" appearing in 2 b) since certain forms of development could also be envisaged in industrialized countries and the distinction between industrialized and less-industrialized countries was not evident in the text, he could support the Chairman's suggestions. He felt more debate was necessary on Section 3, excluding the item on the election of the Director. With respect to new Section 4 concerning the election of the Director, he repeated that it was also necessary to cover the situation of the post being vacant since the matter was not covered in the Constitution. His Delegation supported all the other suggestions made by the Chairman and commended the spirit of cooperation exhibited by the delegate of Tanzania.

2.82 The delegate of Australia supported the text read out by the Chairman, although it was not an ideal solution. In respect of the proposal by the delegate of France, he was of the opinion that it would be preferable to adopt provisions similar to those for the Directors of the CCIs.

2.83 The Chairman noted that the delegate of Tanzania had withdrawn his point of order; the delegates of France and Australia had supported the suggestions made from the chair and, consequently, there was consensus on Section 2.

It was so agreed.

2.84 The delegate of the USSR said that his Delegation had agreed to everything in Working Group 7 ad hoc 4 except 3 a) where the majority had been in favour of three sub-sections and one additional paragraph. With reference to the comment by the delegate of Venezuela that Article 11A was very extensive, it had been stated that the text of Article 11A would be divided into provisions intended for the Constitution and others intended for the Convention. If that were the case, it would not be necessary to delete Section 2. Although a great deal of work had been done by the Chairman of the Working Group to formulate the basic provisions of the Development Bureau, as for anything new, the matter needed a great deal of study and the Experts convened along the lines of Document 388 would also have to study that question. He proposed that the words "a general plan for" be deleted in the second line of 2 f) so as to make it clear that the BDT would develop telecommunication networks in collaboration with the CCIs.

In respect of feedback, the new organ would also affect the decisions to be taken by the CCIs and that was the reason for the sub-section on world development conferences. However, there was no mention of such conferences in the Constitution, the Convention or indeed the Nairobi Convention, nor was it clear what was meant by "world development conferences". The draft Resolution in Document DT/64 on the changing telecommunication environment mentioned international meetings rather than conferences and certainly not world conferences. The main task of the Bureau was to use the resources of the Union efficiently so as to ensure the effectiveness of telecommunications throughout the world. As conferences required many resources and since proper in-depth study of all the organs was needed, he was in favour of deleting the text in square brackets in 3 a). With respect to new Section 4, he too believed it appropriate to use the provisions applicable to the Directors of the CCIs.

2.85 The Chairman pointed out that the text of section 2 had already been adopted by the Committee but that the Editorial Committee would be informed of the proposal by the delegate of the USSR to delete the reference to world development conferences in 3 a). He recalled that there had already been discussion on the matter when the delegate of Chile had asked the reason for the square brackets. There were two reasons for world development conferences, firstly to formulate global policies for the development of telecommunications and secondly, as outlined in 2 a), with respect to raising the level of awareness of decision-makers.

2.86 The delegate of France observing that the Constitution as well as a new organ that had to be run-in was concerned, said that the text needed to be flexible. In order to avoid too much debate in Plenary it would be advisable to allow for such flexibility in the description, as the word "conference" had a specific meaning under Article 5 and there had been no consensus on the geographical extent. He therefore proposed a compromise solution:

"3. The Telecommunications Development Bureau shall work through the medium of meetings held at the appropriate geographical levels, for which it shall draw up the draft agenda."

That wording made it possible to define the scope of meetings which could be held on development, since in any case there would not be sufficient resources to hold a large world conference within the next five years and consequently, the Constitution should not go beyond the suggested text.

- 2.87 The delegate of Saudi Arabia was unable to accept the proposal by the delegate of France since the essential question which had been debated at length was the necessity of world development conferences. He supported the amendments proposed by the Chairman and suggested the document be adopted and transmitted to Committee 9 for decision on the parts to be included in the Constitution and in the Convention.
- 2.88 The Chairman, in response to the delegate of Indonesia on a point of order as to the nature of Section 3, explained that Committee 7 had accepted the texts of Sections 1 and 2 with the amendments indicated during the meeting, and it had been agreed to have a Section 3 and a new Section 4 on the Director of the Bureau, containing the text from 3 c). The text in 3 a) and 3 b), as well as the additional paragraph at the end (as in Document 423) constituted the basis for the work of the Committee. He also read out the proposal by the delegate of France in respect of Section 3.
- 2.89 On a point of order, the delegate of the United States drew attention to the fact that Committee 6 had submitted a Resolution to the Plenary to the effect that the agendas of development conferences were to be established by the Administrative Council, which meant that there was conflict in respect of the last line in Document 423, as well as the proposal by the delegate of France that the agenda be drawn up by a meeting at an appropriate geographical level.
- 2.90 The delegate of France, responding on a point of order, clarified that the Bureau was only to draw up a provisional agenda.
- 2.91 The delegate of the United Kingdom, although endorsing the remarks by the delegate of Spain earlier in the meeting concerning world development conferences, said his Delegation could support the amendment proposed by the delegate of France, provided he could be reassured that the point the latter had just made in response to the delegate of the United States was valid. He assumed that he was correct in the absence of legal advice to the contrary.
- 2.92 The Chairman invited delegations to indicate by show of cards whether they were in favour of Section 3 as it appeared in Document 423, with the square brackets in 3 a) removed, and excluding 3 c) (which would become new Section 4), to 3 a). He announced that 37 delegations accepted Section 3 as indicated, 18 did not and consequently the text of Section 3, as indicated, seemed acceptable.
- 2.93 The delegate of the USSR, on a point of order requested a formal vote on the proposal by the delegate of France.
- 2.94 The Deputy Secretary-General, in response to a point of order by the delegate of France, said that under the Convention no specific figure was required for a quorum, to which the delegate of Spain added that no quorum was required for Committee meetings.
- 2.95 The delegate of the USSR insisted on a vote since the matter concerned the new organ and the finances of the Union.
- 2.96 The delegate of Mexico, on a point of order, said that the two issues, world and regional development conferences and whether the BDT should prepare agendas for them, to which he could not agree, should be dealt with separately.
- 2.97 The Chairman said that the vote would be taken on the text on which he had asked for an indicative show of cards.
- 2.98 The delegate of the United Kingdom supported the proposal by the delegate of the USSR for a formal vote, but drew attention to No. 569 of the Convention which required that the Committee be consulted on the proposal by the delegate of France.

2.99 The Chairman concurred and read out the proposal by the delegate of France: the result of the vote was 37 in favour, 37 against (two counts) and 3 abstentions.

No. 537 of the Convention was applicable in the event of a tie and the proposal by the delegate of France was thus rejected.

He invited the meeting to vote on Section 3 of Document 423, as he had submitted it earlier (see paragraph 2.92 above).

The result of the vote was 38 in favour, 35 against and 3 abstentions.

The text was thus adopted.

2.100 The delegate of Saudi Arabia said that the comments of the delegate of the United States should be taken into account because the agenda was prepared by the Administrative Council for all conferences.

2.101 The delegate of Spain said that the present Plenipotentiary Conference could not make a specific exception with respect to development conferences. The agendas of all conferences, except the Plenipotentiary Conference, were drawn up by the Administrative Council. He would therefore have to raise the matter in Plenary.

2.102 The delegate of Mexico also reserved his right to come back on the matter in the Plenary.

2.103 The delegate of the United Kingdom on a point of order, said that the proposal by the delegate of France had been an attempt to achieve consensus and to avoid the problems referred to by the delegate of Spain. Under No. 558 of the Convention, he wished to express his concern on the manner in which the vote had been taken, and would have preferred a double check on all the votes. He observed that once again Committee 7 had failed to come to a consensus.

2.104 The delegate of France said that a vote had been taken on an amendment without a written version of the text and pointed out that in the French text "levels" was in the plural. He would not object to the Administrative Council setting up the agenda and was prepared to see the text in square brackets.

2.105 The Deputy Secretary-General suggested that, in order to avoid further debate and to send a consensus text to the Editorial Committee, the agenda should be qualified as a draft to the Administrative Council.

2.106 The delegate of France, in response to the Chairman, said he could accept the proposal by the delegate of Australia for a provision to be added to that relating to the Directors of the CCIs and that an identical text be drafted for the BDT.

2.107 The Chairman said that Committee 7 had thus considered and adopted with amendments as necessary the texts of Working Group 7 ad hoc 4 concerning Articles 4, 5 and 11A which would be transmitted to Committees 9 and 10 forthwith. In response to the query by the delegate of the United States as to the acceptance by the Committee of the suggestion by the Deputy Secretary-General, he said that as there had been no objection, it was considered to have been accepted.

2.108 The delegate of France said that a vote had been carried out in due form, he had clarified his own text and the Deputy Secretary-General had then suggested an addition. The vote was therefore legally not in order and could only be considered as

indicative. He concurred with the delegate of Mexico that in fact there were two texts before the meeting and proposed that both the original text and the proposal by his Delegation be submitted to the Plenary for approval on first reading.

2.109 The Chairman said that the amendment proposed by the delegate of France had been rejected under No. 537 of the Convention. If a decision taken in another Committee affected a decision in Committee 7, then they would have to be reconciled later.

2.110 The delegate of the United States stated that his understanding of the world development conference was that this conference would be of the type as that held in Arusha in 1985 under the title of World Telecommunications Development Conference and produced the Arusha Declaration. Similarly, he understood the regional development conferences to be of the type held in Tunis in 1986 and New Delhi in 1987.

These conferences are not similar to ITU administrative conferences whose agenda and related final acts are provided for in the Convention. According to his understanding the proposed development conferences are to have a flexible agenda which would be formulated in accordance with the requirements of the times and the need of the participants. No final acts or regulations would result from these conferences. Accordingly, he requested the Chairman to confirm his understanding.

2.111 The Chairman confirmed that the understanding of the delegate of the United States was absolutely correct as to the nature and scope of the telecommunications development conferences.

2.112 The delegate of Mexico, on a point of order, said his Delegation had not proposed sending the two texts to the Plenary and had agreed to a vote. Nevertheless, he reserved the right to return to the part concerning the question of drawing up agendas.

### 3. Report of Drafting Group 7 ad hoc 1 - CCIs (Document 348 + Corr.1, DL/13)

#### Article 11 of the Constitution

3.1 The Chairman of Drafting Group 7 ad hoc 1, introducing Document 348 and its Corrigendum 1, said that it was his understanding that agreement had been reached on the following points.

- the proposal for No. 86;
- changes in No. 86A (noting a correction that had been improperly made in the corrigendum);
- no change to Nos. 87 and 88;
- the addition of "scientific or industrial organizations" in No. 89;
- minor changes to No. 94.

The proposal to change No. 94A had been rejected. No. 95 concerning World and Regional Plan Committees had been left pending and the remainder of Article 11 had not been reviewed.

3.2 The delegate of Columbia said he had great difficulty in accepting No. 86A as submitted by the Drafting Group since the change proposed in Document 348 restricted the work of the CCIs and gave rise to ambiguity as to the nature of the characteristics to be standardized or for which recommendations were to be formulated.

During the Conference there had been complete consensus on the necessity of strengthening the ITU's global standardization process and resolutions in that

direction had been adopted in regional meetings of COM/CITEL in Montevideo. He therefore opposed the inclusion of a proposal such as the one in Document 348 because it ran counter to global standardization.

3.3 The Chairman of the Drafting Group said various proposals had been considered in regard to the proposed consolidation of Nos. 84 and 85. The draft before the Committee in Nos. 86 and 86A was an attempt to consolidate those two existing provisions. The first line of No. 86A should read: "technical, operating and, where appropriate, tariff recommendations of each Consultative Committee". He had made that point when the document was discussed, and it had been the feeling of the Group that it captured in essence the proposals to Nos. 84 and 85 as in draft Document A of the Constitution. If there were any other proposals, they had to be seen in writing so as to be able to incorporate them into the work that had been done.

3.4 The delegate of the United Kingdom confirmed that statement and said he could accept it if it were submitted in that form.

3.5 The delegate of Indonesia proposed that the whole of No. 86A be placed in square brackets.

3.6 The Chairman of the Drafting Group said that the word "each" in the first and sixth lines of the English text could be maintained. It was very important to take Nos. 86 and 86A together as they were interdependent from the point of view of clarity and understanding of the intent of the Group.

3.7 The Chairman saw no objections to including the square brackets around "each" in the text, as indicated by the Chairman of the Drafting Group, and therefore No. 86 could be adopted. The text in No. 86A would be left in square brackets. Nos. 87 and 88 would not be changed and No. 98 would be as in Document 348.

It was so agreed.

3.8 The Chairman of the Drafting Group proposed that the square brackets around No. 94 be removed and that the text read: "94. The Director shall be elected by the Plenipotentiary Conference. He shall be eligible for re-election once only at the next Plenipotentiary Conference. If the position .....".

3.9 The delegates of Algeria and India, recalled that a decision had already been taken in an earlier meeting of Committee 7 and referred the meeting to Document 353 which was a joint document from four delegations. The delegate of Zambia said that Document 421 on the same lines as No. 94 had since been transmitted to the Editorial Committee.

3.10 The Chairman said that, consequently, the text of the first part of No. 94 would be as decided in the earlier document and the second part be left in square brackets.

3.11 The Chairman of the Drafting Group said that there were square brackets around No. 95 pending a decision by Committee 7 on the Ethiopian proposal to delete the provision altogether.

3.12 The delegate of Algeria thought that the whole of No. 94 should be reviewed on the basis of the text in Document 353. He was not against the deletion of No. 95.

3.13 The delegate of Chile interpreted the Ethiopian proposal to delete No. 95 as implying the abolishment of the World and Regional Plan Committees, which in his view, was not appropriate. He understood that the reason behind the proposal was to avoid duplication of the work by the Telecommunication Development Bureau and the Plan Committees. However, the Plan Committees were joint Committees of the CCIs and

different, in the sense that they were the only Committees dealing with existing infrastructures in the world and were useful in respect of projects and statistics on traffic, etc. More recently the Committees had been dealing with a series of development-oriented activities such as the Regional Plan for Latin America and the Caribbean which had been working very effectively in coordination with regional organizations. It was therefore premature to discontinue the Plan Committees and he proposed maintaining No. 95 and revising No. 96 along the lines of the proposal in DT/16.

3.14 The delegate of Pakistan said that the World Plan Committees were very useful as they provided the forum for large-scale meetings of the CCIs which were becoming more and more important with the evolution of technology. He was therefore against the deletion of No. 95 and proposed that the square brackets around that provision be removed.

3.15 The delegate of the United States said the Plan Committees served as a link between developing countries and the CCIs insofar as providing information on new and advancing technologies, particularly to those unable to participate in the CCI Study Groups for whatever reason. Consequently, No. 95 should remain in the Constitution and the square brackets be removed.

3.16 The delegate of the Federal Republic of Germany was also of the opinion that no change should be made to the provisions relating to the Plan Committees and that the matter should be referred to the study envisaged for the coming years which was to draw conclusions on the fate of existing Committees and conferences.

3.17 The delegates of the Islamic Republic of Iran and Saudi Arabia agreed with the previous speakers on the retention of No. 95 as it stood and removal of the square brackets.

3.18 In response to the Chairman, the delegate of Ethiopia said that since the work and structure of the CCIs had been transferred to the Committee for review of the structure and functioning of the ITU for future study, and many elements were already in Article 11, he would not insist on the deletion of No. 95 and could agree to delete the square brackets until such time as the study had been conducted.

3.19 The Chairman said that Committee 7 had thus decided to delete the square brackets and maintain the existing text. The relevant texts would be submitted to Committees 9 and 10.

It was so agreed.

#### Article 11 of the Constitution (Document DL/13)

##### Nos. 96 and 97

3.20 The Chairman of the Drafting Group said the Group had not reviewed Nos. 96 and 97 and had therefore not made any proposals.

3.21 The delegate of Chile said that No. 96 could be improved by replacing "may" by "shall" so as to stress the importance of the contact between regional organizations and the Regional Plan Committees. The aim was to enhance the presence of the Regional Plan Committees in the various regions and such contact with regional organizations was in line with the purposes of the Union. His proposal had been submitted before the Conference started and prior to the creation of the Regional Offices. Enhancing the work of the Regional Plan Committees with respect to regional organizations was valid and the work of the regional offices would continue to increase.

3.22 The delegate of Spain was of the opinion that regional organizations associated themselves voluntarily and thus preferred "should" to "shall".

3.23 The delegate of Chile, although preferring a more decisive text, said that the main idea was to embody the principle.

3.24 The delegate of Cuba said that the suggestion by the delegate of Spain was the most appropriate since the various countries in a region were sovereign. He was in favour of keeping the original text and deleting the square brackets.

3.25 The Chairman said that the Committee had thus decided to keep the original text of No. 96.

It was so agreed.

Because the delegate of Ethiopia had withdrawn an earlier proposal to No. 97, the delegate of Bulgaria was not present to introduce his proposal in Document 20, and the delegate of the Solomon Islands did not seem to have any comment, the Chairman suggested that No. 97 be maintained in its original form.

It was so agreed.

3.26 The Chairman of Drafting Group 7 ad hoc 1 in response to a query by the Chairman of Committee 7, said that Nos. 84 and 85 had not been changed and No. 86 was based on information that had been consolidated in Nos. 84 and 85.

Furthermore, there had been agreement in the Group to delete Nos. 84 and 85. Article 11 would thus start with (1). It was the feeling in Document 348 that the sections proposed in Nos. 86 and 86A were a consolidation of (1) and (2) and had become more generic in respect of the Consultative Committees.

3.27 The delegate of the United Kingdom requested confirmation that Nos. 83 and 84 were to be left as they were, with the addition of the paragraphs approved earlier that day. If that were not so, he would need to revert to the matter later.

3.28 The Chairman of Drafting Group 7 ad hoc 1 apologized for having contributed to the confusion with regard to Nos. 84 and 85 (Nos. 83 and 84 of the Nairobi Convention). It was indeed not the decision of the Group, nor had the Group reviewed in any detail old Nos. 83 and 84 as far as the duties of the CCIR and CCITT were concerned. However, with respect to the proposals on No. 86, the Group had taken into consideration some of the words in Nos. 84 and 85, although in no way had it intended to eliminate the two Consultative Committees. Consequently, Nos. 84 and 85 of the new Article 11 should not be removed.

3.29 The Chairman noted that the title of Article 11 "International Consultative Committees", in the plural, had been adopted. With respect to No. 84, a proposal by Ethiopia had been withdrawn. With respect to No. 85, another proposal by Ethiopia had been withdrawn. There remained before the meeting one proposal from Greece and two from the German Democratic Republic.

3.30 The delegate of the German Democratic Republic said that in view of ITU's significant role in harmonizing telecommunications, Article 11 should be modified on the basis of the purposes of the Union in Article 4. The suggested modification would rule out a biased interpretation of the provisions towards an exclusive handling of Recommendations by the CCITT. It appeared to be useful within CCITT activities to take due account of the global and dynamic development of science and technology in the field of telecommunications.



3.31 The Chairman enquired whether proposal ARS/60/8 by the delegate of Saudi Arabia in relation to the issuing of standards by the CCITT had any support.

3.32 The delegate of the United Kingdom was not in favour of either proposal by Saudi Arabia and since there was no time for discussion, it was preferable to leave them. The delegate of the United States subscribed to those views.

3.33 The delegate of Saudi Arabia felt that the second proposal on international obligation should be discussed despite the limited time available.

3.34 The delegate of Algeria considered the link with Article 4 to be a noble one and was completely in favour of the proposal of participation in the objectives of the Union. He was also in favour of a serious discussion on the question of the CCIs establishing standards.

3.35 The delegate of India said that many references had already been made to CCIs formulating standards and therefore could support the inclusion.

3.36 The Chairman asked the delegate of Saudi Arabia whether the matter could be settled by bringing the text into line with decisions taken at WATTC, namely by adding the words "in the form of recommendations" after "standards". The delegate of Saudi Arabia agreed to that suggestion.

3.37 The delegate of Indonesia supported the proposal to add "standards". He recalled that "CCIs" in the plural had been agreed to and that there had been a consensus in the Drafting Group to merge Nos. 84 and 85.

3.38 The delegate of Italy could support adding the concept of "standards" in No. 84, but said it would also have to be added in No. 85. If there was no immediate consensus on Nos. 84 and 85, however, he proposed retaining Nos. 83 and 84 of the Nairobi Convention.

3.39 The delegate of Australia, referring to the two proposals by the delegate of Saudi Arabia and the addition proposed to the former one, concurred with the delegate of the United Kingdom that there should be a proper discussion but if there was consensus to accept the proposal he would not object.

3.40 The delegate of Colombia supported both proposals by the delegate of Saudi Arabia and their inclusion in No. 85.

3.41 The delegate of the Islamic Republic of Iran said that he could accept the Chairman's proposal.

3.42 The delegate of the United Kingdom said that the provisions were fundamental to the work of the Union and felt it was inappropriate to take decisions on the duties of the CCIs without advice from both the Directors or the Legal Adviser. There had been unanimous agreement that the question of the structure and functioning of the CCIs would be submitted to the in-depth review and it was therefore inappropriate to consider changes to the definition of the duties of the CCIs before that review had been made. He suggested that the proposal by Saudi Arabia be left aside. While he understood the Chairman's proposal, he did not believe that it took account of the needs to study change in a formula used in a context which differed from that of WATTC.

3.43 The delegate of the USSR said that in view of several proposals for the text to be taken into consideration by the Committee on the improvements to be made in the Union, he supported the retention of Nos. 83 and 84 of the Nairobi Convention.

3.44 The delegate of Japan, endorsing the views of the delegate of the United Kingdom and supporting the comments by the delegate of the USSR, said that the insertion of the word "standards" in No. 85 might cause difficulties elsewhere and it was therefore necessary to discuss the matter further. In respect of the second Saudi Arabian proposal, he had some difficulty with the word "administration", since industry and users were also concerned.

3.45 The Chairman suggested that both amendments be placed in square brackets and referred to the Plenary.

3.46 The delegate of Algeria said that he could go along with that suggestion if it were the decision of the Committee, but a vote was implied if no consensus was achieved in Plenary. Referring to the proposal by the delegate of the German Democratic Republic in relation to Article 4, he insisted that a reference to that Article should appear in No. 85. In agreement with the delegate of Italy, he was in favour of introducing the notion of standards in the form of recommendations in No. 84. He wondered whether the Directors of the CCIs could comment on whether or not that notion posed problems at the global level.

3.47 The Director of the CCIR said that standards in the CCIR were largely performance standards; but in some cases such as systems characteristics, standards had been incorporated in the form of recommendations. However, there was no specific mention in the terms of reference that they should be regarded as standards. No questions or problems had arisen in the past on the status of those texts as standards. At the present Plenipotentiary Conference, many references had been made to the changing environment, to the fact that there were a number of other organizations engaged primarily in standard-making, and that eventually it could be helpful to have standards explicitly mentioned in the terms of reference. Because the matter was complex, it was perhaps necessary to qualify the nature of standards in order to differentiate them from those of a number of other standards organizations. In respect of broadcasting, microwave radio-relay, satellite and mobile systems, for which CCIR had produced recommendations tantamount to standards, the absence of any explicit mention of that term had not caused a problem. The issue had been discussed in 1982 at the Nairobi Plenipotentiary Conference and that Conference had declined to mention standards explicitly in the terms of reference.

3.48 The Director of the CCITT said that it was preferable to refer to "standardization" rather than "standards". From a linguistic point of view it was difficult to say "producing recommendations". The general public was more familiar with the term "standardizing" so "standardization" was being used more and more. A recommendation could, but did not have to, be a standard. For example, the recommendations on tariff principles were recommendations but not standards. With respect to very detailed recommendations, like those concerning transmission or switching systems, it was appropriate to speak of a recommendation which was in fact a technical standard. "Recommendation" clearly indicated that a non-binding technical or operational agreement was concerned, and the term had no treaty character whatsoever. That connotation would be lost if the word "standard", which was more binding, were inserted. More attention had to be paid to the legal background of the word "recommendation". In practical discussions however, it made little difference whether "standard" or "recommendation" was used because the understanding would be that something had been standardized. In short, practically speaking, although the word "standard" was in most cases used identically to the word "recommendation", they were quite different from the legal point of view. Hence he cautioned against inserting the word in Article 11.

3.49 The Chairman suggested that the Plenary be informed of the two points, which would be left in square brackets, as well as those mentioned by the delegate of the German Democratic Republic, or that the Committee adopt the suggestion made earlier and amend it to read: "non-binding standards in the form of recommendations".

3.50 The delegate of the United States still expressed concern, as did the delegates of the USSR, the United Kingdom and Japan, about decisions taken in haste which would not serve the basic interests of the Members. They said that that sentiment was further reinforced by the presentation by the Director of the CCITT, in which he had said that it was important to pause and reflect on the legal implications of the word "standards". They referenced earlier comments by the delegate of Italy that if a clear decision could not be found in the Committee, it was best to leave the provisions as they stood and look for further guidance from the study that was to be conducted.

3.51 The delegate of Saudi Arabia, in response to a request from the Chairman as to whether he insisted on his proposal, in which case it would remain in square brackets for the Plenary, or whether he could agree to the matter being postponed and studied in the review on the structure, said that he had shown his willingness to cooperate by accepting the amendment based on agreement at WATTC, and would therefore insist on his proposal and raise it in Plenary.

3.52 The delegate of the Federal Republic of Germany said that the question of "standard" or "recommendation" was not just a matter of words but implied problems that could have national, regional and international impact. In Europe there were national and international agreements governing the manner in which standards were dealt with on a national level. Consequently, he believed that the matter should be reviewed in the forthcoming study.

3.53 The Chairman said that the decision of Committee 7 was therefore to transmit No. 85 within square brackets to the Plenary. The second proposal by Saudi Arabia would be shortened to the effect that they be applied in general only.

3.54 The Director of the CCITT suggested that instead of "to study and issue recommendations" the text might read "to standardize and issue recommendations", so that the standardized agreements would still be in the form of non-binding recommendations.

3.55 The Director of the CCIR said that not all of the work carried out in CCIR was directed toward standards, and the terms of reference should therefore clearly provide for many recommendations that were not standards, such as those concerning the use of the radio frequency spectrum and for system performance. Both aspects needed to be retained.

3.56 The Chairman said that the decision of Committee 7 was to transmit No. 85 in brackets to the Plenary together with a summary of the comments by the Directors of the CCIR and CCITT.

3.57 The delegate of the German Democratic Republic was opposed to forwarding any text to the Plenary in square brackets, and said that the matter should be left aside and the problems studied in depth, as several delegations had proposed.

3.58 The Chairman recalled that when he had suggested three options, the proposal by the delegate of the German Democratic Republic to leave the matter to the future study had been included. The proposal by the delegate of Saudi Arabia would remain in square brackets.

3.59 The delegate of Italy, on a point of order, drew attention to the proposal by Italy supported by Algeria to the effect that if there were modifications to No. 85 there would be consequential modifications to No. 84, so as to avoid differences between the CCI texts.

3.60 The Chairman agreed that the texts as modified would be transmitted to the Plenary.

3.61 The delegate of the United Kingdom, on a point of order, said that proposal G/82/8 had yet to be dealt with. He proceeded to introduce the draft Resolution on the acceleration of the international adoption of CCIR recommendations. The Committee had already agreed to amendments of Articles 11 and 17 which did not encourage or require either CCI to modify their procedures, but merely confirmed that the CCIs were permitted to adopt accelerated approval procedures. Proposal G/82/8 was designed to encourage the CCIR to proceed similarly to the CCITT in respect of Resolution 2 adopted at the IXth Plenary Assembly. The pace of change in telecommunications necessitated the acceleration of the decision-making process of both CCIs and the draft was self-explanatory. The CCIR Plenary Assembly in 1986 had considered the question without result and the Director of CCIR had expressed the hope that the matter would be on the agenda of the Plenary Assembly in 1990.

3.62 The delegate of Spain strongly supported the draft Resolution but proposed the deletion of the word "international", to which the delegate of the United Kingdom agreed.

3.63 The delegate of India, on a point of order, said he had no objection to the resolution as such, but did object to the Plenipotentiary Conference endorsing it and forwarding it to the CCIR Plenary Assembly, particularly in view of the adoption of No. 224A in Document 348.

3.64 The Chairman said that the draft Resolution was to be taken as a whole and invited delegations to indicate by a show of cards whether they approved the text of the resolution.

He announced that 20 delegations were in favour and 21 against, so the sense of the Committee was to reject the Resolution.

It was so agreed.

3.65 The delegate of Spain, on a point of order, said that he was not clear about the intention of the draft resolution and reserved his right to come back to the matter in Plenary.

4. Provisions relating to the basic structure of the Union -  
Article 5 of the Constitution and any related Resolutions or Recommendations  
(Documents DL/7, DT/14 + Addendum 1, 144, 180 and 364)

4.1 The delegate of the United States referring to his Delegation's proposal USA/364/1, explained that it was simply to insert a new item 4 e) in No. 26.

The proposal was approved.

Article 5, thus amended, was approved.

5. Report by the Chairman of Drafting Group 7 ad hoc 3 (Document 420)

5.1 The Chairman of Drafting Group 7 ad hoc 3 said that the Group had held two meetings, on 23 and 24 June, to prepare draft provisions on the non-structural aspects

of the IFRB for approval by Committee 7, in accordance with the terms of reference in Document DL/24. Specifically, that included Article 10 of the new Constitution, (Nos. 73 to 83), and Article 5 of the new Convention (Nos. 110 to 116). The Group had completed its tasks on time and all members were to be thanked for their participation and cooperation.

The Drafting Group had not been competent to take any decision with regard to "five" in square brackets in No. 73, but had noted the footnote in Document DL/22, indicating that the matter had been referred to Committee 9.

The Drafting Group had taken the text of No. 74 of the Convention from Document 385 and that text, dealing with eligibility of Members of the IFRB for re-election once only, had since been accepted by Committee 7. It had been agreed that No. 76 would be amended to read: "Members ... shall cease... as custodians of an international public trust". No. 79 had been amended slightly to make it clear that recording of a geostationary orbital position was always associated with frequencies in use by telecommunications satellites. The Group had agreed on a final text for No. 80 of the new Constitution concerning an additional duty of the IFRB to provide Members of the Union with information contained in the IFRB data bases in machine-readable form. The additional text had been based on proposals by the USSR in Document 16, by the Federal Republic of Germany in Document 108 and by Greece in Document 110.

No. 82 had also been amended slightly to clarify the function of the IFRB in providing technical assistance in preparing for radio conferences. The organizing of the conferences was not a direct function of the IFRB but of the General Secretariat.

Turning to Article 5 of the draft Convention, the word "five" in No. 73 had been left in square brackets pending a discussion in Committee 9. The Canadian delegate in the Drafting Group had withdrawn his Delegation's proposals CAN/72/12-19 concerning additional paragraphs to Nos. 115 and 116, indicating that the inclusion of that material in the Convention was the subject of further study in connection with the long-term review by the proposed High-Level Committee.

5.2 The Chairman, thanking the Drafting Group and its Chairman for the work it had achieved under very difficult circumstances, invited the Committee to consider the report in Document 420.

5.3 The delegate of Mexico said that the report appeared to be very clear but he sought clarification on two points: on No. 80, he wondered what was meant by "machine readable"; the text proposed by the Drafting Group for No. 76 was somewhat unusual and he proposed that the original text, reading "impartial agents entrusted with an international mandate" be retained.

5.4 The delegate of the Islamic Republic of Iran, addressing No. 80, said that his Delegation had agreed to the text on the understanding that the Board would provide Members of the Union with information contained in the IFRB data bases in machine-readable form, as well as in other forms requested by Members.

5.5 The delegate of Canada, referring to paragraph 4.2 of the report, said that the relevant Canadian proposal numbers were: CAN/72/13-27, and that as a consequence the last sentence should be deleted. His Delegation had no difficulties with No. 80 nor with the term "machine-readable", as just clarified. As far as No. 76 was concerned, the original text in the Nairobi Convention was as put forward by the Drafting Group. It was the words in square brackets shown as deleted which had come from the Group of Experts on the basic instrument of the Union and he supported the retention of the original Nairobi text as recommended.

5.6 The Chairman of Committee 8, said that Committee 8 had already approved a text for No. 79 for inclusion in Article 4, which appeared in a document ready for first reading by the Plenary. The text read as follows:

"18 a) effect allocation of the radio frequency spectrum and registration of radio frequency assignments and orbital positions in the geostationary satellite orbit in order to avoid harmful interference between radio stations of different members."

5.7 The delegate of Mexico said that his Delegation could accept provision No. 80 with the explanation given by the delegate of the Islamic Republic of Iran. As far as No. 76 was concerned, he had understood the delegate of Canada to say that the text proposed by the Drafting Group had come from the Nairobi Convention. The Spanish text, in fact, used the phrase "impartial agents entrusted with an international mandate".

5.8 The Chairman of Drafting Group 7 ad hoc 3, referring to No. 80, said that "machine-readable form" meant remote access of data in the form of CD-ROM, etc. As the delegate of Mexico had said that he could accept the text with the addition suggested by the delegate of the Islamic Republic of Iran, it was up to Committee 7 to decide which text it preferred. As far as No. 76 was concerned there seemed to be some difference between the English and Spanish texts of the Nairobi Convention. The Drafting Group had used the English text. The Canadian proposal to delete the last sentence in paragraph 4.2 and to change the proposal numbers was acceptable. As far as No. 79 was concerned, Committee 7 would have to align the text contained in Document 420 with that provided by Committee 8, or choose between the two.

5.9 The Chairman said that the relevant comments would be forwarded to the Editorial Committee.

5.10 The Secretary-General said that the question raised by the delegate of the Islamic Republic of Iran with regard to No. 80 was a matter of substance. The text said that information was available in machine-readable form, and the extent of those who would be interested in that form was satisfactory, but some flexibility had to be included because information was available in other forms. In view of the time constraints, Committee 7 might wish to put the text in square brackets. As far as No. 76 was concerned, the Secretary of the Group of Experts on the basic instrument was not present, but the delegate of Mexico was correct in stating that that Group, in its examination of the question, had detected a discrepancy between the French and Spanish texts on the one hand and the English text on the other. As indicated in the report of the Drafting Group, they had sought to align the English text with the French and Spanish using the linguistic skills available within that Group. Committee 7 now had to decide that the three language versions must coincide and then choose whether to follow the former French and Spanish texts or to change the French and Spanish to coincide with the translation into English which had been in use for many years.

5.11 The delegate of France said that it would be most unfortunate if the French and Spanish texts of No. 76 had to be aligned with the English since an important idea would be lost. The French text stated, first, that the members of the IFRB should be impartial agents and, second, that they should be entrusted with an international mandate. In the text proposed by the Drafting Group the second idea was retained but the first had disappeared. He would prefer to have the reference to impartial agents in the text.

5.12 The delegate of the USSR said that No. 80 as proposed by his Administration had included the advantageous method of remote accessing of IFRB information and the possibility of obtaining various kinds of information on magnetic tape, as well as preserving all methods of obtaining such information on paper. It would therefore be sensible to retain the original text, but possibly improved by the Editorial Committee.

5.13 The delegate of the United States said that his Delegation preferred alignment of No. 76 to the English text. As far as No. 80 was concerned, as the Secretary-General had commented on the possible options available to administrations with regard to the provision of information, the difficulties might be solved by inserting the word "also", so that the phrase would begin "to also provide Members of the Union ...". Both dimensions would thus be available to administrations. As far as No. 73 was concerned, Article 10 was in the Constitution and material already in the Constitution with regard to the CCIs contained an indication that there would be a Director i.e., one individual for each office. Also, in Article 11A on the new Bureau there was a reference to a Director, which meant one individual. Using those as guidelines, therefore, he suggested that the square brackets should be deleted and the text be left to indicate that there were five independent members.

5.14 The Chairman, going through the report, said that the square brackets in No. 73 could be removed in view of the agreement on the number. No. 74 could be accepted as proposed, since it reflected the principle adopted in Committee 7. In view of the divergence of opinion on No. 76 as to whether the English should be aligned with the French and Spanish or vice-versa, the matter would have to be considered very carefully by the Editorial Committee and by the Plenary. There were no difficulties with Nos. 77 and 78, but as far as No. 80 was concerned, the proposed addition should be left in square brackets for the time being, as the Secretary-General had suggested. As far as the rest of the document was concerned, there appeared to be no major problems. If the Committee agreed, it could approve Document 420 and forward the texts to the relevant Committees as soon as possible.

5.15 The Chairman of the IFRB, referring to No. 76, said that the difference between the three language versions had been recognized when the provision had first been adopted in 1947, but the meaning was clearly indicated in the documents of the Union and in the minutes. With regard to No. 80, the Committee was adopting a text which was to be part of the Constitution. In an instrument of that nature, all the expressions used should be clearly defined and understood by all the Members. While the expression "data bases" might be a term currently used by those familiar with computers, it was vague from the point of view of principle and deserved careful consideration. Furthermore, the proposed addition to No. 80 was at variance with Article 10 of the Radio Regulations since it stated that all the IFRB files were at the disposal of the public in general. There should be some restriction in that regard and it might therefore be advisable to take the Secretary-General's advice and leave the proposed amendment to No. 80 in square brackets.

5.16 The Chairman said that in the light of that explanation, the square brackets would be retained.

Document 420 was thus approved.

## 6. Report of Drafting Group 7 ad hoc 5

6.1 The Chairman said he would consult with the Chairman of the Conference on whether Committee 7 could meet once more simply to consider the report of Drafting Group 7 ad hoc 5 or whether the report of that Drafting Group should be submitted directly to Plenary. In view of the late hour, however, he asked the Chairman of the Group if he could accept the second option.

It was so agreed.

7. Consideration of the summary records of the first to nineteenth meetings of Committee 7 (Documents 169, 182 + Corr.1, 191(Rev.1), 196, 204, 206, 214 + Corr.1, 215(Rev.1), 227(Rev.2), 241 + Corr.1, 252(Rev.1), 269, 270(Rev.1), 285, 292 + Corr.1, 307, 308 + Corr.1, 318(Rev.1), 329

7.1 The Chairman observed that all delegations had had ample time to submit in writing their comments and amendments to the above summary records. Corrigenda had been issued when there were one or two amendments, and revised versions issued when there were more substantive changes.

He wished to make a statement on the summary records and in particular with respect to one that had been "mutilated". He wished it to be perfectly clear that the responsibility of the Chairman extended up to the moment when he signed the record and authorized its publication, considering it to reflect overall the ideas and trends of opinion expressed during a given meeting. The Chairman of the Committee had no responsibility whatsoever for the procedure following his authorization to publish the text. From that point on, the procedure was beyond the scope of the Committee Chairman, who could assume no responsibility for the processing of texts already approved, until they were distributed. They could then give rise to amendments or revisions.

As Chairman, he wished to make clear the extent of his responsibility in the case of the summary record which was published in a mutilated form and of which a revised version had been published subsequently after the chair had requested the reinsertion of the missing portion.

7.2 The delegate of Mexico said that his Delegation had handed in comments to the Secretariat and could on that basis accept the summary records.

7.3 The delegate of Papua New Guinea, referring to the Chairman's comment that delegations had had plenty of time to check the revised versions, pointed out that much revised material and other documentation had been received within two days, at a time when Committee 7 was working under extreme pressure. For a very small Delegation like his own, it had simply not been possible to go through them all. He had suggested a few changes, but could not go ahead on the basis that there had been plenty of time. He had earlier asked for a particular point to be dealt with and he did not feel he could go back on that. If the records had been available in the earlier stages of the Conference, he could agree with the Chairman's point. But it was not possible to go through several sets of records in the circumstances in which Committee 7 had been working in the preceding days.

7.4 The Chairman took note of that position.

7.5 The delegate of the Netherlands said that, unlike the Delegation of Papua New Guinea, his own Delegation had been able to read the revised summary records and could agree with them so far. However, several more meetings had been held after 17 June for which the summary records were not yet published. He referred in particular to the meeting of the previous Friday evening where he had made a number of remarks about the procedure concerning the summary records, and would be very interested to see that particular record. He therefore reserved his position formally on the totality of the summary records of Committee 7, and asked how the later ones would be received and read.

7.6 The Chairman said that all the remaining summary records would be distributed before the work of the Plenipotentiary Conference ended. Under No. 959 of the Convention, the summary records of the final meetings of a Committee were examined and approved by its Chairman.



7.7 The delegate of Tanzania said that in the 20 meetings held by Committee 7, more than 100 points of order had been raised, but perhaps that was how things had to happen. In accordance with Nos. 588, 592, 594 and 595 of the Convention, the position stated by the Chairman in his opening comments seemed to reflect the situation with regard to the summary records. No doubt there had been enough opportunity to amend the texts but it was his view that whatever was provided would no doubt reflect the true position of the discussions when that particular item was discussed. In other words, any amendment would no doubt tally with the tape recording of the meeting in question.

7.8 The delegate of the USSR reserved his right to express his point of view in Plenary on the approval of all those documents since there would not be sufficient time to examine the remainder of the summary records.

7.9 The Chairman noted those comments. He took it that the summary records of the first to nineteenth meetings of Committee 7 were approved and respectfully invited delegates to submit to him their comments on the remaining summary records as soon as possible after they appeared, so that amendments could be incorporated and all points of view be taken into account.

It was so agreed.

## 8. Completion of the work of the Committee

8.1 The Chairman made the following statement:

"First, I should like to express my personal gratitude to Mr. Otaki who as Vice-Chairman of Committee 7 has at all times provided constant and continuous support in the difficult tasks completed here.

Second, my thanks go to the Secretariat staff assigned to assisting Committee 7 in its work. They all deserve my very special gratitude. Of course, I am also grateful to all those delegates who have made it possible for the Committee to perform its courageous and protracted task.

Throughout the 27 meetings of Committee 7, the Conference has managed to steer the discussions and formulate conclusions in keeping with the principle of impartiality, and with due respect for the right of delegations freely and fully to express their opinions on the subject in hand.

Forging a consensus has been the ideal for which we were working. However, it has at times proved essential to ascertain the wishes of delegations, and at others to put decisions to the vote. A constant effort has been made to comply with the interests of the majority while taking the opinion of the minority into consideration.

Committee 7 faced difficulties when divergent views were expressed on issues of fundamental importance. Certain delegations used procedural means in order to advance or delay the proceedings. The Chair always sought to resolve all "points of order" with moderation.

As in every discussion, there were moments of heated debate. The Chair's resolve is and has been to ignore all provocation in the interests of harmony. That resolve arises from the knowledge that as individuals we are ephemeral, whereas the Member States and the Union are permanent. What matters for the institutional strengthening of the ITU are the decisions taken here, and the approval of guidelines for the future.

It has not always been possible to please all delegations. The duty of Committee 7's Chairman has been to adopt an actively neutral position. On occasions one or other tendency has hoped for a decision in keeping with its wishes, but the imperative has always been to seek the midpoint.

Committee 7 adopted its most important decision early, on 7 June 1989, when it set up a permanent organ for telecommunications development. That was a transparent and non-negotiated decision, taken in response to needs felt by the developing countries since the end of the Second World War. Providence and fate have given us the privilege of fulfilling strong desires felt for decades by many Union Members. At Nice, Committee 7 has written a fine page in the history of the ITU.

Certain positions hardened from that day on. Committee 7 continued deliberating very actively. When the outcome of the discussions seemed uncertain, a number of delegations here suggested the establishment of an informal contact group. The initiative was welcomed and thereafter work proceeded simultaneously at two levels. At the public meetings some tension was apparent, while privately the Chairman of Committee 7 and distinguished representatives of 20 delegations endeavoured to find a compromise solution. On 14 June, after several meetings, the Informal Contact Group of Committee 7 considered the document entitled 'Some points that might lead to a consensus on major issues', which I would request the Secretariat to have included as an annex to my statement in the summary record of this meeting. The document consolidated ideas put forward in Committee 7 and contributions to the informal dialogue, and enabled us to move forward to common ground.

With sagacity and wisdom, our hosts considered that the time had come to extend the scope of those informal contacts so that the dialogue within Committee 7 could permeate all spheres of the Conference. The outcome of that praiseworthy move is the document sponsored by 92 delegations, which engendered the spirit of Nice. The document settled several issues in interrelated terms, so its value lies in being applied as an indivisible whole.

The Spring of Nice marks the formal beginning of a resolute process to develop the Union, which is the chief issue that has occupied delegates' energy and imagination. That process arouses hopes of renewal which will prepare the ITU to tackle successfully the challenges of the coming century. The road to modernity has been traced here with the approval of the terms of reference for the revision of the Union's structure and functions. The torch of structural and functional evolution is now handed on to the Administrative Council. An early decision on those shared objectives will make the tasks of Committee 7 at the Tokyo Conference less complex.

Dear delegates, friends,

I came to Nice to serve the higher interests of the Union. I accepted the difficult responsibility with which you entrusted me. I assure you that I have given of my best. Serving the ITU has enriched my life. I trust that you too have found this experience beneficial. Thank you very much and farewell.

Committee 7 has now completed its work."

8.2 The delegate of Algeria said that with the exception of the Report of Group 7 ad hoc 5 the Committee had now reached the end of its work. It had met almost 30 times and throughout all its difficult meetings the Chairman had acted with patience, wisdom and remarkable impartiality in the search for a consensus. He had been placed in very trying situations, but had never failed to be calm and courteous so that no delegation could complain of having not been able to speak. On the contrary, they had been allowed to speak so much that they were now complaining of having wasted too much time. Despite all the problems due to the complexity of the subjects dealt with, the Chairman had led

the work of a very difficult Committee to its conclusion, and the Committee was grateful to him. Among the Committee's decisions, was the historic and unopposed one to set up a new permanent organ of the Union. In all fairness, the Committee had to pay tribute both to the Chairman and to his wife who had so ably supported him throughout the Conference, and had spent as much time at the Acropolis as the delegates themselves.

8.3 The delegates of India and Tanzania associated themselves with those comments.

8.4 The delegate of Bhutan said that his Delegation also wished to take the opportunity of expressing its deep appreciation for the qualities exhibited by the Chairman during the meetings of the Committee. The mandate and the tasks of Committee 7 were truly diverse and complex in their nature and to chair the tumultuous debates in such a Committee was indeed a Herculean task. Yet the Chairman was able to conduct the entire business with consummate skill and he was to be congratulated. At many a turbulent point during the strenuous sessions his patience and other qualities were put to the test - indeed rather mercilessly - but his reaction was never impulsive, always admirably calm, cool and well-composed. In many ways, he had been found buoyant, considerate and a persuasive leader. It was indeed those exemplary personal qualities backed by ample endurance, that had led the Committee to success. He wished him and his wife all the best.

8.5 The delegate of France endorsed the congratulations already expressed to the Chairman for his conduct of a difficult Committee which had had to solve major problems. He had shown considerable pragmatism in the methods of work, and a keen understanding of the positions of the various delegations when they held differing views. They had been able to agree to disagree in order to reach a consensus. Although he himself had taken part only now and again in the debates, his Delegation had been present at all times and he was satisfied with the final results obtained.

8.6 The Chairman declared completed the work of Committee 7.

The meeting rose at 1500 hours.

The Secretary:

A.M. RUTKOWSKI

The Chairman:

A. VARGAS ARAYA

Annex: 1

ANNEX

Note to the informal Contact Group  
from the Chairman of Committee 7

Some points that might lead to a consensus on major issues

1. Create a Telecommunications Development Bureau (BDT) as a permanent organ, at the same level of the other permanent organs, enshrined in the Constitution, headed by an elected Director, with reasonable funding from the regular budget (up to 25%). The BDT shall be responsible for all development, technical cooperation and assistance matters of the Union. The Secretary-General will be responsible for its organizational set-up, by incorporating all the development functions of the Union and especially the present TCD and CTD. The Director of the BDT will be elected by the Special Conference which will be held in two years.
2. This Conference will maintain the CCITT and the CCIR. It will also establish the terms of reference, without indicating any possible options, for an independent in-depth study to be carried out by an outside team of consultants which will be supported by a voluntary Panel of Experts of the administrations. The Secretary-General and the Directors of the CCIR and the CCITT will fully collaborate in the study. The results of the study will be communicated to a Special Conference to be held within two years. In the meantime, this Conference can elect two Directors for a period of two years or extend the terms of the incumbents until the Special Conference which will be mandated to elect the Director or Directors up to the next Plenipotentiary.
3. The IFRB will be maintained as it is. However it will also be the subject for a thorough study whose terms of reference shall be prepared here. The findings and recommendations will be submitted to the Special Conference which will take appropriate decisions. With regard to the members of the Board, they shall be elected here for a full term, i.e. up to the next Plenipotentiary.
4. There shall also be a thorough study of the working methods of the General Secretariat.
5. The Plenipotentiary will appoint a group of persons who will be mandated to assist the Secretary-General to follow up the decisions of this Plenipotentiary with regard to the review of the structure and working methods of ITU up to the Special Conference.
6. The Special Conference will have a well defined subject matter to deal with as specified by this Conference.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 437(Rev.1)-E

25 June 1989

Original: English

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## COMMITTEE 10

### THIRD SERIES OF TEXTS FROM COMMITTEE 7 TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1

ANNEX

RESOLUTION No. COM7/1

Review of the Structure and Functioning of the  
International Telecommunication Union

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

recognizing

a) the Report of the Administrative Council to the Plenipotentiary Conference on the activities of the Union since 1982;

b) Resolutions Nos. 21, 38, 47, 48, 66, 67 and 68 of the Plenipotentiary Conference (Nairobi, 1982);

c) Resolution No. PL/4 of the World Administrative Telegraph and Telephone Conference (Melbourne, 1988);

d) Resolutions Nos. 1, 2, 17 and 18 of the Plenary Assembly of the CCITT (Melbourne, 1988);

e) Resolutions 24, 33, 61, 82, 83 and Opinion 84 of the Plenary Assembly of the CCIR (Dubrovnik, 1986);

f) [Article 5 of the Constitution of the ITU (Nice, 1989) which establishes the Telecommunication Development Bureau as a permanent organ for telecommunications cooperation and assistance;]

g) [Resolutions [AA], [BB], [YY] and [ZZ] of the Plenipotentiary Conference (Nice 1989);

h) Document 388 and others relevant to the structure of the Union such as Documents 11, 19, 51, 55, 61, 68, 69, 71, 72, 81, 82, 86, 97, 98, 110, 114, 144, 162, 184, 194, 259 as well as relevant minutes, and summary records of Committee 7, of the Plenipotentiary Conference (Nice, 1989),]

considering

a) the continuing growth in the volume and complexity of the tasks to be performed by the Union;

b) the changing nature of the telecommunications environment;

c) the economic pressures upon the Union;

d) the need for the structure, management practices and working methods of the Union to respond to these changes and to the increases in the demands placed upon it to match the ever-accelerating progress in telecommunications,

considering also

the great services rendered to the Members of the Union by its permanent organs, elected officials and appointed staff,

resolves

1. that a high-level Committee is to be established;
2. that this Committee is to be composed, with due regard to equitable geographical representation, of fifteen to twenty-one Member countries which shall designate representatives enjoying the highest reputation in international telecommunications and having broad experience in respect of the ITU;
3. that this Committee should call on the services of outside consultants selected by the Administrative Council within the limits of the budget agreed for this purpose;
4. that the members of the Committee will work on a voluntary basis on the understanding that where necessary financial assistance for attending the meetings will be provided to members of the Committee;
5. that all expenditure is to be kept as low as possible and to be financed from the regular budget of the ITU, subject to the supervision of the Administrative Council;

resolves further

that the mandate of the Committee shall be to carry out an in-depth review of the structure and functioning of the Union, in order to study and recommend, as necessary, measures to ensure a greater cost-effectiveness within and between all ITU organs and activities by improving the structural, organizational, financial, personnel, procedural and coordination conditions with a view to ensuring that the Union responds effectively to the demands placed on it due to the changing nature of the telecommunications environment. This review should especially:

- 1.1 identify and analyse options for the structure of the Union and its permanent organs;
- 1.2 study the internal management of the permanent organs including organizational, financial and personnel aspects; this shall include conclusions relating to:
  - the most effective organization of the growing volume of work in the various organs;
  - cost-effective and harmonized working procedures in and between the individual organs;
  - personnel requirements in the medium term (three to five years) considering the projects and activities of the Union;
  - the establishment of improved financial management and control processes suitable to the needs of the Union and for increasing the financial transparency and accountability.
- 1.3 study the method of interaction between the permanent organs including the role of the Coordination Committee with a view to ensuring greater harmonization of the activities of the organs;

2. examine the functioning of the organs of the Union other than the permanent organs in order to improve efficiency and management; study the question of rotation in respect of the membership of the Administrative Council;
3. provide for interim reports and a final report to be prepared showing clearly advantages and disadvantages of any alternative proposals;

instructs the Administrative Council

1. at an extraordinary session to be held in November 1989 to establish the Committee on the basis of a proposal of the Secretary-General and to define precise procedures for the tasks required including general guidance to the Committee on its statement of work;
2. to instruct the Committee to develop, on the basis of its terms of reference, a detailed statement of work elements and study tasks, considering the views received from administrations;
3. to approve the detailed study tasks of the outside consultants and to select them on the basis of a proposal of the Committee;
4. to examine periodically reports of the Committee;
5. to ensure that all Members are regularly informed in a global and exhaustive manner so that they can send their comments;
6. to ensure that the final report will be circulated to the Members together with its comments at least one year before a Plenipotentiary Conference decides on the recommendations and to consider the possibility of convening regional seminars to present and explain the results;
7. after due consideration to implement, within its competence, the recommendations of the Committee and to transmit to the Heads of the permanent organs for action whatever recommendations fall within the latter's scope;
8. to decide at its session in 1991, if considered necessary, to provide for an additional Plenipotentiary Conference, as early as possible, to implement all or part of the recommendations of the study;

instructs the Secretary-General

1. after consultation of and in cooperation with the Member countries, to submit to the Administrative Council proposals for the composition of the Committee seeking as wide a representation of all interests of the Union as possible;
2. to invite all administrations to provide written comments not later than 1 November 1989 with respect to work elements and study tasks of the review;
3. to fully support the Committee in its work;
4. to report to the Administrative Council on the progress of the work and the interim and final results obtained by the Committee;



5. to distribute the interim and final reports of the Committee to all Members of the Union along with the relevant decisions and comments of the Administrative Council and a summary of any action taken by the permanent organs in response to the recommendations of the Committee;

6. to make all necessary preparations for the invitation to and organization of the relevant Plenipotentiary Conference;

instructs the Heads of the permanent organs

1. to afford the Committee all necessary assistance and cooperation required for the successful completion of the review;

2. to take action, as appropriate, on the recommendations of the Committee transmitted by the Administrative Council.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 437-E

25 June 1989

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COMMITTEE 10

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- c) Resolution No. PL/4 of the World Administrative Telegraph and Telephone Conference (Melbourne, 1988);
- d) Resolutions Nos. 1, 2, 17 and 18 of the Plenary Assembly of the CCITT (Melbourne, 1988);
- e) Resolutions 24, 33, 61, 82, 83 and Opinion 84 of the Plenary Assembly of the CCIR (Dubrovnik, 1986);
- f) [Article 5 of the Constitution of the ITU (Nice, 1989) which establishes the Telecommunication Development Bureau as a permanent organ for telecommunications cooperation and assistance;]
- g) [Resolutions [XX], [YY] and [ZZ] of the Plenipotentiary Conference (Nice 1989);]
- h) Documents 11, 19, 51, 55, 61, 69, 71, 72, 81, 82, 86, 97, 98, 110, 114, 162, 184, 194 as well as relevant minutes, and summary records of Committee 7, of the Plenipotentiary Conference (Nice, 1989),]

considering

- a) the continuing growth in the volume and complexity of the tasks to be performed by the Union;
- b) the changing nature of the telecommunications environment;
- c) the economic pressures upon the Union;
- d) the need for the structure, management practices and working methods of the Union to respond to these changes and to the increases in the demands placed upon it to match the ever-accelerating progress in telecommunications,

considering also

the great services rendered to the Members of the Union by its permanent organs, elected officials and appointed staff,

resolves

1. that a high-level Committee is to be established;
2. that this Committee is to be composed, with due regard to equitable geographical representation, of fifteen to twenty-one Member countries which shall designate representatives enjoying the highest reputation in international telecommunications and having broad experience in respect of the ITU;
3. that this Committee should call on the services of outside consultants selected by the Administrative Council within the limits of the budget agreed for this purpose;
4. that the members of the Committee will work on a voluntary basis on the understanding that where necessary financial assistance for attending the meetings will be provided to members of the Committee;
5. that all expenditure is to be kept as low as possible and to be financed from the regular budget of the ITU, subject to the supervision of the Administrative Council;

resolves further

1. that the mandate of the Committee shall be to carry out an in-depth review of the structure and functioning of the Union, in order to study and recommend, as necessary, measures to ensure a greater cost-effectiveness within and between all ITU organs and activities by improving the structural, organizational, financial, personnel, procedural and coordination conditions with a view to ensuring that the Union responds effectively to the demands placed on it due to the changing nature of the telecommunications environment. This review should especially:
  - 1.1 identify and analyse options for the structure of the Union and its permanent organs;
  - 1.2 study the internal management of the permanent organs including organizational, financial and personnel aspects; this shall include conclusions relating to:
    - the most effective organization of the growing volume of work in the various organs;
    - cost-effective and harmonized working procedures in and between the individual organs;
    - personnel requirements in the medium term (three to five years) considering the projects and activities of the Union;
    - the establishment of improved financial management and control processes suitable to the needs of the Union and for increasing the financial transparency and accountability.
  - 1.3 study the method of interaction between the permanent organs including the role of the Coordination Committee with a view to ensuring greater harmonization of the activities of the organs;

2. examine the functioning of the non-permanent organs of the Union in order to improve efficiency and management; study the question of rotation in respect of the membership of the Administrative Council;

3. provide for interim reports and a final report to be prepared showing clearly advantages and disadvantages of any alternative proposals;

instructs the Administrative Council

1. at an extraordinary session to be held in November 1989 to establish the Committee on the basis of a proposal of the Secretary-General and to define precise procedures for the tasks required including general guidance to the Committee on its statement of work;

2. to instruct the Committee to develop, on the basis of its terms of reference, a detailed statement of work elements and study tasks, considering the views received from administrations;

3. to approve the detailed study tasks of the outside consultants and to select them on the basis of a proposal of the Committee;

4. to examine periodically reports of the Committee;

5. to ensure that all Members are regularly informed in a global and exhaustive manner so that they can send their comments;

6. to ensure that the final report will be circulated to the Members together with its comments at least one year before a Plenipotentiary Conference decides on the recommendations and to consider the possibility of convening regional seminars to present and explain the results;

7. after due consideration to implement, within its competence, the recommendations of the Committee and to transmit to the Heads of the permanent organs for action whatever recommendations fall within the latter's scope;

8. to decide at its session in 1991, if considered necessary, to provide for an additional Plenipotentiary Conference, as early as possible, to implement all or part of the recommendations of the study;

instructs the Secretary-General

1. after consultation of and in cooperation with the Member countries, to submit to the Administrative Council proposals for the composition of the Committee seeking as wide a representation of all interests of the Union as possible;

2. to invite all administrations to provide written comments not later than 1 November 1989 with respect to work elements and study tasks of the review;

3. to fully support the Committee in its work;

4. to report to the Administrative Council on the progress of the work and the interim and final results obtained by the Committee;

5. to distribute the interim and final reports of the Committee to all Members of the Union along with the relevant decisions and comments of the Administrative Council and a summary of any action taken by the permanent organs in response to the recommendations of the Committee;

6. to make all necessary preparations for the invitation to and organization of the relevant Plenipotentiary Conference;

instructs the Heads of the permanent organs

1. to afford the Committee all necessary assistance and cooperation required for the successful completion of the review;

2. to take action, as appropriate, on the recommendations of the Committee transmitted by the Administrative Council.

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INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 438-E  
26 June 1989  
Original: French

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COMMITTEE 10

NOTE BY THE CHAIRMAN OF COMMITTEE 6  
TO THE CHAIRMAN OF COMMITTEE 10

In accordance with Document DT/5(Rev.2), Nos. 64 and 82 of the draft Constitution have been submitted to Committee 6 for consideration.

Since, to our knowledge, no proposal has been made regarding these two provisions, they can be maintained unchanged.

H. VIGNON  
Chairman of Committee 6

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 439-E

26 June 1989

Original : English

## Note by the Secretary-General

### FOR INFORMATION FINAL DAYS OF THE CONFERENCE

#### 1. Final Acts

The copies of the Final Acts will be distributed, in principle one copy per delegate, in the document distribution boxes before the signing ceremony.

Note : Delegates who leave the Conference before the signing ceremony are requested to fill in a form available at the Document Distribution Service to enable the Secretariat to dispatch their copies after the Conference.

#### 2. Declarations and reservations concerning the Final Acts

When the last text to be included in the Final Acts of the Conference has been approved in second reading by the Plenary Meeting, a time limit will be set for the deposit of declarations and reservations concerning the Final Acts.

The declarations and reservations concerning the Final Acts are to be handed in to the Documents Control Service (Office 107, Level 1) for publication in a consolidated document.

The Plenary Meeting will take note (without debate) of the declarations and reservations concerning the Final Acts and fix a second deadline for the deposit of additional declarations and reservations having regard to the first set of declarations and reservations.

A subsequent Plenary Meeting will take note (without debate) of the additional declarations and reservations.

#### 3. Signing ceremony

Between the final adoption, in second reading, of the last texts of the Final Acts and the signing ceremony, a period of 24 hours is required :

- for the preparation and printing of the Final Acts, and
- for the deposit and publication of the declarations and reservations and additional declarations and reservations, as well as for the Plenary Meetings held to take note of them.

The time of the opening of the signing ceremony will therefore depend on when the last text is cleared in Plenary.

It should be noted that delegations (or members thereof) wishing to sign the Final Acts before the signing ceremony may do so by application to the office of the Executive Secretary (Ms. H. Tulloch, Office 218).

R.E. BUTLER  
Secretary-General



INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 440(Rev.1)-E

27 June 1989

Original: French

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PLENARY MEETING

## REPORT OF THE CHAIRMAN OF COMMITTEE 6

(TECHNICAL COOPERATION)

TO THE PLENARY MEETING

The report of the Chairman of Committee 6 (Technical Cooperation) is herewith submitted to the Plenary Meeting for consideration.

H. VIGNON  
Chairman of Committee 6

1. General organization

Committee 6 has held a series of eleven meetings and has carried out its work under its terms of reference defined in Document 118. The meetings were held in accordance with the following schedule:

- 2nd week - 2 meetings
- 3rd week - 3 meetings
- 4th week - 4 meetings
- 5th week - 2 meetings

The Committee set up a Resolutions Drafting Group, which held three meetings on 14 and 15 June. A large number of delegations participated in the meetings and in the work of Committee 6.

2. Documents

The initial documents to be examined by Committee 6 included:

- the Report of the Administrative Council to the Plenipotentiary Conference - Document 47 (sections 4.2.6 and 5.1.1 to 5.3.8);
- Document 33 - "The changing nature of ITU technical cooperation and related field activities", based on the study carried out by a Group of Experts from eight Member countries;
- Document 34 - "Report concerning the Centre for Telecommunications Development" prepared by the Centre's Advisory Board and reviewed by the Administrative Council;
- 53 documents submitted by the Member countries. Of these 53 documents, two have been referred to the Plenary Meeting and 13 others to one or more of Committees 4, 7, 8 and 9. One document has been received from Committee 7.

3. Activities of the working meetings

Generally speaking, the meetings have taken place as described below:

- one meeting concerning, on the one hand, technical advice/support services, and on the other, management/development of training;
- one meeting concerning the regional presence;
- one meeting on a long-term action plan for world-wide telecommunications development;
- one half-meeting on the length of contracts of technical cooperation management staff;
- two meetings concerning the financing of technical cooperation activities;
- two meetings on activities consequential to the Report of the Independent Commission;

- one and a half meetings to examine Resolutions;
- two meetings to discuss the Centre for Telecommunications Development (CTD).

#### 4. Technical assistance/cooperation

The backcloth to the entire first part of the discussions was formed by Document 33 - "The changing nature of ITU technical cooperation and related field activities", with particular reference to the four proposals by the Group of Experts and the clear recognition of the dual role to be played by the ITU in technical cooperation and assistance, namely:

- as specialized agency of the United Nations for telecommunications;
- as executing agency of UNDP projects and other similar projects financed by funds-in-trust.

#### 5. Technical advice/support and training

The Committee emphasized the catalytic importance of technical advice/support and subscribed to the proposal contained in Document 33 (section 4.2) concerning the addition of one post to this service and an increase in the short-term missions budget for experts outside Headquarters. Resolution No. 22 of Nairobi is updated in draft Resolution No. COM6/7.

With regard to training, the Committee did not introduce any particular amendment to Document 33 (section 4.3) relating to the continuation of activities connected with training standards, training of instructors, their extension to the larger domain of human resource management and development (HRM/HRD) and the proposal to add one post to the training division in order to expand training standardization/coordination activities in the Arab countries. Resolution No. 29 of Nairobi is updated in draft Resolution No. COM6/10.

#### 6. Regional presence

Most delegates felt the need to strengthen the regional presence of the ITU in technical assistance/cooperation, although some administrations would like a further study to be carried out on this subject, while others would prefer a reapportionment of resources between Headquarters and field activities. A number of delegations expressed some concern with regard to the efficiency of the regional presence. In the absence of any objection, the Committee accepted:

- the proposal in section 4.7 of Document 33 for the creation of eight posts of regional experts to promote the correct application of the Recommendations of the CCIs and other international technical and operational standards, without any indication, at the present stage, of the duty stations;
- the proposals concerning the presence of an ITU representative in each of the two subregions of the Caribbean and the South Pacific.

7. Action plan for development

The Committee expressed its interest in and its agreement with the general principles underlying this action plan (Document 33, section 4.5) which would make it possible to combine all the partners interested in development, and particularly the organization of regional development conferences, on the basis of one conference for each region between two Plenipotentiary Conferences. A draft new Resolution was drawn up for this purpose (COM6/9).

8. Other technical cooperation activities

The Committee took note of these other activities (section 4.4 of Document 33 and Document 47 for the results since Nairobi 1982) concerning logistic support for seminars, the fellowship programme, special assistance to the least developed countries (LDC), (the number of which has risen from 31 to 42 since the Nairobi Conference), the promotion of technical cooperation among developing countries, and the special technical cooperation Voluntary Programme. The relevant Nairobi Resolutions have been updated on this basis, and appear under the numbers COM6/14, COM6/13, COM6/12 and COM6/11.

9. Core staff for technical cooperation management

This question, which is the subject of Proposal No. 3 put forward by the Group of Experts, and described in section 4.6 of Document 33, received a favourable opinion from the Committee, since it is designed to enhance the efficiency of the technical cooperation activities and to enable the Union to perform its role as specialized agency more effectively. The discussions revealed an excessive disparity in the duration of contracts between the professional staff of the present Technical Cooperation Department and the staff of the organs of the Union. (This question does not concern experts recruited for the implementation of field projects.) Proposal No. 3 in Document No. 33, which has no financial implications, is intended to give the staff concerned contracts of much longer duration than has hitherto been the practice, but there is no question of granting permanent contracts.

10. Financing of technical assistance/cooperation activities

Generally speaking, the Committee felt that technical cooperation must be accorded greater importance than has been the case in the past and that an attempt must be made to provide it with all the necessary resources. It thus displayed its desire to find an ultimate solution to the problem of the shortfall in income from project management support costs, the cumulative amount of which since 1980 has required the establishment of an amortization plan.

After a number of detailed explanations had been provided on various items of the draft budget for 1990 (sections 7 and 21), the Committee welcomed the solution which consists in drawing clear budgetary and accounting distinction between the two Union functions - as specialized agency of the United Nations on the one hand and executing agency of UNDP on the other. Henceforth, the cost of its activities as specialized agency will be charged to the ordinary budget. In accordance with the conditions outlined in section 5.5 of Document 33, the special account of the executing agency budget should be balanced using the income from project management support costs.

In connection with the Union's overall activities as specialized agency of the United Nations, the Committee considered the synoptic Document DT/30, which presents each activity separately, showing the initial budget estimates for 1990 together with the extra allocations required on the basis, firstly, of the Document 33 proposals, and secondly, of the proposals made during the discussion of the document. This document was followed by another Document (DT/30(Rev.1)) which explains, inter alia, a number of particulars relating to the fellowship programme and special assistance provided to the least developed countries. This document was referred to Committee 4.

11. Order of priority of proposals

Throughout the discussions, a large number of delegates expressed a preference for an arrangement of the various proposals in an order of priority; numerous other delegates said that Committee 6 should simply hold a free-ranging debate, that all proposals were very important for technical cooperation and that priorities could not be fixed until all activities and the budget of the Union were reviewed. For this purpose, the document was referred to Committee 4.

12. A division for the Arab countries in TCD

The Committee took note of the proposals made by a number of countries to the effect that a division which would devote its activities exclusively to the Arab countries should be set up in the Technical Cooperation Department. The Committee concluded that the Administrative Council and the Secretary-General should consider the question.

13. Activities to follow up the Report of the Independent Commission

The Committee expressed almost unanimous appreciation for the high quality and the scope of the report "The Missing Link" by the Independent Commission for World-Wide Telecommunications Development (Resolution No. 20 of Nairobi), and at the same time regretted the absence of any specific follow-up action.

The Committee commented extensively on Document 99, which is the report on a preliminary study by the Secretary-General on the establishment of a commercially oriented world telecommunications development organization (WORLDTEL) (in response to the recommendation contained in section 37, Chapter 9 of the Independent Commission's report.) In the absence of any agreement by the Committee on this preliminary study or on the utility of requesting the Secretary-General to proceed with a more detailed study to substantiate the proposal and to hold a conference of the Members of the ITU with a view to establishing the Constitution of such an organization, the Committee decided to refer the matter to the Plenary Meeting for decision.

14. General

The decision to establish an organ for telecommunications development on an equal footing with the other organs of the Union is regarded as a highly positive step.

After a discussion of Corrigendum 1 to Document IND/124/6, the Committee decided to support the Indian draft Resolution with a view to strengthening PL/3 adopted at WATTC-88 in Melbourne concerning the study of the costs of telecommunication services between developing and industrialized countries.

15. Summary of the draft Resolutions

After confirmation of the suppression of Resolutions Nos. 20, 21, 32 and 33, the Commission studied, amended and approved the draft Resolutions established by the Drafting Group set up for that purpose. The situation is summarized below:

<u>Resolution No.</u>	<u>Object</u>	<u>Nairobi Reference</u>
COM6/1	The role of the ITU in the development of world telecommunications	Res. 34
COM6/2	Inter-country telecommunications projects financed by UNDP	Res. 17
COM6/3	Application of science and telecommunication technology in the interest of developing countries	Res. 25
COM6/4	Training of refugees	Res. 31
COM6/5	International programme for the development of communication	Res. 35
COM6/6	Recruitment of experts for technical cooperation projects	Res. 23
COM6/7	Improvement of Union facilities for rendering assistance and services to developing countries	Res. 22
COM6/8	ITU regional presence	Res. 26
COM6/9	Regional and [world] conferences for telecommunications development	New Resolution
COM6/10	Standards for human resources management and development (HRM/HRD)	Res. 29
COM6/11	Special voluntary programme for technical cooperation	Res. 19
COM6/12	Special measures for the least developed countries	Res. 27
COM6/13	ITU training fellowship programme	Res. 30
COM6/14	Seminars	Res. 28
COM6/15	Participation of the Union in the UNDP and other programmes of the United Nations system	Res. 16
COM6/16	Apportionment of income from international telecommunication services	New Resolution

The Committee failed to reach agreement on two draft Resolutions which are referred to the Plenary Meeting for action.

COM6/17	Budgetary and organizational aspects of Union technical cooperation and assistance	Res. 18
COM6/18	Telecommunication infrastructure and social, economic and cultural development	Res. 24

16. The Centre for Telecommunications Development

The Committee held a thorough discussion on the Centre on the basis of the report of the Centre's Advisory Board commented on by the Administrative Council and numerous proposals made by countries, concerning mainly structural, operational and financial aspects. The Committee concluded that:

- in view of the short period of time during which the Centre had been functioning, the Committee agrees that it would be premature to consider at the present stage a merger with the Technical Cooperation Department (TCD) and that the Centre should be allowed more time (at least two years) to continue its role as catalyst and to prove its worth, within the ITU structure;
- it also takes the view that the Centre's admittedly wide terms of reference continue to be valid (see Chapter 8 of "The Missing Link" and Administrative Council Resolution No. 929). Since some delegations expressed the view that the terms of reference should be more precise, consideration of possible changes to the terms of reference in the light of the available resources should be left to the Administrative Council;
- it is important to bring out the fact that the Centre's activities should be complementary with those of the TCD;
- the Centre should not be funded from the ITU's own resources but should continue to operate on the basis of voluntary contributions, deriving mainly from the private sector, with its own clearly defined budget. So far as a stable basis of financing is concerned, the Administrative Council might consider a Japanese proposal for a system of association (J/111/9).

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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PLENARY MEETING

REPORT OF THE CHAIRMAN OF COMMITTEE 6

(TECHNICAL COOPERATION)

TO THE PLENARY MEETING

The report of the Chairman of Committee 6 (Technical Cooperation) is herewith submitted to the Plenary Meeting for consideration.

H. VIGNON  
Chairman of Committee 6



1. General organization

Committee 6 has held a series of eleven meetings and has carried out its work under its terms of reference defined in Document 118. The meetings were held in accordance with the following schedule:

- 2nd week - 2 meetings
- 3rd week - 3 meetings
- 4th week - 4 meetings
- 5th week - 2 meetings

The Committee set up a Resolutions Drafting Group, which held three meetings on 14 and 15 June. A large number of delegations put a part in the meetings and in the work of Committee 6.

2. Documents

The initial documents to be examined by Committee 6 included:

- the Report of the Administrative Council to the Plenipotentiary Conference - Document 47 (sections 4.2.6 and 5.1.1 to 5.3.8);
- Document 33 - "The changing nature of ITU technical cooperation and related field activities", based on the study carried out by a Group of Experts from eight Member countries;
- Document 34 - "Report concerning the Centre for Telecommunications Development" prepared by the Centre's Advisory Board and reviewed by the Administrative Council;
- 53 documents submitted by the Member countries. Of these 53 documents, two have been referred to the Plenary Meeting and 13 others to one or more of Committees 4, 7, 8 and 9. One document has been received by Committee 7.

3. Activities of the working meetings

Generally speaking, the meetings have taken place as described below:

- one meeting concerning technical advice support and training in the Technical Cooperation Department (TCD);
- one meeting concerning the regional presence;
- one meeting on a long-term action plan for world-wide telecommunications development;
- one half-meeting on the length of contracts of technical cooperation management staff;
- two meetings concerning the financing of technical cooperation activities;
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#### 4. Technical assistance/cooperation

The backcloth to the entire first part of the discussions was formed by Document 33 - "The changing nature of ITU technical cooperation and related field activities", with particular reference to the four proposals by the Group of Experts who drafted the report and the clear recognition of the dual role to be played by the ITU in technical cooperation and assistance, namely:

- as specialized agency of the United Nations for telecommunications;
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#### 5. Technical advice/support and training

The Committee emphasized the catalytic importance of technical advice/support and subscribed to the proposal contained in Document 33 (section 4.2) concerning the addition of one post to this service and an increase in the short-term mission budget for experts outside Headquarters. Resolution No. 22 of Nairobi is updated in draft Resolution No. COM6/7.

With regard to training, the Committee did not introduce any particular amendment to Document 33 (section 4.3) relating to the continuation of activities connected with training standards, training of instructors, their extension to the larger domain of human resource management and development (HRM/HRD) and the proposal to add one post to the training division in order to expand training standardization/coordination activities in the Arab countries. Resolution No. 29 of Nairobi is updated in draft Resolution No. COM6/10.

#### 6. Regional presence

Most delegates feel the need to strengthen the regional presence of the ITU in technical assistance/cooperation, although some administrations would like a further study to be carried out on this subject, while others would prefer a reapportionment of resources between Headquarters and field activities. A number of delegations expressed some concern with regard to the efficiency of the regional presence. In the absence of any objection, the Committee accepted:

- the proposal in section 4.7 of Document 33 for the creation of eight posts of regional experts to promote the correct application of the Recommendations of the CCIs and other international technical and operational standards, without any indication, at the present stage, of the duty stations;
- the proposals concerning the presence of an ITU representative in the two subregions of the Caribbean and the South Pacific.

7. Action plan for development

The Committee expressed its interest in and its agreement with the general principles underlying this action plan (Document 33, section 4.5) which would make it possible to combine all the partners interested in development, and particularly the organization of regional development conferences, on the basis of one conference for each region between two Plenipotentiary Conferences. A draft new Resolution was drawn up for this purpose (COM6/9).

8. Other technical cooperation activities

The Committee takes note of these other activities (section 4.4 of Document 33 and Document 47 for the balance-sheet since Nairobi 1982) concerning logistic support for seminars, the fellowship programme, special assistance to the least developed countries (LDC), (the number of which has risen from 31 to 42 since the Nairobi Conference), the promotion of technical cooperation among developing countries, and the special technical cooperation Voluntary Programme. The relevant Nairobi Resolutions have been updated on this basis, and appear under the numbers COM6/14, COM6/13, COM6/12 and COM6/11.

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Generally speaking, the Committee feels that technical cooperation must be accorded greater importance than has been the case in the past and that an attempt must be made to provide it with all the necessary resources. It thus displays its desire to find an ultimate solution to the problem of the shortfall in support costs for project execution, the cumulative amount of which since 1980 has required the establishment of an amortization plan.

After a number of detailed explanations had been provided on various items of the draft budget for 1990 (sections 7 and 21), the Committee welcomed the solution which consists in drawing clear budgetary and accounting distinction between the two Union functions - as specialized agency of the United Nations on the one hand and executing agency of UNDP on the other. Henceforth, the cost of its activities as specialized agency will be charged to the ordinary budget, whereas the special account of the executing agency budget should be balanced by means of self-financing using the income from project execution support costs.

In connection with the Union's technical cooperation activities properly speaking, the Committee considered the synoptic Document DT/30, which presents each activity separately, showing the initial budget estimates for 1990 together with the extra allocations required on the basis, firstly, of the Document 33 proposals, and secondly, of the proposals made during the discussion of the document. This document was followed by another Document (DT/30(Rev.1)) which explains, inter alia, a number of particulars relating to the fellowship programme and special assistance provided to the least developed countries. This document was referred to Committee 4.

11. Order of priority of proposals

Throughout the discussions, a large number of delegates expressed a preference for an arrangement of the various proposals in an order of priority; numerous other delegates said that Committee 6 should simply hold a free-ranging debate, that all proposals were very important for technical cooperation and that priorities could not be fixed until all activities and the budget of the Union were reviewed. For this purpose, the document was referred to Committee 4.

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The Committee commented extensively on Document 99, which is the report on a preliminary study by the Secretary-General on the establishment of a commercially oriented world telecommunications development organization (WORLDTEL) (in response to the recommendation contained in section 37, Chapter 9 of the Independent Commission's report.) In the absence of any agreement by the Committee on this preliminary study or on the utility of requesting the Secretary-General to proceed with a more detailed study to substantiate the proposal and to hold a conference of the Members of the ITU with a view to establishing the Constitution of such an organization, the Committee decided to refer the matter to the Plenary Meeting for decision.

14. General

The decision to establish an organ for telecommunications development on an equal footing with the other organs of the Union is regarded as a highly positive step.

After a discussion of Corrigendum 1 to Document IND/124/6, the Committee decided to support the Indian draft Resolution with a view to strengthening PL/3 adopted at WATTC-88 in Melbourne concerning the study of the costs of telecommunication services between developing and industrialized countries.

15. Summary of the draft Resolutions

After confirmation of the deletion of Resolutions Nos. 20, 21, 32 and 33, the Commission studied, amended and approved the draft Resolutions established by the Drafting Group set up for that purpose. The situation is summarized below:

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COM6/13	ITU training fellowship programme	Res. 30
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COM6/15	Participation of the Union in the UNDP and other programmes of the United Nations system	Res. 16
COM6/16	Apportionment of income from international telecommunication services	New Resolution

The Committee failed to reach agreement on two draft Resolutions which are referred to the Plenary Meeting for action.

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16. The Centre for Telecommunications Development

The Committee held a thorough discussion on the Centre on the basis of the report of the Centre's Advisory Board commented on by the Administrative Council and numerous proposals made by countries, concerning mainly structural, operational and financial aspects. The Committee concluded that:

- in view of the short period of time during which the Centre had been functioning, the Committee agrees that it would be premature to consider at the present stage a merger with the Technical Cooperation Department (TCD) and that the Centre should be allowed more time (at least two years) to continue its role as catalyst and to prove its worth, within the ITU structure;
- it also takes the view that the Centre's admittedly wide terms of reference continue to be valid (see Chapter 8 of "The Missing Link" and Administrative Council Resolution No. 929). Since some delegations expressed the view that the terms of reference should be more precise, consideration of possible changes to the terms of reference in the light of the available resources should be left to the Administrative Council;
- it is important to bring out the fact that the Centre's activities should be complementary with those of the TCD;
- the Centre should not be funded from the ITU's own resources but should continue to operate on the basis of voluntary contributions, deriving mainly from the private sector, with its own clearly defined budget. So far as a stable basis of financing is concerned, the Administrative Council might consider a Japanese proposal for a system of association (J/111/9).

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 441-E

26 June 1989

Original: English

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COMMITTEE 10\*)

## ELEVENTH SERIES OF TEXTS FROM COMMITTEE 9 TO THE EDITORIAL COMMITTEE

On behalf of Committee 9, I take pleasure in transmitting to the Editorial Committee this eleventh series of texts and decisions adopted by Committee 9 in respect of the draft Constitution and draft Convention and of related matters for consideration by Committee 10 and forwarding them to the Plenary Meeting. These texts are contained in the Annex to the present document.

H.H. SIBLESZ  
Chairman of Committee 9

Annex: 1

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\*) Plenary Meeting and Committees 4, 7 and 8, for information.

A N N E X

- I. In Article 36 of the draft Constitution (see Document 290) the square brackets around "International Telecommunication Regulations" shall be deleted. The following square brackets with the two references therein shall also be deleted with consequential deletion of the related footnote.
- II. In article 27 (No. 150) of the draft Constitution (see Document 262) the square bracket and the text therein ("annexed thereto") shall be deleted.
- III. Taking into account the prevailing time pressure, Committee 9 decided to retain the repartition of Chapters II and III of the Nairobi Convention into partly Chapters II and III of the draft Constitution and Chapter VI of the Draft Convention.
- IV. Committee 9 also decided to discontinue the use of "Additional Protocols" and to replace them, as appropriate, by either simple decisions or resolutions to be adopted by the Plenary Meeting. Consequently, the text of No. 101 of the draft Convention shall be retained as figuring in Document B.
- V. Committee 9 also decided to abandon the term "Final Protocol" and to replace it by the terms "Declarations and Reservations" and adopted the format contained in the Appendix hereof.
- VI. As to the figure "5" for the members of the IFRB, Committee 9 agreed, by show of hands (but not by a vote), to retain it in No. 73 in Article 10 of the draft Constitution (oral report thereon will be given to the Plenary Meeting by the Chairman of Committee 9). Consequently, the first sentence in No. 110 in Article 5 of the draft Convention (Document B) shall be deleted.
- VII. As to the figure "43" for the Members of the Administrative Council, Committee 9 also agreed, by show of hands (but not by a vote), to retain it in No. 57 in Article 8 of the draft Constitution (oral report thereon will be given to the Plenary Meeting by the Chairman of Committee 9). Consequently, this figure with the square brackets around shall be deleted in No. 31 in Article 3 of the draft Convention (Document B).
- VIII. Following the request contained in Doc. 366 from Committee 8, Committee 9 decided that, in No. 16 in Article 4 of the draft Constitution (Document A), the term "nations" be replaced by the term "Members", whereas in No. 18 of that same Article it should read "... of different countries" and the terms "Members" with its square brackets be deleted, and that in Nos. 173A in Article 14 of the draft Convention, the term "Member" shall be retained in the three cases figuring therein and that the square brackets around this term be deleted.
- IX. With regard to the proposal NIC/74/8 in Doc. 266 from Committee 8, Committee 9 took note of the decisions of Committee 8 in Doc. 392 and decided that no further action is required by Committee 9.



- X. With regard to the repartition of the financial provisions in the draft Constitution and the draft Convention, Committee 9 took note of the decisions of Committee 4 as contained in the latter's Draft Sixth Report to the Plenary Meeting (Doc. DT/67) which confirms that repartition as in Document A + B and thus concluded that no further action was required by it. It also recommends that the "Expenses of the Union for the Period 1990 to ...." - formerly contained in "Additional Protocol I" be made the subject of an appropriate resolution to be adopted by the Conference (see IV. above).
- XI. Regarding the draft Note by the Chairman of Committee 7 to his Committee (see DT/66) concerning, inter alia, the transfer to Committee 9 of the proposal CAN/72/6, which had, as Committee 9 was orally informed, not been examined by Committee 7, Committee 9 expressed doubts about the appropriateness of that transfer in view of Committee 9 terms of reference. It therefore decided to take no action in respect of that proposal, which it considers to fall within the purview of the structural review/study to be carried out after the end of the Nice Conference.
- XII. As far as the title of the second instrument (Document B) is concerned, Committee 9 decided to retain the title given in Document B, i.e. "Convention of the International Telecommunication Union".

Appendix: 1

APPENDIX

**DECLARATIONS AND RESERVATIONS**

**made at the end of**

**The Plenipotentiary Conference of the  
International Telecommunication Union  
(Nice, 1989)(\*)**

The undersigned plenipotentiaries confirm, through their signing of the present document, which forms part of the Final Acts of the Plenipotentiary Conference (Nice, 1989), that they have taken note of the following declarations and reservations made at the end of that Conference:

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...

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(\*) Note by the General Secretariat: The texts of the declarations and reservations are shown in the chronological order of their deposit.

In the Table of Contents these texts are grouped in the alphabetical order of the names of the Members which have made them.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 442-E  
30 June 1989  
Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

SIXTEENTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Friday, 23 June 1989, at 1435 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

Documents

1. Approval of the summary records of  
the ninth, tenth and eleventh meetings  
of Committee 9

320, 328, 337

2. Consideration of proposals (continued)

DT/12 + Corr.1  
+ Add.1 + Add.2,  
Documents A + B,  
GE-BIU 50(Rev.),  
DT/69, DT/70, DL/43, DL/48

1. Approval of the summary records of the ninth, tenth and eleventh meetings of Committee 9 (Documents 320, 328 and 337)

The summary records were approved on the understanding that delegates were entitled to submit corrections to their own statements, in writing, to the Secretariat.

2. Consideration of proposals

(Documents DT/12 + Corr.1, + Add.1, + Add.2, Documents A + B, GE-BIU 50(Rev.), DT/69, DT/70, DL/43 and DL/48) (continued)

Article 43 of the Constitution - Provisions for amending this Constitution (continued)

Article 35 of the Convention - Provisions for amending this Convention

2.1 The Secretary of the Committee said that, in order to save time, the Chairman and himself had drawn up two documents, DT/70 containing the text of Article 43 of the Constitution as approved at the previous meeting, and DT/69 containing the corresponding provisions of Article 35 of the Convention aligned with those approved texts. Since no agreement had yet been reached on No. 189 of Article 43 of the Constitution, that provision had been deliberately omitted from Document DT/70, as had No. 423 of the Convention from Document DT/69, and those provisions would have to be considered on the basis of the texts in Documents A and B.

2.2 The Chairman invited the Committee to consider Document DT/69, in conjunction with Document DT/70, and to examine the outstanding provisions later.

Nos. 420 to 424

Nos. 420 to 424 were approved.

No. 425

2.3 The Chairman pointed out that the majority required for the entry into force of amendments to the Convention was two-thirds of the membership, as against three-quarters for amendments to the Constitution.

2.4 The delegate of Colombia said that his Delegation's position on that provision was the same as that with respect to No. 191 of the Constitution. Colombia considered that the entry into force of amendments to the Convention was not binding on all the Members, who must express their consent to be thus bound. Members must also have an opportunity to make reservations to amendments to the Convention when those amendments were adopted in their entirety.

2.5 The delegate of the United States suggested that the meaning of the phrase "deposit of instruments of ratification, acceptance, approval or accession, by Members not having signed such amending instrument" be clarified by placing the comma following the word "accession" after the word "approval". That change would also apply to No. 191 of the Constitution.

2.6 The Chairman suggested that the phrase be amended to read "... ratification, acceptance or approval, or accession by Members ...".

After a brief discussion, it was so agreed.

2.7 The delegate of Greece pointed out that Committee 9 at its thirteenth meeting, which he had attended, had decided on a fixed number of instruments of ratification or accession, rather than a fraction of the membership, for entry into force. The reference to a fraction in No. 191 of the Constitution ran counter to that decision.

2.8 The Legal Adviser said that the discussion at the thirteenth meeting had related to Article 46 of the Constitution, i.e. on the entry into force of that instrument, and that the decision on No. 191 had been taken at the fifteenth meeting with respect to the entry into force of amendments only. The version of No. 191 in Document A made no reference to a fixed number, and no such change had been proposed by any delegation.

2.9 The delegate of Greece said that such a contradiction between the provisions on the entry into force of the Constitution and on that of the amendments thereto was inadmissible, since the requirement of a three-quarters majority gave the impression that the entry into force of amendments could take as long as 20 years. He reserved the right to raise the question in Plenary.

2.10 The Chairman observed that members of the Greek Delegation had been present at the meeting which had approved No. 191. There was a vast difference between the entry into force of the Constitution and that of amendments thereto, since the former was governed by ratification whereby States became parties to the basic instrument, while amendments, once ratified by a qualified majority of Members, entered into force for all the Members of the Union. Moreover, such a requirement was laid down in the constituent instruments of many other organizations. Every delegation was of course entitled to raise an issue in Plenary, but it was preferable first to reach agreement in Committee, and that was what Committee 9 had done with respect to No. 191.

2.11 The delegates of Mexico, Spain and Argentina drew attention to a discrepancy between the wording of the last phrase in No. 191 of the Constitution and that in No. 425 of the Convention in the Spanish text. The latter seemed to be correct.

2.12 The delegate of Australia thought that the phrase would be clearer if the words "such amendments" in the penultimate line were replaced by "such an instrument".

2.13 The delegate of Brazil observed that the length of the two provisions made them difficult for experts, let alone laymen, to understand, and suggested that they should be divided at least into several sentences.

2.14 The Legal Adviser suggested that the first sentence of the two provisions should end with the words "of the Members" in the seventh line, and that the remainder of the text should be divided into two sentences, reading "Thereafter, such amendments shall be binding on all the Members of the Union. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded".

No. 191 of the Constitution and No. 425 of the Convention were approved as amended, on the understanding that Committee 10 would be asked to pay special attention to the alignment of the Spanish text.

#### No. 426

2.15 The Legal Adviser noted that No. 426 had been deliberately left out of Document DT/69 because there was no need for a provision in the Constitution corresponding to that entirely new provision of the Convention, which appeared in Document B and for which no proposals had been submitted. The purpose of No. 426 was to ensure that no amendment to the Convention associated with the implementation of an amendment to the Constitution would enter into force prior to the entry into force of the latter amendment.

No. 426 was approved.

No. 427

No. 427 was approved.

No. 428

2.16 The Legal Adviser said that the word "Article" in the third line should be in the plural.

2.17 The delegate of Finland observed that the word "such" should be inserted before "amending" in the first line.

No. 428 was approved as amended.

No. 429

2.18 The Legal Adviser suggested that the opening word "Upon" should be changed to "After the" in No. 429 and in No. 194 of the Constitution, in order to lessen the implication of urgency for the action to be taken by the Secretary-General.

No. 429 and No. 194 of the Constitution were approved as amended.

2.19 The Chairman invited the Committee to continue its earlier consideration of No. 189 of the draft Constitution (Document A) and No. 423 of the draft Convention (Document B) on the basis of Document DL/48 which set out various options for the criteria on which the calculation of the majority required for the adoption of amendments should be based, as well as indicating the hypothetical numerical effect of the various options for the Nairobi and Nice Plenipotentiary Conferences, with respect to the draft Constitution. It seemed advisable to adopt the same criterion for both the Constitution and the Convention, differentiating between the rigorousness of the amendment procedures for the two instruments by requiring a higher majority, i.e., two thirds, for the adoption of proposals for amendment to the Constitution and a lower majority, i.e., a simple majority, for the adoption of proposals for amendment to the Convention. During the earlier discussion on the subject, the view had been expressed that calculating the majority on the basis of the first option (Members of the Union) would require too high a number of votes in favour of an amendment to the Constitution to make its adoption likely, the absence of a relatively small number of delegations effectively precluding the taking of any decision. The option chosen should enable the Conference to take decisions but, at the same time, should not be so low as to allow the adoption of amendments that had little chance of entering into force. The majority had spoken in favour of a mechanism that reflected the stability of the basic instrument of the Union. In reply to the delegate of France, he said that positions might change in the light of the discussion and that it was useful to hear delegations' views, regardless of any earlier proposal they might have made.

2.20 The delegate of Czechoslovakia said that the fourth option (Members of the Union with the right to vote) would be acceptable.

2.21 The delegates of Colombia and Greece referred to point 7 of Document 388, as discussed earlier in Plenary. They stressed that the amendment procedure should not be such as to preclude any structural changes to the Union stemming from the work of the present Plenipotentiary Conference. The Chairman explained that the Committee was at present considering amendment procedures for the future Constitution and Convention which would ensure the long term stability of the future basic instrument. The Committee was neither dealing with transitional provisions nor entering into a debate on proposals to change the structure of the Union, as set out in Document 388. Any

decision taken by the Conference with respect to the structure of the Union would, of course, have to be reflected in the future basic instrument. The Legal Adviser entirely concurred with the Chairman's explanation and, in further clarification, pointed out that decisions taken by the present Conference would be taken on the basis of a majority as defined in the Nairobi Convention, i.e., "more than half the delegations present and voting", delegations abstaining not being taken into account. The Nairobi majority should not be confused with the present discussion which aimed to establish the basis for calculating the majority required for the adoption of amendments to the future Constitution and Convention, respectively.

2.22 The delegate of Kenya said that a conference should not be held to ransom by delegations not present. The first option was contrary to the concept of quorum, as established in No. 188 of the draft Constitution. To be logical, the right to take a decision should be based on the same concept as the right to proceed with a meeting, i.e., a quorum. In addition, the membership of the Union was not a fixed number. The second option (accredited delegations with the right to vote) was an easily established number. Majorities based on the second option, while meeting the provisions of Resolution No. 62 of the Nairobi Conference, would not preclude the possibility of amending the basic instrument. His Delegation therefore was in favour of the second option.

2.23 The delegates of Iceland, Colombia, Sweden, Greece, Guinea, Malaysia, France, Cameroon, Indonesia and Norway were also in favour of the second option.

2.24 The delegate of the Ukrainian Soviet Socialist Republic said that, although the first option was preferable from the point of view of preserving the stability of the Constitution, the third option (accredited delegations) might be a good compromise since it was democratic and in line with the Constitution of the United Nations.

The meeting was suspended at 1730 hours and resumed at 1935 hours.

2.25 The delegate of the United States said that the requirement for a quorum served to ensure that sufficient Members were present to make the discussion of important issues worthwhile. The concept of quorum was not strictly relevant to the present discussion of the basis on which the majority should be calculated. Because of the time and effort required to implement amendments at the national level, and in view of the high level of consent required for entry into force, particularly as amendments were commonly grouped in a single protocol, the majority required should be sufficiently stringent to make it likely that the amendments in question would ultimately enter into force. His Delegation therefore supported the first option (Members of the Union), considering that adoption of amendments to the Constitution by two-thirds of Members and adoption of amendments to the Constitution by a simple majority of Members would provide appropriate thresholds. The number of Members of the Union was an easy figure to establish and was not subject to wide fluctuation. The future basic instrument contained a provision under which, after a certain period, Members not expressing consent to be bound by it would lose the right to vote. The fourth option (Members of the Union with the right to vote) might therefore represent very different numbers, depending on whether a conference were held before or after the date for the loss of right to vote by Members not consenting to be bound by the new basic instrument.

2.26 The delegate of Mexico pointed out that, even if the new basic instrument were extremely difficult to amend, States had the sovereign right to conclude other agreements. An example of such a process was GATT which, while remaining unchanged, had been supplemented by various other agreements.

- 2.27 The delegate of Spain said that, although the Constitution was to be a stable instrument, the need would arise to amend it from time to time. The majority required for the adoption of amendments should be based on the second option (accredited delegations with the right to vote) as those delegations would be conversant with the substance of amendments and such a majority provided the necessary flexibility for amendments to be adopted.
- 2.28 The delegate of Australia, although initially having supported the first option, now considered that the third option (accredited delegations) was preferable. He agreed with the comments made by the delegate of the United States that the number of Members of the Union and the number of accredited delegations were fairly stable numbers, whereas the requirement of the right to vote, as in the second and fourth options, made those numbers uncertain.
- 2.29 The delegate of Finland considered that the first and fourth options represented fixed bases for calculating the majority, whereas the second and third options depended on participation in the conference concerned. If the first option were chosen, the absence of a relatively small number of delegations would prevent the adoption of amendments, even if the conference had been unanimously in favour of them. If a conference had been prepared in good faith, it should be able to adopt amendments. It would thus be better to have a floating basis on which to base the majority and he preferred the second option.
- 2.30 The delegate of the German Democratic Republic said that, although initially preferring the first option, taking the remark of the delegate of Kenya with regard to quorum to its logical conclusion led him to favour the third option as a compromise. It was important for the Committee to reach consensus and forward a single proposal to Plenary.
- 2.31 The delegate of the Netherlands also stressed the importance of reaching a consensus. Both he and the delegate of Zambia considered that, if delegates were to vote on amendments, they evidently had to have the right to vote. Furthermore, the decision on whether or not to adopt amendments should be taken on the basis of discussion of those amendments. Those considerations led to support for the second option.
- 2.32 The delegate of Gabon suggested a compromise between the second and third options, taking as a basis accredited delegations that had expressed consent to be bound by the basic instrument. The object of his proposal was to avoid excluding Members that had lost the right to vote merely because of being in arrears, a situation that might be caused by circumstances beyond their control. The delegate of Spain pointed out that Members chose their level of contribution and that, in exceptional circumstances, the Administrative Council had exempted Members in arrears from their contributions.
- 2.33 The delegate of Argentina said that the second and third options both met the concern that it should be possible for a conference to adopt amendments, and noted the growing support for the second option.
- 2.34 The delegate of the USSR, in the interests of speeding up the work of the Committee, agreed to join the majority and withdrew his Delegation's proposal for use of the words "at least" to qualify the majority required to amend the Convention.



2.35 The Chairman suggested that the Committee adopt the second option and that the following texts, as read out by the Legal Adviser, be approved:

No. 189 of the draft Constitution: "... approved, at a Plenary Meeting, by at least two-thirds of the delegations accredited to the Plenipotentiary Conference and having the right to vote."

No. 423 of the draft Convention: "... approved, at a Plenary Meeting, by more than half of the delegations accredited to the Plenipotentiary Conference and having the right to vote."

It was so agreed.

2.36 In reply to the delegate of Iceland, the Legal Adviser confirmed that absentee Members represented by proxies would be included in the calculation of those majorities.

#### Settlement of disputes

2.37 The Chairman reminded the Committee that an informal Working Group, moderated by a delegate of the United Kingdom, had been discussing the question of settlement of disputes over the past week, and drew attention to the outcome of those discussions as set out in Document DL/43.

2.38 The Moderator of the Informal Group said that the document contained compromise revised texts of Article 42 of the Constitution, Article 34 of the Convention and the Optional Protocol on the compulsory settlement of disputes, reflecting the views expressed by members of the Informal Group - the delegates of Australia, Czechoslovakia, Indonesia, Japan, Kenya, Kuwait, Mexico, Turkey and the United States. Generally speaking, the Group had noted that Documents A and B preserved the essential features of the relevant provisions of the Nairobi Convention: the arbitration procedure in Article 34 in Document B could be invoked only when other methods of settlement had not produced a solution; even when that Article was invoked, it could not be brought to a conclusion if either party failed to appoint an arbitrator, unless both parties had adhered to the Optional Protocol; and while Article 34 laid down certain essential guarantees, particularly concerning the independence and impartiality of arbitrators, it was so drafted as to encourage the parties to proceed, as far as possible, by agreement at each stage.

With regard to the changes proposed to Article 42 of the Constitution, the words "by negotiation" had been introduced into No. 184 in accordance with proposal KEN/86/8, reflecting the view that the most satisfactory method of settling disputes was usually by negotiation between the parties, although other methods were of course not excluded. Negotiations could be conducted through diplomatic channels, and that reference had been retained. With respect to No. 185, proposals KEN/86/9 and INS/54/1 had been considered together. The Kenyan Delegation considered that the existing reference in No. 185 was redundant, since the Optional Protocol was a self-standing instrument, while the Indonesian Delegation was concerned lest the text as it stood might imply that even non-parties to the Optional Protocol would be bound to accept compulsory arbitration. The revised text was intended to meet those concerns by dealing with the Optional Protocol in a separate provision, No. 185bis. Moreover, the Indonesian Delegation would have preferred the use of the term "Members parties" to "any Member party" in No. 185, but had agreed not to press the point, on the understanding that the existing language would not compel any Member to proceed to compulsory arbitration. Other members of the Group had considered that any change in the wording would deprive the arbitration provisions of any value at all.

In Article 34 of the Convention, No. 416 had been declared, in accordance with proposal KEN/86/18, to ensure that the powers of the arbitrator or arbitrators were wide enough to enable them to determine the place of the arbitration and the rules of procedure applicable. The Kenyan Delegation had made other proposals with a view to improving the efficacy of the existing procedure, particularly by referring to arbitration by governments and administrations in No. 409 and provision for arbitration between groups in No. 413. The Informal Group had concluded that there would not be time to examine those proposals thoroughly at the present Conference, although the Union would do well to consider them at an early opportunity.

Consideration had also been given to proposal TUR/65/7 for the simplification of No. 412. Although such simplification at first sight seemed desirable, the effect of the proposal would be to introduce the compulsory provisions of the Optional Protocol into the Convention, and that would probably not be feasible. The Informal Group had also considered proposal KWT/11/30, under which the outcome of the arbitration should be reported to the Secretary-General. While there had been some sympathy for the aim of the proposal in terms of consistency with ITU practice, it had been thought that there might be some difficulty in requiring parties to an arbitration to disclose what they might well regard as a confidential decision. On the other hand, if the parties were willing to report the outcome to the Secretary-General, the existing text would certainly not prevent them from doing so.

With regard to the Optional Protocol, the draft in Annex IV to the Report to the Group of Experts already incorporated certain changes from the Nairobi provisions which were explained in paragraph 38 of that Report. The Informal Group had seen no reason to object to those changes and had recommended some minor additional amendments to Articles 2, 3 and 4 and the testimonium to reflect changes already approved by Committee 9 to other Articles of Documents A and B. The Informal Group had also noted that Article 2 as it stood appeared in principle to contemplate the possibility of signature at any time after the current Conference, whereas the Group considered that after then it would be more appropriate for a Member to accede; and additional wording had been introduced into Article 3 to make it clear that the protocol was applicable only between Members which had become parties to it. Finally, the Group had also incorporated the Secretariat's proposals for Article 3a) dealing with amendment and Article 3b) dealing with denunciation; with regard to Article 3a), however, the Group had had some difficulty in understanding what was implied by the reference to a procedure established for amendments, and that reference had therefore been omitted.

2.39 The Chairman expressed the Committee's thanks to the Informal Group and its Moderator for sorting out many difficulties and producing a clear text for consideration.

#### Article 42 of the Constitution - Settlement of disputes

2.40 The delegate of Paraguay said that the changes to the Article were acceptable, but that No. 184 could perhaps be simplified by merely stating that disputes might be settled by any method mutually agreed upon by the parties.

2.41 The Moderator of the Informal Group said that a simpler form of No. 184 had been considered at the suggestion of the Indonesian Delegation, but that it had been decided not to introduce unduly radical changes into the system of the Nairobi Convention, which had served the Union well. Although some of the proposed language might be redundant, it could be a useful signpost for countries which were less familiar than others with dispute settlement procedures.

2.42 The delegate of Indonesia said that several members of the Informal Group had agreed with his Delegation that in No. 851 the term, "Members parties" would be more appropriate than "any Member party" in conveying the idea that no Member could unilaterally submit a dispute for settlement without the agreement of the other party. The sine qua non condition of mutual consent must be made perfectly clear.

2.43 The Chairman observed that the point was covered by the fact that ultimately the arbitration procedure was not compulsory except for parties to the Optional Protocol.

2.44 The delegate of Australia said that the Informal Group had thought it best to preserve the existing balance by leaving Article 42 more or less as it stood. No. 184 offered a very wide choice of methods of settlement, and if none of those were adopted, the dispute could be submitted for arbitration under Article 34 of the Convention; even under that Article a number of stages had to be gone through before No. 412, which was the cut-off point beyond which mutual consent was essential unless both parties were also parties to the Optional Protocol.

2.45 The delegate of Indonesia said that he would not press the point further.

2.46 In reply to the delegate of France, who asked why the reference to the Optional Protocol had been omitted from No. 185, the Moderator of the Informal Group said that the many alternatives suggested in the Group had all resulted in unduly cumbersome wording for No. 185, and that it had been thought best to place all references to the Optional Protocol in a separate provision, thus eliminating the need for the rather ambiguous phrase "as the case may be".

2.47 The Legal Adviser said that the formula found by the Informal Group was a particularly fortunate one, since it made it absolutely clear that a Member which was not a party to the Optional Protocol could not be brought to arbitration through that protocol.

2.48 In reply to the delegate of Mexico, who wished to know why the term "may submit" was used in No. 185, as opposed to the mandatory term "shall be applicable" in No. 185bis, the Chairman said that, whereas No. 185 applied to all Members, whether or not they were parties to the Optional Protocol, No. 185bis related to the procedure following No. 412 of Article 34 of the Convention, which applied only when both the parties to the dispute were parties to the Optional Protocol.

Article 42 of the Constitution, as revised by the Informal Group, was approved.

#### Article 34 of the Convention - Arbitration procedure

##### Nos. 408 to 411

Nos. 408 to 411 were approved.

##### No. 412

2.49 In reply to the delegate of Mexico, who asked why the wording of the second paragraph of Article 1 of the Optional Protocol could not be used in the provision, the Legal Adviser reiterated that No. 412 was the cut-off point, after which arbitration under the Convention became compulsory only as between Parties to the Optional Protocol, in accordance with the latter's Article 1.

No. 412 was approved.

Nos. 413 to 418

Nos. 413 to 418 were approved.

No. 419

2.50 The delegate of Kuwait introduced proposal KWT/11/30, to add a sentence reading "The outcome of the arbitration shall be reported to the Secretary-General for future reference". The Secretary-General, as the legal representative of the Union under No. 71 of the Nairobi Convention, might require to use the outcome of an arbitration for future guidance concerning issues that might result in arbitration, particularly in cases where such information might assist in preventing disputes.

2.51 The Chairman noted that the proposal had been supported, and said that it would be discussed at the next meeting.

The meeting rose at 2135 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 443-E

26 June 1989

Original: Spanish

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PLENARY MEETING

Spain

STRUCTURE OF THE UNION

The basic instrument which the Nice Plenipotentiary Conference has to adopt and which is to be supplemented by the Administrative Regulations will have the effect of creating a three-level hierarchy of legislative texts for the Union in the future, namely:

Constitution

[Convention] [General Regulations]

Administrative Regulations.

It is Spain's view that, as part of the study of the structure of the Union's non-permanent organs which will very probably be one of the tasks entrusted to the Group set up following the adoption of Document 388(Rev.1), the possibility should be considered of instituting three categories of legislative conferences for the amendment, inter alia, of those texts. These Conferences might in principle be called:

Plenipotentiary Conference

General Conference

Administrative Conferences.

Spain will be submitting a contribution, in which these ideas are developed, for consideration by the Study Group referred to in Document 388(Rev.1). We believe that it would be premature to submit such a contribution to this Plenipotentiary Conference, since there would obviously not be time to conduct a rigorous legal analysis and then to hold discussions on the matter.

Documents 134 (Minutes of the third Plenary Meeting) and 196 (Summary record of the fourth meeting of Committee 7) reflect these views, which were expressed by Spain at this Plenipotentiary Conference.

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INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 444-E

26 June 1989

Original: English

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COMMITTEE 10

FOURTH SERIES OF TEXTS FROM COMMITTEE 7  
TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1



ARTICLE 12

NOC

Coordination Committee

- MOD [96] 98 1. The Coordination Committee shall consist of the Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the Director of the Telecommunications Development Bureau, and the Chairman and Vice-Chairman of the International Frequency Registration Board. It shall be presided over by the Secretary-General, and in his absence by the Deputy Secretary-General.
- NOC [97] 99 2. The Coordination Committee shall advise and give the Secretary-General practical assistance on all administrative, financial and technical cooperation matters affecting more than one permanent organ, and on external relations and public information. In its considerations the Committee shall keep fully in view the provisions of this Constitution, the Convention, the decisions of the Administrative Council and the interests of the Union as a whole.
- NOC [98] 100 3. The Coordination Committee shall also consider the other matters with which it is entrusted under the Convention and any matters referred to it by the Administrative Council. After examining such matters, the Committee shall report through the Secretary-General to the Administrative Council.
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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 445-E

26 June 1989

Original: English

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COMMITTEE 10

COMMITTEE 9

## FIFTH SERIES OF TEXTS FROM COMMITTEE 7 TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

- **New Article 11A of draft Constitution "Telecommunications Development Bureau"**

This text is also submitted to Committee 9 for its consideration and decision concerning the place where this new Article 11A is to be inserted, in the Constitution or in the Convention.

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1

ANNEX

ARTICLE 11A

Telecommunications Development Bureau

1. The duties of the Telecommunications Development Bureau (TDB) shall be to fulfill the purposes of the Union as embodied in No. [...] and to discharge within its specific competence the Union's dual responsibilities as a United Nations specialized agency and executing agency for implementing projects of the United Nations development system and other funding arrangements so as to facilitate and enhance telecommunications development by offering, organizing and coordinating technical cooperation and assistance activities.

2. Within the foregoing framework, the specific functions of the Telecommunications Development Bureau shall be to:

- a) raise the level of awareness of decision-makers on the important role of telecommunications in the socio-economic development programme of a country, and provide information and advice on possible policy options;
- b) promote the development, expansion and operation of telecommunication networks and services, particularly in developing countries, taking account of the activities of other relevant bodies, by reinforcing capabilities for human resources development, planning, management, resource mobilization, and research and development (R&D);
- c) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions;
- d) encourage the participation of industry with telecommunications development in developing countries, and offer advice on the choice and transfer of appropriate technology;
- e) offer advice, carry out or sponsor studies as necessary on technical, economic, financial, managerial, regulatory and policy issues, including studies of specific projects in the field of telecommunications;
- f) collaborate with the International Consultative Committees and other concerned bodies, in developing a general plan for international and regional telecommunication networks so as to facilitate their respective coordinated development towards the provision of telecommunication services;
- g) provide support in making preparations for and organizing development conferences.

3. The Telecommunications Development Bureau shall work through the medium of:
- a) world development conferences;
  - b) regional development conferences;

The draft agenda of the development conferences shall be formulated by the TDB as appropriate.

- 4.\* A Director elected by the Plenipotentiary Conference and appointed in accordance with No. [...].

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\* The provision of terms, election, replacement, etc. to be aligned with CCI Directors.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 446-E  
2 August 1989  
Original: French

COMMITTEE 3

SUMMARY RECORD  
OF THE  
THIRD AND LAST MEETING OF COMMITTEE 3  
(BUDGET CONTROL)

Tuesday, 27 June 1989, at 1230 hrs

Chairman: Mr. M.K. RAO (India)

Subjects discussed:

1. Summary record of the second meeting  
of Committee 3
2. Situation of accounts of the Conference  
at 24 June 1989
3. Draft report of Committee 3 to the  
Plenary Meeting
4. Conclusion of the work of the Committee

Documents

313

DT/78

DT/79

-

1. Summary record of the second meeting of Committee 3 (Document 313)

1.1 The Chairman said that delegates wishing to introduce changes to the summary record of the second meeting of Committee 3 were requested to hand them in in writing to the Secretariat.

The summary record of the second meeting of Committee 3 was approved.

2. Situation of accounts of the Conference at 24 June 1989 (Document DT/78)

2.1 The Chairman drew the attention of delegates to the table on page 2 of Document DT/78, which showed that the expenditure estimated at 24 June 1989 had increased over the figures given in Document 263.

The situation of accounts of the Conference at 24 June 1989 (Document DT/78) was approved.

3. Draft report of Committee 3 to the Plenary Meeting (Document DT/79)

3.1 The Chairman proposed that the delegates might examine the document and comment paragraph by paragraph. Any editorial changes could be handed in in writing to the Secretariat.

Introduction, paragraphs 1-3

Approved.

Paragraph 4 - Situation of expenditure of the Conference

3.2 The Chairman said that the dots would be replaced by figures in the report which would be presented at the Plenary Meeting.

3.3 The delegate of the United States enquired whether the figures for expenditure indicated in Documents DT/78 and DT/79 included the possible cost of an extension of the Conference by one day.

3.4 The Secretary of the Committee replied that the extra day would entail no additional costs, since the staff was sufficient.

Paragraph 4 was approved.

International organizations participating in the work of the Conference

3.5 The Chairman said that the international organizations participating in the work of the Conference were listed in Annex 2 and that all participants were exempted from contributing under Administrative Council Resolution No. 925.

3.6 The delegate of the People's Republic of China said that the title of the Asia-Pacific Telecommunity APT should be amended in the English version.

Paragraph 5 was approved.

3.7 The Chairman drew the delegates' attention to draft Resolution No. COM3/1 on page 4 of Document DT/79, which would be transmitted to the Editorial Committee.

3.8 The delegate of Byelorussia said that, under No. 478 of the Nairobi Convention, "at the end of each conference or meeting, the Budget Control Committee shall present a report to the Plenary Meeting showing, as accurately as possible, the estimated total expenditure of the conference or meeting, as well as an estimate of the costs that may be entailed by the execution of the decisions taken by such conference or meeting". He enquired whether such a document had been prepared.

3.9 The Chairman requested the delegate of Byelorussia to refer to page 2 of Document DT/78, where the actual, committed, estimated and total expenditure at 24 June 1989 was indicated.

Draft Resolution No. COM3/1 was approved.

4. Conclusion of the work of the Committee

4.1 The Chairman expressed his thanks to the Vice-Chairman for his spirit of cooperation and the invaluable support which he had provided, as well as to the delegates who had shown him their confidence. He also thanked the Secretary of the Committee and the members of the staff who had assisted the Committee in its work.

The meeting rose at 1245 hours.

The Secretary:

R. PRELAZ

The Chairman:

M.K. RAO

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 447-E  
29 June 1989  
Original: French

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COMMITTEE 4

SUMMARY RECORD  
OF THE  
TENTH MEETING OF COMMITTEE 4  
(FINANCES OF THE UNION)

Friday, 23 June 1989, at 1445 hrs

Chairman: Mr. M. GHAZAL (Lebanon)

Subjects discussed:

Documents

1. Settlement of accounts in arrears
2. Limits on Union expenditure for the period  
1990 to 1995

386  
DT/6, DT/68,  
388 (para. 4.2),  
DT/71

1. Settlement of accounts in arrears (Document 386)

1.1 The Secretary of the Committee, referring to draft Resolution No. COM4/5 (Document 386), recalled that Committee 4 had decided that the Chairman would report to the Plenary Meeting on the situation of Liberia and the Comoros, with a view to re-establishing those countries' right to vote before the elections. That report had been approved and it was now up to the Committee to approve the draft Resolution so that it could be transmitted to the Editorial Committee.

1.2 The delegate of Algeria asked what action had been taken on the two countries' request for cancellation of interest on arrears. As he understood it, the interest was paid into a special interest account and the sums involved were substantial.

1.3 The Secretary of the Committee recalled that Committee 4 had decided to transfer the interest to a special interest account, which the Administrative Council was responsible for amortizing. It was therefore fairly easy to debit those amounts from the interest account, reducing the latter by the corresponding sum. It would be up to the Council to take the same action as it had in 1973 after the Malaga-Torremolinos Conference and in 1983 after the Nairobi Conference.

1.4 The delegate of Australia observed that the last section ("invites the Administrative Council") was much shorter than the corresponding section in Nairobi Resolution No. 53. Would it not be advisable to make some official arrangement for the Administrative Council to report to the future Plenipotentiary Conference? He would welcome information on that point.

1.5 The Secretary of the Committee said that what was most important was to invite the Administrative Council to study ways of settling the special interest account. The other two items were far less crucial because the Secretary-General had to report to the Administrative Council, and the latter to the Plenipotentiary Conference, on all such matters. Those provisions were implicit in the Convention.

1.6 The Chairman nevertheless proposed that the text should be aligned with that of the Nairobi Conference.

Document 386, as amended, was approved.

2. Limits on Union expenditure for the period 1990 to 1995 (Documents DT/6, DT/68, 388 (paragraph 4.2), DT/71)

Document DT/71

2.1 The Secretary of the Committee said that when Document DT/68 had been prepared it had been noticed that the information relating to Document 388 (paragraph 4.2) did not stand out clearly. As a result, Document DT/71 had been prepared, showing first the total budget and then, on lines 2, 3 and 4, the amounts already included in the budget for direct costs, common services costs and estimated additional costs according to Document DT/68 (item C). The sum total was 16,708,000 Swiss francs, or 12.78% of the total budget set out in Documents DT/68 and DT/30. The two limits given in paragraph 4.2 of Document 388 were 13% (15,000,000 Swiss francs) and 20% (22,500,000 Swiss francs). The target figure was 13% but the maximum amount quoted in paragraph 4.2 was 15,000,000 Swiss francs for 1990, increasing to 22,500,000 Swiss francs in 1994. As shown in the table, the estimated total in Document DT/68 for technical cooperation expenses was 16,708,000 Swiss francs, or 1,708,000 Swiss francs more than the maximum of 15,000,000 Swiss francs given in Document 388. The figure of 1,708,000 Swiss francs, together with all the other figures in the columns for 1990 to 1995, appeared in Document DT/68, on line G.4 at the bottom of page 3. The figures were negative for the first two years and positive for the remaining years, i.e. in respect of the amounts to be provided within the limit on expenditure in order to obtain the target figures of 15,000,000, 16,875,000, etc., up



to 22,500,000 Swiss francs. Document DT/71 also stated that certain items of expenditure were taken into account even though a final decision had not yet been taken on them and that, with regard to the studies on Union structure, certain figures had not been included in Document DT/68.

2.2 The Chairman observed that the figures in Document DT/71 were reproduced in section G.4 (page 3) of Document DT/68.

2.3 The delegate of the United Kingdom said it was extremely difficult to understand what the Committee was supposed to be doing. The situation needed to be explained far more systematically.

2.4 In reply to the United Kingdom delegate, the Chairman referred again to Document DT/68, which would serve as the basis for setting the limits on expenditure for the period from 1990 to 1995. The total of 834,125,000 Swiss francs at the bottom of page 5 of that document represented a 20.2% increase. The document, which had been prepared by the Secretariat, took account of all the decisions taken by Committees 5, 6, 7 and 8 but not of Document DT/71, page 1, which having regard to Document 388 approved the previous day by 90 countries, proposed additional expenditure of 1,000,000 Swiss francs for consultants, 700,000 Swiss francs for the Group of Experts and 1,500,000 Swiss francs for the 1991 (or 1992) Plenipotentiary Conference. Document DT/68 did not yet make any allowance for those three amounts.

2.5 The Secretary of the Committee explained the figures quoted by the Chairman, in particular the provisional budget figure of 107,346,000 Swiss francs for 1990 (Document DT/68, page 5). The figure given in Document DT/6 for the provisional ITU budget updated at 1 April was 109,096,000 Swiss francs. In Document DT/68, however, reference was made to the limit on expenditure, and Document DT/6 mentioned a payment of 1,750,000 Swiss francs into the Reserve Account which was not to be taken into consideration. By subtracting from the 109,096,000 Swiss francs the amount of 1,750,000 Swiss francs which was to be disregarded for purposes of the calculation, the figure of 107,346,000 Swiss francs was obtained, i.e. the amount shown in Document DT/68.

2.6 The delegate of Switzerland asked whether provision had been made for additional credits in 1989 to cover the cost of the special session of the Administrative Council scheduled for October.

2.7 The Secretary of the Committee explained that, as the 1989 budget had already been approved and the amount of the contributory unit set and invoiced, the special session had been included in the 1990 budget. The cost was given on page 3 of Document DT/68, on line G.1 (Extraordinary session of the Administrative Council). The sum of 696,000 Swiss francs corresponded to a two-week meeting. If the session were to last only one week, the credit could be reduced to 500,000 Swiss francs.

2.8 The delegate of Benin requested confirmation that Document DT/68 included all the financial implications, even estimated, of the work which had not yet been completed (conference programme, etc.).

2.9 The Chairman confirmed that all expenditure was included, except that which appeared on page 1 of Document DT/71.

2.10 The Secretary of the Committee explained that the general total shown on page 5 of Document DT/68 was followed by expenditure items which should probably be included, but on which a final decision had not been taken. Under PL-C, three items of expenditure were indicated. Document DT/68 did therefore encompass in principle all expenditure, with the exception of that given on page 1 of Document DT/71 relating to studies on the Union structure.

2.11 The delegate of the United Kingdom pointed out that Document DT/6 indicated a provisional budget for 1990 of the order of 106,000,000 Swiss francs. However, that figure had risen to some 109,000,000 Swiss francs. At the previous meeting, it had been explained that the difference was due to certain variables (common system, dollar exchange rate, etc.). On page 5 of Document DT/68, a figure of 107,346,000 Swiss francs was quoted as the provisional budget for 1990. It would be useful to know where that third figure had come from.

2.12 The Secretary of the Committee, referring to Document DT/6, said that the third column of item I.A (Ordinary budget) on page 4 contained a figure in bold characters of 105,981,000 Swiss francs. That figure included a payment into the Reserve Account entered two lines higher which, in the present case, could not be classified as an item of expenditure. The total was therefore 105,981,000 Swiss francs, minus the amount of 1,750,000 Swiss francs paid into the Reserve Account, yielding a total of 104,231,000 Swiss francs. Under the Administrative Council Resolutions, the Secretary-General was empowered to adjust the budget to allow for changes in the United Nations Common System or fluctuations in the exchange rate of the dollar, etc. As a result of the exercise of those powers, the budgets had been adjusted by 3,115,000 Swiss francs, or about 2 - 3%, to accommodate changes in the Common System. The last column showed the budget situation as at 1 April 1989, namely, a total of 109,096,000 Swiss francs. By deducting from that amount the payment into the Reserve Account (1,750,000 Swiss francs), an amount of 107,346,000 Swiss francs was obtained for the ceiling calculation. That was the amount which was entered at the bottom of page 5 of Document DT/68 and which served as a basis for calculating the percentage increase represented by the 129 million. It was therefore still the budget figure given in sections 1 to 18, less the payment into the Reserve Account.

2.13 The Secretary-General said that, although the Committee was discussing the budget, in fact it was the ceilings which were concerned. For 1990, the budget limit and the ceiling happened to coincide. The contributory units, on the other hand, were based on actual requirements. The final budget for 1990 would in fact be approved shortly by the Administrative Council. However, Members should bear in mind, when examining the percentage increase in their contributory unit, that the approved budget was currently fixed at 109 million.

2.14 The Chairman added that it was not necessarily that budget which would be approved at the end of the Conference, since allowance had to be made for extra expenditure. If the figure entered on page 5 was accepted, which was certainly not the case, it was the amount of 129,049,000 Swiss francs which would be approved by the Administrative Council in the following week.

2.15 The delegate of the United Kingdom enquired whether it was really possible to take the contributory unit as a standard for translating those figures into actual amounts. Document DT/71, for example, indicated that the budget ceiling might be 143 million. With an original budget of 106 million Swiss francs for 1990 and a contributory unit of 240,000 Swiss francs, would it true to say, without great risk of error, that the unit would be increased to 300,000 francs for that period. It was necessary to have a standard for conversion, otherwise the figures lost some of their significance.

2.16 The Secretary of the Committee replied that, theoretically speaking, with a budget of 129 million and the same number of contributory units (395 units for Members plus those of the recognized private operating agencies, totalling about 430 units), it was correct to say that the unit would rise to 300,000 Swiss francs.

2.17 The delegate of the United States reverted to the very important point raised by the delegate of the United Kingdom. The Secretary-General had also spoken of the limits on expenditure, and that was the question which the Committee would soon be called upon to decide in the course of the present discussion. During the previous day's debate, the 1990 budget had been referred to as a provisional budget, whereas it now seemed to be regarded as definitive. That definitive budget for 1990 was interpreted as being identical to the ceiling. Problems of definition would appear to have arisen which were out of place in the present discussion. However, it was clear that it was the Committee which would set the ceilings for the coming period and that it was the Administrative Council which would adopt the budget. The delegate of the United Kingdom and the Secretary-General had both referred to the contributory unit. Ultimately, that was the standpoint from which all Members regarded the Union. The question which each Member asked himself was therefore what the Union could do for him and how much he would have to pay to get it. The last contributory unit had been calculated on the basis of 106 million Swiss francs. It was in that way that the contributions had been assessed and it was on that basis that it should be possible to decide on the volume of activity which the Committee was prepared to finance in the coming period. He hoped that the discussion would move towards the idea of setting ceilings. Examination of Additional Protocol 1 revealed that ceilings were fixed for various categories in the Union. But no comparison was possible with Document DT/6, since the two documents were not established on the same basis. The Protocol appeared to provide indications on how the concept of ceiling should be structured in such a way as to clarify the discussion. If the 1989 budget was taken as a basis, and if an annual expenditure of 106 million Swiss francs was assumed over the five-year period, a total expenditure of 530 million Swiss francs would be foreseen. It might be wondered what more the Union would do with increases of 10, 15 or 20%. If the activities of the Union were established, for purposes of guidance, and perhaps broken down in accordance with the new structure, it should be possible to decide whether a conference enjoyed a high level of priority. The first step was to set a level of expenditure and then decide on the activities which would take precedence in the light of that level. It was not advisable to follow the method which consisted in considering posts, for example in Documents DT/68 and DT/71, and then decide that a given post was appropriate, but that ultimately the overall expenditure was too high and should be reduced by 20%. The Secretary-General had already opposed such an approach and the United States Delegation shared that viewpoint. That manner of proceeding had been a source of difficulty in the past and could not fail to give rise to the same problems again. It was necessary to establish the various levels of expenditure and the activities which they allowed. The Committee would thus be provided with a yardstick to decide what the cost would be to each Member. That was the only way of making solid progress and obtaining a precise idea of what the Committee was about.

2.18 The Secretary of the Committee, replying to the United States delegate, said that the latter's statement might have created the impression that the figures were inconsistent. He had referred to the figure representing total estimated expenditure in Document DT/71 and to the total in Document DT/68. The figures in the former document could not be included in the latter one, and the difference between the two sets of figures represented the difference to be included in the limits relating to the section for technical cooperation.

2.19 The Chairman referred the members of the Committee to Additional Protocol I in order to determine how the ceilings could be set for 1990 to 1994 or 1995, using the method adopted at Nairobi for the period 1983-1989 during which the Union's annual expenditure had increased gradually from 66,950,000 Swiss francs to 76,550,000 Swiss

francs, the proposed figure of 92,452,000 Swiss francs being based on sections 1 to 8 of the estimated limit on expenditure. The limits relating to the ITU ceiling had therefore been established on the basis of the method used by the Nairobi Conference.

2.20 The Secretary-General considered that delegates should decide which activities they wished the ITU to undertake.

Following the adoption of Document 388 and the establishment of the Telecommunications Development Bureau, what now had to be done was to make a functional allocation to the Bureau for 1990 onwards. The amount of the allocation would have to change with time, as indicated in Document DT/71 which showed the increases and their implications for the ceiling. During the unofficial meeting, the question of the permanent organs had also been reviewed by analysing the costs of other services provided at headquarters as backup for the activities of the permanent organs: translation, typing and reproduction. It would be noted that, for the 1990 budget, the total amounted to 1,667,000 Swiss francs.

Another factor which should be taken into account was the language support service for the three additional working languages. Document DT/68 also contained figures based on the information provided in Document DL/25, showing that the estimated cost of introducing additional working languages was 8,675,000 Swiss francs, even though the date on which that decision would come into effect was not yet known. In his view, that figure would be reduced following Committee 8's consideration of the matter; it also seemed to him that the activities contemplated in Document DL/25 were far too numerous for all to be carried out. The Conference might therefore set a specific ceiling for given objectives. Working Group PL-B had acknowledged, on the basis of the texts submitted to the Conference in accordance with the decisions of the Administrative Council and the information provided to the Secretariat, that the proposed expenditure would have to be increased.

2.21 The Chairman of Committee 5 asked whether the financial implications of Document 347 on human resources development had been taken into account for the purposes of Document DT/68 and, if so, where the related costs were given.

2.22 The Secretary-General replied that no estimate had yet been provided in that connection, either to himself or to the Deputy Secretary-General.

2.23 The Chairman of Committee 5 considered that it was for the Plenipotentiary Conference to determine which activities would be undertaken, together with their cost. The matter had been taken up in Committee 5, which had instructed a Working Group to consider it. At the Secretary-General's request, the ITU Secretariat had taken part in the discussions of that Working Group, which had produced the draft Resolution in Document 347. Committee 5 had not been able to study the text of the draft Resolution but, with regard to the related expenditure, provision had been made for two annual allocations of 150,000 Swiss francs. The matter should be dealt with by the Plenary Meeting. He regretted that the cost of implementing the draft Resolution was not given in Document DT/68.

2.24 The Secretary-General emphasized the merits of the draft Resolution, which encompassed a number of activities. The resources allocated to those activities should be indicated, and the Personnel Department would not be able to perform the related tasks if it was not provided with additional resources.

2.25 The delegate of France asked for clarification concerning Document DT/71, in particular the common services costs. The amount contemplated was 1,667,000 Swiss francs per year for the period from 1990 to 1995. He observed that there was already an increase of 3,850,000 Swiss francs for the ITU; did the increase of the credits for section 7 from 6 to 9 million Swiss francs mean that additional expenditure of some 1,667,000 Swiss francs would necessarily be incurred?

2.26 The Secretary of the Committee said that the increase of expenditure was not based on a cost analysis of the functional budget; the calculations showed that the common services accounted for 1,667,000 Swiss francs in section 7. During the preparation of Document DT/71, it had been noted that the common services costs had been referred to as being charged to section 7. In order to calculate total expenditure under that section, the sum of 1,667,000 Swiss francs should be included; however, that sum represented costs currently charged to sections 2, 3, 4, 5 and 6 rather than new expenditure.

2.27 The delegate of the German Democratic Republic considered that the documents submitted should be easier to understand and should give a clearer picture of the financial situation.

2.28 The delegate of the Netherlands endorsed that view. He added that the figures in Documents DT/68 and DT/71 illustrated the need to set a ceiling and then, on that basis, to decide an order of priorities. It was clear that the discussion should now centre round the question of priorities.

2.29 In reply to the delegate of the Philippines, who asked for information about the figures for 1990 given in Document DT/68 and on the amounts quoted in Document 388, the Chairman said that Document DT/68 quoted the figure of 92,452,000 Swiss francs for sections 1 to 8 and 0. If the Committee accepted the whole of the first column relating to 1990 i.e., the items up to G.4, the total was 113,772,000 Swiss francs. That figure included the 15 million Swiss francs stemming from Document 388, which 90 countries had accepted in the Plenary Meeting. That was the reply which could be given for sections 1 to 8. Section 9 would be discussed separately. Sections 1 to 8, together with section 0 as shown in Document DT/6, represented a total of 92,452,000 Swiss francs, to which should be added the financial implications of the various Committees' activities, particularly those of Committees 5 and 6 (where the 15 million Swiss francs should be added) together with some of those relating to Committees 7 and 8. If the Committee agreed on the figure of 113,772,000 Swiss francs at the bottom of the first column on the third page of Document DT/68 (1990), that figure would appear in the Convention instead of the previous total of 66,950,000 Swiss francs adopted for 1983. The totals were given for purposes of comparison, and the figure of 15 million Swiss francs for technical cooperation had been accepted. Committee 4 would therefore accept the decision of the Plenary Meeting which had been supported by 90 countries.

2.30 The delegate of the United Kingdom said that a compromise had to be struck between the activities which the Union wished to carry out and the programme which was feasible within the budgetary constraints. The Committee should therefore have two documents to work on: the first should provide an analysis of all the contributory units and an indication of the amount that would be available if the contributory unit was increased, while the second document should list the various proposals made by Committees, quantified and presented by budget categories. To sum up, the Committee would have to decide the budget which Members were prepared to finance and then adjust the programme to the ceiling.

2.31 The delegate of Byelorussia emphasized that Committee 6 had not reached a consensus on the data given in Document DT/30. The financial implications of certain activities might still be reviewed with a view to placing the programme of expenditure on the most rational possible basis. As the delegate of the United States had proposed,

the first step was to adopt a zero growth perspective, and then gradually contemplate higher level hypothesis. He pointed out that each country was subject to different budgetary constraints and that each delegate would have to submit to his national Finance Ministry reasonable budget increases.

2.32 The delegate of Australia expressed his support for the approach proposed by the delegates of the United States and the United Kingdom.

2.33 The delegate of Saudi Arabia said that he did not accept the method which consisted in setting an overall ceiling and then rejecting certain proposals owing to a lack of funds at the end of the exercise. The right way to proceed, on the contrary, was to set a ceiling for each budget item. His Delegation, which did not wish any increase in the contributory unit, nevertheless emphasized the need for all countries to cooperate in the eventuality of a budgetary deficit.

2.34 The delegate of Senegal underscored the need to set a budget ceiling on the basis of Document DT/68, which showed the limits on Union expenditure for the period 1990-1995.

2.35 The delegate of Indonesia referred to the methods which had been suggested produce an improved financing of the budget. The possibility of an overall increase in the contributory unit had been discussed, but a large number of countries had expressed opposition to such a move. The possibility of a selective increase in the contributory unit had likewise been evoked. In that respect, he regretted that the proposal, which might have been discussed by the present Committee, had been referred to the Plenary Meeting. He was not in favour of Committee 4 deciding to dispense with certain proposals and considered that decisions of that kind should be referred to the Plenary Meeting. The Committee's role was therefore to put before the Plenary Meeting a range of possibilities, on the basis of which final decisions could be adopted.

2.36 The delegate of Benin drew attention to the difference between a ceiling, which was set by a Plenipotentiary Conference and remained valid until the next Conference, and the budget, which the Administrative Council and the Secretary-General were responsible for managing in the most rational possible way within the set limits. The job of the Committee was therefore to decide upon an overall ceiling rather than on the annual budgets, which were the responsibility of the Administrative Council.

2.37 The delegate of Romania supported the proposal of the delegate of the United Kingdom in that a satisfactory balance should be struck between the wishes of the Union and the financial capacity of the Member countries.

The meeting rose at 1740 hours.

The Secretary:

R. PRELAZ

The Chairman:

M.H. GHAZAL

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 448-E

6 July 1989

Original: French

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COMMITTEE 4

SUMMARY RECORD

OF THE

ELEVENTH MEETING OF COMMITTEE 4

(FINANCES OF THE UNION)

Saturday, 24 June 1989, at 1645 hrs

Chairman: Mr. M. GHAZAL (Lebanon)

Subjects discussed:

Documents

1. Arrears - Republic of Guatemala
2. Limits on Union expenditure for the period 1990 to 1994

411

DT/6, DT/68, DT/71,  
DT/72, 388 (para. 4.2)

1. Arrears - Republic of Guatemala (Document 411)

1.1 The Secretary of the Committee introduced Guatemala's request (Document 411) for the cancellation of accrued interest and the transfer of sums due to a special non-interest-bearing arrears account. Guatemala also proposed a repayment plan compatible with its resources and requested special dispensation to recover its right to vote.

The Secretary of the Committee asked whether the Committee agreed that Document 411 and Document 386 (draft Resolution on settlement of accounts in arrears) could be considered as one document.

1.2 In reply to a question by the delegate of New Zealand, the delegate of Guatemala explained that problems of internal legislation would be resolved and that the economic constraints preventing his country from settling its debts towards the Union would be removed in July, enabling Guatemala to begin settling its arrears.

It was decided that Document 411 would be joined with Document 386.

2. Limits on Union expenditure for the period 1990 to 1994 (Documents DT/6, DT/68, DT/71, DT/72, 388 (paragraph 4.2))

2.1 The Secretary of the Committee introduced Document DT/72, which was a revised version of Document DT/68. Annex 1 gave the provisional budget for 1990 adjusted at 1 April 1989, broken down into groups of activities used as a basis for establishing expenditure limits. Annex 2 showed estimated expenses for the years 1990 to 1995, classified into expenditure limits on the basis of Annex 1. Technical cooperation expenditure (Document 388, paragraph 4.2) and expenditure on working languages were shown separately in the tables. The amount of 83,320,000 Swiss francs for the year 1990 covered Sections 0 to 6. Section 7 contained the provisional budget for 1990, which had been fixed, on the basis of Document 388, paragraph 4.2, at 15 million Swiss francs for 1990. For the same item, the forecast budget for 1995 was 22,500,000 Swiss francs. Section 8 contained the provisional budget for 1990 for working languages and Section 9 covered the extended use of the computer by the IFRB. Annex 3 to Document DT/72 showed the resources required for the continuation of Union activities at their 1990 level. It also gave a number of possible alternative expenditure increases (5%, 10%, 15% and 20%) and their effect on the amount of the contributory unit, on the assumption that the number of contributory units remained at its current level. Annex 4, in reply to a request at the previous meeting by the delegate of Benin, compared the ceilings approved by the Nairobi Conference, adjusted at 1 April 1989, and real expenditure adjusted on the same basis, from which it appeared that real expenditure for the seven years concerned (1983 to 1989) amounted to 97.46% of the authorized ceiling.

2.2 The Chairman proposed that, as the delegate of the United Kingdom had suggested at the previous meeting, the Committee should study the possible alternative increases in the budget (5%, 10%, 15% and 20%) and their effects on the amount of the contributory unit. He noted that an increase of 20% compared with the adjusted 1990 budget would finance practically all the proposals of the committees. More realistically, the starting point could be taken as the amount of 115 million Swiss francs proposed in Document 401, which was equivalent to a budget increase of 10%. The three alternatives to be discussed were therefore increases of 10%, 15% or 20% in the 1990 budget.



- 2.3 The delegate of Japan pointed out that Document DT/72 was based on the assumption that the next Plenipotentiary Conference would take place in 1995, whereas it was stated in paragraph 2.7 of Document 388, as adopted, that the next Conference would normally be held in 1994. The Japanese Delegation would therefore like Document DT/72 to cover expenses from 1990 to 1994, excluding 1995.
- 2.4 The delegate of Algeria said that, rather than discussing the alternatives proposed by the Chairman, it would be preferable to see which items of the budget were immovable and on which activities savings might be made. In that connection, he recalled that the delegate of Saudi Arabia at the previous meeting had mentioned a possible reduction in the budget for the working languages of the Union.
- 2.5 The Secretary of the Committee said that the 10,100,000 Swiss francs budgeted for the working languages of the Union could be cut back if it was agreed that part of the circular-letters of the Union should not be translated.
- 2.6 The delegate of Australia was opposed to a systematic item-by-item discussion of Document DT/72. The text had already been revised and took account of all relevant modifications. As far as budget alternatives were concerned, the possibility of a zero growth budget should also be considered.
- 2.7 The delegate of France approved the approach by alternatives, although he did not consider it necessary to study Document DT/72 in detail. He supported the delegate of Japan's request that 1994 should be the year to consider for the next Plenipotentiary Conference. His Delegation thought that a ceiling should be agreed for the 1990 budget (the sum of 115 million Swiss francs appeared reasonable) and that a ceiling should be established for each year on the basis of the figures given in Document 388. If the Committee were unable to advance that far, it should at any rate offer some guidelines to the Plenary Meeting. It would be useful if the sum of 115 million Swiss francs, proposed for 1990, could be broken down into the different sections shown under the item headed "Recapitulation" on page 9 of the document.
- 2.8 The delegate of New Zealand said that, amongst other data, the budgetary ceiling for 1990 should be considered. He agreed with the delegate of Australia, moreover, that the option of zero growth should be admitted as a possibility. As far as his Delegation was concerned, a budget increase of 5% to 10% would be reasonable.
- 2.9 The Chairman said that the ceiling of 115 million Swiss francs for the ordinary budget for 1990, as mentioned in Document 401, took account of the proposals of Committee 6 (as amended by Document 388), but did not include the proposals of other Committees.
- 2.10 The Secretary of the Committee pointed out that the 115 million Swiss francs were mentioned in Document 401, and that if the expenses referred to in paragraph 4.2 of Document 388 were added to the provisional budget for 1990 (107 million Swiss francs), the sum also happened to work out at 115 million Swiss francs.
- 2.11 The Chairman confirmed that the figure of 115 million was the amount applied to the 1990 budget, plus the amounts given in Document 388 for technical cooperation, but did not take account of the work of other committees and Working Groups since the beginning of the Conference.
- 2.12 The delegate of the Netherlands agreed with the procedure of establishing ceilings for 1990 and endorsed the view of the delegate of France that the period for consideration should be five years. If it was true, as the delegate of France had also pointed out, that it was a matter of the age-old conflict between what was desirable and what was possible, he thought that what was possible should prevail over what was desirable. Various amounts had been proposed, such as the 115 million Swiss francs in

Document 401. What mattered for the Delegation of the Netherlands was the expenditure effectively incurred by his Administration for each year of Union activities. The different increases proposed (109 million = 4%, 112 million = 7.5%, or 115 million = 9.5%) represented considerable increases, to which he was opposed, as he had already stated in the Plenary Meeting when Document 388 was debated. He was also concerned with the figures on page 10, on the basis of which the contributory unit would be 240,000 Swiss francs, whereas according to page 9 the average of the last line would give a figure of 137 million, which would mean a contributory unit some 42% above that for 1989. Those figures clearly showed that the limits had been well exceeded.

2.13 The delegate of Byelorussia said that he agreed that the first step was to establish ceilings for a period of five years, which was not without difficulties, since the groups and committees had not yet supplied the necessary information. It was therefore difficult to determine the amounts of each item and he was afraid that the work might be delayed on that account. A possibility might be to use amounts averaged, for instance, over five years, taking 1990 as the base year, after which the Administrative Council might decide how the overall amount would be distributed year by year. The starting figure, according to that approach, would be the one for 1990.

2.14 The delegate of the United States joined other delegates in expressing his satisfaction with Document DT/72, which summarized earlier discussions and proposed an effective method for the continuation. As far as the figures were concerned, he drew attention to the general total on page 9, adding that he too would like the period considered to be limited to five years. The total for the years 1990 to 1994 came to 687 million Swiss francs. The figures given in Annex 3 on page 10 perhaps provided a solution to the problem mentioned by the delegate of France with regard to what was desirable and what was possible. It might be remembered that the contributory unit for 1989 was 232,600 Swiss francs and that, to satisfy the zero growth option, namely 109 million Swiss francs with a unit worth 287,000 Swiss francs, the increase in the unit would have to be 6.2%. In other words, the zero growth option meant an increase in the contributory unit of 6.2%. Taking into account the figure of 5% mentioned by the Secretary of the Committee, that meant in fact an increase of 11.2%. As an example, a 10% increase would lead to a 16.2% increase in the unit. It was worth noting, moreover, still according to the figures in the annex, that a 26% increase was still not enough to reach the level of the 1995 estimate. The 1995 budget, according to the figure given (147 million) would entail a 34% increase over current contributions. As far as comparing Union expenditure with inflation rates in Geneva (Document DT/21) was concerned, he wished to point out that, regardless of the ceiling established, the amounts would be quoted in Swiss francs valued at April 1989 and that an increase of 20% in five years' time could entail substantially higher payments in Swiss francs in real terms. He considered that the recapitulation at the end of the table on page 9 was an excellent summary of the situation and a good basis for further debate. He was also interested in the Byelorussian proposal that the Conference ceiling should not be applied to one year, but could be carried over by decision of the Administrative Council, contrary to what had been done in the case of Nairobi, where the ceiling had been applied to a particular conference. If an overall ceiling could be fixed for conferences, that would make it possible to establish more realistic programmes.

2.15 The Secretary-General said that he was also very satisfied with the recapitulation on page 9, which summarized very well the different conclusions already presented or under consideration in other committees or groups of the Conference. However, although he recognized the importance of the changes there would be in the contributory unit, the Committee would have to work on the basis of the provisional budget drawn up by the Administrative Council and the value of the unit resulting from that budget at 1 April. It was necessary to be realistic. The 1989 contributory unit had been kept at a fairly low level because the Union had then had a reserve account of 5 million Swiss francs. In 1988, too, it had been able to avoid an increase in the unit by withdrawing 6 million francs from that account, making 11 million withdrawn in two

years. Unfortunately, that source had now dried up. In 1990, on the contrary, it had been necessary to add some 1.75 million francs to the contributory units in order to keep the Union solvent and avoid having to borrow money from the Swiss Confederation. The withdrawal from the reserve account had kept the 1989 contributory unit at the level of 236,000 Swiss francs mentioned by the United States delegate; otherwise it would have been 244,000 Swiss francs. He agreed on the need to look for areas in which increases could be offset by economies, for example, Sections 11 to 17. There was room there for compromise. The ceilings established over a period of seven years would be found on page 12. The Finance Department was at present trying to find ways of offsetting the increase shown on page 9 of the document for the Consultative Committees. On the question of conferences, he considered it essential that the Conference costs should continue to be kept separate from the costs of the two Consultative Committees. Conferences were a very special kind of activity which required preparation and follow-up. Separate identification of the Committees' expenses also made it easier to check on the expenditure incurred for different functional activities. He would emphasize that the ITU could no longer turn to the reserve account as it had in 1989 and that the contributory unit would have to be considered in relation to the provisional 1990 budget at 1 April 1989.

2.16 The delegate of Byelorussia explained that when he had spoken of an average over five years he had been referring to Sections 11 to 18. The Committee was obliged to reckon on the basis of an average value since the question of the next Plenipotentiary Conference had not yet been settled; Document 388 said 1994 but other proposals spoke of 1995. The solution was thus to make allocations on the basis of an average figure.

2.17 The Secretary-General replied that the figures were based on a Plenipotentiary Conference in 1994, allowing for what might occur after Working Group PL-B had submitted its report to the Plenary Meeting.

2.18 The delegate of Mali noted that different delegations had expressed their views on the way the Union should evolve in order to remain effective. That result could not be achieved by freezing expenditure, nor by having increases of 10% or 15%. The decisions taken by Committees 6, 7 and 8 would necessarily have financial implications, as was evident from Document DT/72, which showed an increase of 20.64%. In order to reduce the level of expenditure, priorities would have to be established. In establishing these priorities, due note should be taken of Document 388. It would be up to every Member of the Union to find the resources needed to cover expenditure. The question was whether the value of the contributory unit was on a par with the efforts that would be required to make the Union as effective as it should be.

2.19 The delegate of the United Kingdom welcomed the direction taken by the debate and the excellent work done since the last meeting. As far as the budget was concerned, delegations recognized that even at the present stage the Committee was still not in possession of all the necessary material. He thought it should be the practice that no document was transmitted to the Plenary Meeting until the Finance Committee had approved the financial estimates attached to it; that was the rule applied by his Government, for instance, for the submission of documents to the Cabinet. As far as the contributory units were concerned, they should be based on the actual value of the previous year's unit. There remained the question of the number of units to base the reckoning on. He hoped that the Secretariat would be able to provide information on that subject when the time came for the distribution of the total budget agreed for 1990. Whether in percentage terms or in absolute figures, it was pointless to consider a budget of more than 115 million Swiss francs for 1990.

2.20 The Secretary-General said he understood the Republic of Korea had asked for the increase in its contribution to apply from 1 January 1990. As regards the reduction in the contributions of small countries, it was not certain that it would take effect in 1990; it would apply, rather, from the time when the new instrument was adopted. The information on the subject was still uncertain but it would seem that increases and reductions more or less balanced [+4 and -4.5].

2.21 The delegate of Romania agreed with those delegates who had advocated the zero option. Reference should be made to the year 1989; if delegates consulted Additional Protocol I to the Nairobi Convention, they would find that for the year 1990 the same sum was given in Section 1 as for the previous year. As regards the entry under Conferences for CCITT meetings, whereas Additional Protocol I had set a figure of 6,900,000 Swiss francs, Document DT/72 gave a total of 10,265,000 Swiss francs for 1992. The Committee had to endeavour to cover future expenditure so as to enable the Union to fulfil the important tasks facing it in the next few years. However, the Committee could not agree to an increase like the one in Document DT/72.

2.22 The Secretary of the Committee pointed out that the Romanian delegate had been referring to the 1989 budget, which was higher than the 1990 one. For 1989, the figure for the conference programme had been 18,650,000 Swiss francs, whereas for 1990 it was 11,831,000 Swiss francs. If the 1989 budget was lower, that was due, as he had already pointed out, to the withdrawal from the reserve account, which was no longer possible. That being so, if one took the 1989 accounts as a basis, the figure would be higher. The Committee should therefore keep to the basis given in Document DT/70.

2.23 The delegate of Senegal, referring to Document DT/72, compared the 1982 and 1989 ceilings. The total increase was 13%, i.e. 834,574,000 Swiss francs as against 742,763,800 Swiss francs, although the figure of 834,574,000 Swiss francs was spread over six years, since it included the year 1995. That increase of 13% in six years led him to consider the question of the contributory unit. Over the period just elapsed, the increase above the ceiling had been 3%, which could be taken as one factor in the calculation, together with the number of contributory units, to show what the increase in the units would be over six years. Many delegations wanted zero growth, which meant that the sum of 80,810,000 Swiss francs would have to be found for the next six years.

2.24 The Chairman asked the Secretary-General to submit a document the following day showing the economies that could be made under each of the different sections and the total amount of the budget for 1990.

2.25 The Secretary-General considered that it would be for the Plenary Meeting to establish an order of priority.

2.26 The delegate of the German Democratic Republic supported the proposal by Byelorussia and the United States. Cuts could be made in the budget to reduce the value of the contributory unit. Otherwise, many countries might not be able to accept the budget. His Government would be ready to accept moderate growth.

2.27 The delegate of Canada was in favour of reducing the contributory unit. Referring to Annex 3 of Document DT/72, she said that Canada would accept a ceiling of 115 million Swiss francs for 1990, on the condition that it covered the figures given in Document 388 for technical cooperation. It was the Committee's task to submit a suggestion for the ceiling to be set for 1990 to the Plenary Meeting.

2.28 The delegate of Chile, referring to Annex 3 to Document DT/72, said that the implications of the ceiling for the contributory unit seemed to him acceptable. Like other delegates, he considered that the Committee could not fix priorities in relation to decisions by the other committees. On the other hand, it could help to make savings. Considering the different sections seemed to him a good method of work which would enable the Committee to make progress. If all the savings still did not make it possible to arrive at a ceiling of 115 million Swiss francs, the task of establishing an order of priority would have to be left to the Plenary Conference.

2.29 The delegate of Colombia asked what cuts should be made.

2.30 The delegate of the USSR pointed out that the figure of 115 million Swiss francs was the only one that was definite. The Committee should have an idea of the consequences that there might be for each section taken separately from that allocation of 115 million Swiss francs, year by year. Such a breakdown seemed to him absolutely necessary. By and large he supported the proposal by the Byelorussian delegate.

2.31 The delegate of the United Kingdom said that in Document DT/72, under "Recapitulation" at the end of the table, there would be a considerable increase in Section 7 as a result of a decision taken by the Plenary Meeting. He supported the proposal by the USSR delegate.

2.32 The delegate of Switzerland said that it was not for the Secretary-General to revise figures downwards by making new estimates, but for the Committee to fulfil its responsibilities in relation to the requirements it had established. The delegate of the USSR had made a specific proposal on the method of arriving at the desired end. There had been talk of a budget of some 107 million Swiss francs and the one proposed to the Committee amounted to 129 million Swiss francs. It would probably be necessary to find a compromise and his Delegation could agree to a budget of 115 million Swiss francs.

2.33 The Secretary-General said that he had received information on the way to prepare a document based on provisional figures. If the duration of some conferences was reduced and if the preparatory meeting for CCI meetings was cancelled, there could be savings of some 2,500,000 Swiss francs. He would take note of any suggestions that might be made on the subject.

The meeting rose at 1950 hours.

The Secretary:

R. PRELAZ

The Chairman:

M. GHAZAL

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 449-E  
5 September 1989  
Original: French

COMMITTEE 4

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 4

(FINANCES OF THE UNION)

Sunday, 25 June 1989, at 1630 hrs

Chairman: Mr. M. GHAZAL (Lebanon)

Subjects discussed:

1. Draft sixth report of Committee 4  
to the Plenary Meeting
2. Limits on Union expenditure for the  
period 1990 to 1994

Documents

DT/67,  
DT/76  
  
DT/6, DT/68, DT/71,  
DT/72, DT/77, 388  
(paragraph 4.2)

1. Draft sixth report of Committee 4 to the Plenary Meeting (Documents DT/67 and DT/76)

1.1 The delegate of Argentina enquired why the draft sixth report of the Committee to the Plenary Meeting (Document DT/67) had been submitted to the Committee before delegates had received the summary record concerning the points which were covered in the report and had been considered by them.

1.2 The Secretary of the Committee recalled that the work of the Committee was drawing to a close, that during the fifth, sixth, seventh and eighth meetings a number of points had been discussed, in particular the texts of the Constitution and the Convention, and that the Committee had to approve the draft reports and draft Resolutions which were to be transmitted to the Plenary Meeting and the Editorial Committee. It was understood that Annex 4 to Document DT/67, containing the draft Resolution on Union expenditure for the period 1990 to 1994, i.e. the draft Resolution on the ceiling, would be dealt with at the end of the Committee's work and that figures would have to be added to the text. However, the Committee could begin to consider the text before the figures were set.

1.3 The delegate of Canada, having noted that section 3 d) of Document DT/67 did not accurately reflect the discussions on the action to be undertaken by the Administrative Council, the Chairman invited him to contact the Secretariat so that the paragraph might be amended accordingly.

1.4 The delegate of Argentina found it surprising that the document did not mention Argentina's proposal to raise contributions from private operating agencies in order to cater for the increase in expenditure forecast for the coming years. The aim of the proposal was to enable the Conference to present a viable option for increasing the Union's resources. In the course of the deliberations Argentina had proposed an amendment to its original proposal, bearing in mind the drawbacks which certain private operating agencies would suffer as a consequence of the increase in their contributions. The Administrative Council would be left to deal with the matter after an appropriate assessment of the situation.

1.5 The delegate of Sweden, speaking on a point of order, considered that amendments to the text should only affect the drafting and not the substance. He requested that his statement be reflected in the summary record.

1.6 The delegate of Argentina said that he merely wished the report to mention the discussions on his country's proposal. His Delegation reserved the right to revert to the matter in the Plenary Meeting. The Chairman requested that the Secretariat take Argentina's proposal into account.

1.7 The delegate of Chile, referring to the second part of section 3 a) where the sum of 600,000 Swiss francs was mentioned in connection with the introduction of a minimum 1/16 unit class, said that several delegates had asked for an indication to be given of the sum the ITU would receive if Argentina's proposal were not accepted.

1.8 The Chairman recalled that the choice of unit was made on a voluntary basis and that a consensus had been reached on the basis of the Algerian proposal on page 2 of Document DT/67. The consensus took the form of a proposal in three paragraphs concerning setting the minimum class of contribution for larger agencies and organizations at one unit. Clearly that contributory unit could not be imposed on all agencies.

Annex 1

Texts for the Constitution - Document A

The texts for the Constitution - Document A were approved.

Annex 2

Texts for the Convention - Document B

The text was approved.

1.9 The Secretary of the Committee indicated that in paragraph 4, [618], 386, sub-paragraph c), after the words: "with the exception of the 1/4 or 1/8 unit classes" the figure 1/16 should be added, which would amend the text as follows: "with the exception of the 1/4, 1/8 or 1/16 unit classes".

The texts for the Convention (Document B), as amended, were approved.

Annex 1, as amended, was approved.

Annex 2 (Draft Opinion No. COM4/1)

Annex 2 was approved.

Annex 3 (Draft Resolution No. COM4/8)

1.10 The delegate of Paraguay proposed to amend the text under "resolves" to read: "to encourage recognized private operating agencies to choose ...", which would give more weight. The same change should be made to paragraph a) under "resolves further".

1.11 The Secretary of the Committee requested that under "resolves further", in paragraph b), the word "minimum" be inserted before the words "class of contribution".

1.12 The delegate of Romania proposed the deletion of the whole of paragraph b) under "resolves further". Certain documents referred to the minimum class of 1/2 unit. If paragraph b) were kept, all operating agencies not covered by paragraph a) might be prompted to choose 1/2 unit.

1.13 The Secretary of the Committee, referring to No. 386 c) of the annex to Document DT/67, agreed that paragraph b) under "resolves further" was unnecessary and could be deleted.

Annex 3, as amended, was approved.

Annex 4 (Draft Resolution No. COM4/7)

1.14 The delegate of Australia asked for an assurance that, by giving its agreement to the draft Resolution to be submitted to the Plenary Meeting, the Committee was not excluding other options, in particular with regard to paragraph 1.1 under "decides".

1.15 The Chairman explained that the text was merely a broad outline and that there would be nothing to prevent the Committee from approving it once the figures corresponding to the estimated amounts had been added.



1.16 The delegate of Romania observed that a draft Resolution of the type in question did not have the same value as an Additional Protocol. The fact that the Plenipotentiary Conference adopted Resolutions detracted from the weight of its decisions.

1.17 The Chairman replied that it was not within the purview of the Finance Committee to decide whether its proposals should be embodied in an Additional Protocol or a draft Resolution. That type of decision was for Committee 9 to take. The Finance Committee only dealt with figures and ceilings.

1.18 The Secretary of Committee 4 said that the Secretary of Committee 9, the ITU Legal Adviser, had informed him that, for reasons relating to the date of entry into force, there would be no Additional Protocols, the latter being replaced by Resolutions.

1.19 The delegate of Algeria observed that, as well as establishing figures, the Committee had to deal with the allocation of amounts per year. Its work was not confined to the figures for each year but was also concerned with the programme of meetings up to 1994-1995, as well as with other aspects such as technical cooperation, which had to be incorporated in the document submitted for consideration.

1.20 The Chairman said that the draft Resolution had probably been prepared before the decision had been taken to create a permanent organ for technical cooperation. He endorsed the previous speaker's comments and said that he would ask the Secretariat to take his suggestion into account.

1.21 The delegate of Romania referring to paragraph 6 of Annex 4 (Document DT/67), said that the text's similarity with that of Article 7 of Additional Protocol I of the Nairobi Convention caused him some concern. It was difficult to accept the idea that the Administrative Council could take decisions which would allow the ceilings set by the Plenipotentiary Conference to be exceeded, since the Resolution would not be submitted to the competent national authorities. Accordingly, a unit which exceeded the ceiling fixed by the Conference could hardly be proposed to financial bodies. For that reason, if the Additional Protocol were replaced by a Resolution, it would be for the Members to decide whether the ceilings fixed by the Conference should be exceeded.

1.22 The Secretary-General replied that there were two separate points at issue. One concerned the reference in paragraph 6 to the limit of 1%, whereas the delegate of Romania had raised quite a different question. It was true that in the considerations of the Basic Instrument Group's report there were proposals for the ITU to move away from the traditional approach of the Protocol, a text which had hitherto been considered at the same national levels as more or less an annex to the Convention. In that sense, the Protocol had more weight than a Resolution. However, he was not in a position to comment on the desirability of moving from the protocol principle to the resolution principle. That was a question which would best be left to the jurists and referred either to Committee 9 or to the Plenary Meeting.

1.23 The Chairman said that if the delegate of Romania wished, the question could be referred to Committee 9 which would be asked to solve the legal problem.

1.24 The delegate of Romania suggested that the Committee, by virtue of its own authority, should amend paragraph 6 so as to indicate that the Administrative Council could not authorize an increase in expenditure without consulting the Members of the Union.

1.25 The delegate of Cameroon remarked that paragraph 6 on page 16 of the French text did seem to be the same as Article 7 of Additional Protocol I of the Nairobi Convention. If the text had been accepted in Nairobi, it could also be accepted by the present Conference.

1.26 The delegate of Venezuela requested a clarification in respect of Article 15 of the draft Constitution, in which the Union's expenses for plenipotentiary and world administrative conferences were classified. The Committee was in the process of examining the text prepared by ad hoc Group 7-2 concerning the organizational expenses of the Telecommunications Development Bureau. Were those expenses included among the expenses for world administrative conferences? If it was a matter of Union expenditure, the question should be referred to Committee 9 and be placed in square brackets.

1.27 The delegate of Australia recalled that the Secretary-General had mentioned the need to add to the text a paragraph concerning the possible consultation of Members with regard to the Resolution on the adjustment of pensions adopted in the Plenary Meeting. Paragraph 6 suggested that the consultation in question would concern unforeseen but urgent activities. Although it was impossible to provide precise figures, the Australian Delegation would like the proposed footnote to mention the possibility of an increase in expenditure, the latter being covered within the limits to be laid down during the Committee's discussions. If that were the case, it did not seem necessary to consult the Members in order to obtain additional funds. The delegate of the United Kingdom endorsed that suggestion.

1.28 The Chairman, in view of his past experience, said he would prefer the substance of the footnote to appear in the body of the text.

1.29 The Secretary-General said that he would favour dealing with the point in a separate paragraph of the text proper, clearly indicating that if ceilings were exceeded as a result of additional expenditure, Members had to be consulted.

1.30 The Chairman explained that there would be no consultation of Members unless it was certain that the ceiling had been exceeded. If the Secretary-General were to conclude that the ceiling had been exceeded for a given activity, it would be for the Administrative Council to consult the Members in view of the exceptional circumstances. In his view, therefore, the Australian Delegation's concerns were met by the Resolution as it had been adopted.

1.31 The Secretary-General said he understood the concern of the Australian Delegation. Paragraph 6 did in fact refer to activities which had not been foreseen but were urgent. The present Conference had made provision for possible pension payments for which it was not possible to assess any precise financial obligation and hence sufficient amounts could not be provided in the Protocol. It was not known what those expenses might actually represent. The item being foreseen should therefore not be part of paragraph 6, but should be dealt with in a separate paragraph; it was up to the delegations to agree on the wording of the text. In any event, it was essential that the point be mentioned in the Resolution.

1.32 The Chairman asked whether delegates could agree to resume the discussion once a text had been issued incorporating the various amendments made by the Secretariat.

1.33 The delegate of the United Kingdom considered either that paragraph 6 could be kept as it stood, thus preserving the integrity of the draft Resolution which allowed the Administrative Council a margin of 1%, or that an additional text could be adopted mentioning a foreseeable increase without actually putting a figure on it. In the

latter case, a safeguard would need to be provided by adopting a text such as the one proposed by Australia. His Delegation would prefer to leave the text as it stood, but if it were to be amended, the changes should be along the lines suggested by the Australian Delegation.

Annex 5 - Draft Resolution No. COM4/6

Annex 5 was approved.

Annex 6 - List of least developed countries

1.34 The delegate of the Federal Republic of Germany questioned the need for such a list, since an up-to-date list was published regularly by the United Nations.

1.35 The Chairman said he would like the list to be retained, because of the new 1/16 class of contribution created for that category of country.

1.36 The Secretary of the Committee explained that the list had been drawn up for the purposes of Committee 4 alone and was not intended to be annexed to any of the Committee's reports to the Plenary Meeting.

Document DT/76 - Amendments to the text of the Convention

Document DT/76 was approved.

2. Limits on Union expenditure for the period 1990 to 1994 (Documents DT/6, DT/68, DT/71, DT/72, DT/77, 388 (paragraph 4.2))

Document DT/77 - Limits on Union expenditure for the period 1990 to 1994

2.1 The Secretary-General recalled that the Secretariat had been requested to revise the document taking into account progress achieved and trends emerging in other Conference committees and groups, in particular with regard to the work of PL-C and Sections 11 to 18 relating to conferences and meetings, and then to prepare revised figures based on zero growth. The figures now before the Committee were the result of that exercise. The question of conferences had also been considered from the financial standpoint. Useful information on that matter was given on page 7, it being understood that the final decision would be taken by the Plenary Meeting. As far as the CCI meetings were concerned, the extent to which the ceilings had actually been used for purposes of expenditure during the previous period had been taken into account, and the growth figures proposed previously had been deleted.

2.2 The Chairman compared Documents DT/77 and DT/72, drawing attention to the proposals made by the USSR Delegation (page 9 of Document DT/72) on Sections 0 to 6, 7, 8, 9, and 11 to 18.

2.3 The delegate of the Federal Republic of Germany recalled the comments made by his Minister in the Plenary Meeting on the need to strike a compromise between the organization's requirements and the resources available to it. The previous evening's debate had been well on the way to finding such a compromise. His Delegation was prepared to accept a total of 115 million Swiss francs for 1990. Furthermore, he suggested an increase of some 2%, or 600 million Swiss francs, for the five-year period.

2.4 The delegate of Papua New Guinea stated that his country - a developing country - was preoccupied by the ITU's financial situation, which seemed more likely to worsen than to improve. He would regret any increase in the contributory unit which would oblige his Administration to re-examine its position. An increase of 5% seemed acceptable, but as an absolute maximum.

2.5 The delegate of the United Kingdom said that his reaction to the new Document DT/77 was similar to that of the Federal Republic of Germany. The delegate of the USSR had made certain proposals regarding "Recapitulation" which his Delegation had endorsed. Until then, the debate had centred around the possible cost of activities which the Conference might wish to undertake, since it had shifted to the ceilings which the organization should not exceed. Section 7 had been chosen as the growth section, on the basis of the figure of 2 million Swiss francs per annum set by another of the Conference's committees, resulting - as the delegate of the Federal Republic of Germany had said - in a total of 22.5 million Swiss francs. It would have been better had the recapitulation remained in line with the basis agreed upon the previous day, taking into account the ceiling figures and the rules established for breaking down the tables, all of which were perfectly clear.

2.6 The Secretary-General said that he was well aware of the figure of 115 million Swiss francs for 1990; however, that figure had not been imposed by the Secretariat, because it was not for officials to substitute their own decisions for those already taken or for conclusions being drawn up elsewhere. For instance, as far as Section 9 was concerned, there had been talk during that morning's discussion in PL-C of bringing the figure of 2,904,000 down to 2,504,000 Swiss francs; however, the conclusion transmitted to the Secretariat suggested that Committee 4 make the minimum provision considered essential for the maintenance of the FMS system. The figure of 2,904,000 Swiss francs had therefore been kept. Committee 4 could endorse that move but it could not prejudge the decision of the Conference. Other examples which might be quoted included remote access, conferences and the distinctions drawn between CCITT and CCIR expenditure. With regard to the latter, the question of documentation had been examined with the Chief of the Finance Department, particularly the extent to which the previous ceiling had been used (86% approximately), after which it had been decided that zero growth would be maintained for the cost of documentation in spite of a continual increase in the number of pages. In order to comply with the zero growth requirement, the Secretariat had not included a three-week CCIR preparatory meeting in which certain representatives had expressed interest. As far as conferences were concerned, the possible costs were given, with some variants, at the bottom of page 7 of Document DT/77. At all events, it was not for the Secretariat to bring the budget figure down to 115 million Swiss francs and the figure of 2,504,000 Swiss francs and other possibilities would have to be confirmed.

2.7 The delegate of Senegal noted that the amount of 1 million Swiss francs given in Document DT/77 had been made available to re-establish credits for frozen posts. A saving of 7,100,000 Swiss francs had been made on working languages and as far as the IFRB was concerned, to mention only the more significant reductions, there was a cut of 650,000 Swiss francs. The sum total of those reductions was approximately 8,750,000 Swiss francs, against 11 million Swiss francs in the recapitulation for 1990 in Document DT/72. He would welcome an explanation of the difference of approximately 2,265,000 Swiss francs. Perhaps the answer was to be found in item I.22 and Section 9 (pages 5 and 8 of Document DT/72).

2.8 The Secretary of the Committee replied that under item I.20 (Re-establishment of credits for frozen posts), the sum of 1.5 million Swiss francs originally provided had been reduced to 500,000 Swiss francs for 1990. From 1991 onwards, expenditure on that item would amount to 1.5 million Swiss francs. As far as item III.1 (Working languages)

was concerned, the budget had been reduced to 3 million Swiss francs, at the request of the delegate of the USSR made in the previous meeting. Under item V.1, the sum allocated for IFRB seminars had been maintained without allocating any extra credits for fellowships. As for Section 9, the sum of 2,504,000 Swiss francs provided annually for the period 1991-1994 had been transferred to recurrent expenses in Sections 0 to 6 and now appeared under item I.21. The computer expenses mentioned on page 5 of Document DT/72 had been deleted in accordance with the decision taken by Working Group PL-C. As for remote access, referred to in Document 26, the corresponding expenditure had been held over for a year. The expenses for computer resources for 1990, 1991, 1992 and 1993 had been deleted. The sum of 442,000 Swiss francs quoted for 1994 was a transfer from item V.1 (WARC-HFBC).

2.9 The delegate of Senegal acknowledged that sizeable reductions had been made in Sections 8 and 9. Nevertheless, if the suggested budget of 115 million Swiss francs was to be achieved, decisions of principle would have to be taken with regard to certain sections. There was still time to review the programme of CCITT and CCIR meetings.

2.10 The Chairman cautioned the Committee against making too drastic a cut in the Union's programme of conferences and meetings. He observed that the budget for Sections 0 to 6 set out in Document DT/77 amounted to 91,025,000 Swiss francs. That sum was still higher than the figure of 84,500,000 Swiss francs put forward by the Delegation of the USSR.

2.11 The Secretary of the Committee expressed his anxiety with regard to the last figure to which the 2,500,000 Swiss francs from Section 9 had to be added. The following items of non-recurrent expenditure also had to be taken into account: the three credit transfers provided under items I.17, I.19 and I.22 of Sections 0 to 6 (transfers which taken together totalled 5,400,000 Swiss francs), the 1989 session of the Administrative Council (to be charged to the 1990 budget) and the installation and repatriation of elected officials. If all those figures were added together the sum total of 89,700,000 Swiss francs was obtained, which was impossible to compress any further.

2.12 The delegate of Byelorussia was surprised to note that Document DT/77 did not reflect the consensus reached at the eleventh meeting of Committee 4. The figures given in the document did not correspond to the proposals made by the various delegations. While acknowledging that the General Secretariat might have encountered problems when drawing up the budget, he observed that it was the Plenipotentiary Conference which took the decisions; the General Secretariat was the Union's executive body. As to the procedure which was being followed at the present meeting, he insisted that delegations should be given the floor first, after which the explanations of the General Secretariat could be heard.

2.13 The delegate of France endorsed the remarks by the previous speaker. Priority should be given to those delegates seeking clarifications on the document under discussion. At the Committee's previous meeting he had asked the Secretariat to provide a set of documents containing an evaluation grid of the items of expenditure which would have to be sacrificed because of budgetary constraints. Only close cooperation between the Plenary Meeting, the Secretariat and the other organs would enable a compromise to be found between the ideal solution and a reasonable one. Efforts had certainly been made to rationalize expenditure under Section 8 (Working languages) and on CCITT and CCIR meetings. While an endeavour would have to be made to achieve a reasonable budget for 1990, the budget for the following years should not be neglected. The necessary revision of the figures might affect certain activities which at the outset were regarded as essential. The details of the main sections would therefore

have to be reconsidered to see if savings could be made. In that connection, he recalled that 3,850,000 Swiss francs had been transferred to item II.5 of Section 7 (Specialized agency role) and likewise that certain services linked to UNDP activities which currently appeared in Sections 0 to 6 might be transferred to Section 21. Certainly that would not be sufficient to make good the deficit, but other transfers along the same lines could be contemplated. In any case, what really mattered was that the necessary information should be passed on to the Plenary Meeting so that it could choose between the various possibilities.

2.14 The delegate of Iraq could not agree that the discussions at the Committee's eleventh meeting had resulted in a consensus on budget reductions. In the opinion of his Delegation, that debate was still open. With regard to the proposal by the USSR delegate for a reduction of the amount provided under Section 8 (Working languages), his Delegation could accept a new budget of 5 million Swiss francs, but under no circumstances a reduction of up to 3 million Swiss francs. It was not right to concentrate the required budgetary cuts on a single item and it would be advisable to think of making savings in other activities.

2.15 The delegate of India, referring to item V.1 of Sections 11 to 18 where total expenditure for the two WARC's was given as 13,575,000 Swiss francs, emphasized that the related expenses could be reduced if WARC-HFBC was scheduled for 1992 instead of 1993. As the Plenary Meeting had not yet taken a decision on Document 379, he requested the Chairman to mention his remarks in the Committee's report to the Plenary Meeting.

The meeting rose at 1945 hours.

The Secretary:

R. PRELAZ

The Chairman:

M. GHAZAL

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 450-E  
28 June 1989

## LIST OF DOCUMENTS (Documents 401 to 450)

N°	Origin	Title	Destination
401	D, F, J, G	Contribution to the work of the Conference	PL
402	C.10	B.9	PL
403	C.10	B.10	PL
404	PL	Minutes of the eighteenth Plenary Meeting (not yet published)	PL
405	C.6	Summary Record of the eleventh meeting of Committee 6 (not yet published)	C.6
406	C.8	Summary Record of the nineteenth meeting of Committee 8 (not yet published)	C.8
407	C.7	Note by the Chairman of Committee 7 - Decisions relative to the election of the Administrative Council	PL
408 (Rev. 1)	C.7	Note by the Chairman of Committee 7 to the Chairman of Committee 9	C.7,9
409	SG	Premises at the Seat of the Union	PL
410 +Corr. 1	C.2	Summary Record of the second meeting of Committee 2 (Credentials)	C.2
411	SG	Contributions of Members of the Union - Republic of Guatemala	C.4
412	C.8	Note by the Chairman of Committee 8 to the Plenary Meeting	PL
413	C.8	Note by the Chairman of Committee 8 to the Chairman of Committee 4	C.4
414 +Corr.1	C.10	B.11	PL
415	SG	Transfer of Powers - People's Republic of Angola - Cape Verde	PL

No.	Origin	Title	Destination
416	C.4	Third Series of texts from Committee 4 to the Editorial Committee	C.10
417 (Rev.1)	C.7	Note by the Chairman of Committee 7 (Structures) History of the Members elected to the Administrative Council	C.7
418	C.9	Eighth Series of texts from Committee 9 to the Editorial Committee	C.10
419	C.9	Ninth Series of texts from Committee 9 to the Editorial Committee	C.10
420 (Rev.1)	DG 7AdHoc3	Report by the Chairman of the Drafting Group 7 Ad Hoc 3 to the Chairman of Committee 7	C.7
421	C.7	First Series of texts from Committee 7 to the Editorial Committee	C.10
422	C.7	Second Series of texts from Committee 7 to the Editorial Committee	C.10
423	WG 7AdHoc4	Report of the Chairman of the Working Group 7 Ad Hoc 4 to Committee 7	C.7
424	DG 7AdHoc2	Report of the Chairman of the Drafting Group 7 Ad Hoc 2	C.7
425	DG 7AdHoc5	Report by the Chairman of the Drafting Group 7 Ad Hoc 5	C.7
426	C.10	B.12	PL
427	C.9	Tenth Series of texts from Committee 9 to the Editorial Committee	C.10
428	GRC	Draft Convention - Article 25 [77]	C.7
429	GRC	Draft Convention - Article [39A] or [43A]	C.9
430	C.10	B.13	PL
431 +Corr. 1	WG PL-C	Report of Working Group PL-C to the Plenary Meeting	PL, C.4
432	C.10	B.14	PL
433	C.7	Summary Record of the twenty fourth meeting of Committee 7 (not yet published)	C.7



No.	Origin	Title	Destination
434	C.7	Summary Record of the twenty fifth meeting of Committee 7 (not yet published)	C.7
435	C.7	Summary Record of the twenty sixth meeting of Committee 7 (not yet published)	C.7
436	C.7	Summary Record of the twenty seventh meeting of Committee 7 (not yet published)	C.7
437 (Rev. 1)	C.7	Second Series of texts from Committee 7 to the Editorial Committee	C.10
438	C.6	Note by the Chairman of Committee 6 to the Chairman of Committee 10	C.10
439	SG	For information - Final days of the Conference	-
440 (Rev. 1)	C.6	Report of the Chairman of Committee 6 (Technical Cooperation) to the Plenary Meeting	PL
441	C.9	Eleventh Series of texts from Committee 9 to the Editorial Committee	C.10*
442	C.9	Summary Record of the sixteenth meeting of Committee 9 (not yet published)	C.9
443	E	Structure of the Unión	PL
444	C.7	Fourth Series of texts from Committee 7 to the Editorial Committee	C.10
445	C.7	Fifth Series of texts from Committee 7 to the Editorial Committee	C.10,9
446	C.3	Summary Record of the third meeting of Committee 3 (not yet published)	C.3
447	C.4	Summary Record of the tenth meeting of Committee 4 (not yet published)	C.4

\* Plenary Meeting and Committees 4, 7 and 8, for information

No.	Origin	Title	Destination
448	C.4	Summary Record of the eleventh meeting of Committee 4 (not yet published)	C.4
449	C.4	Summary Record of the twelfth meeting of Committee 4 (not yet published)	C.4
450	SG	List of documents (401 to 450)	-

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 451-E  
5 September 1989  
Original: French

COMMITTEE 4

## SUMMARY RECORD

OF THE

THIRTEENTH MEETING OF COMMITTEE 4

(FINANCES OF THE UNION)

Monday, 26 June 1989, at 0900 hours

Chairman: Mr. M.H. GHAZAL (Lebanon)

### Subjects discussed:

1. Limits on Union expenditure for the period  
1990-1994 (continued)

### Documents

DT/6, DT/68,  
DT/71, DT/72,  
DT/77,  
388 (Rev.1)  
(para. 4.2)

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1. Limits on Union expenditure for the period 1990-1994 (continued)  
(Documents DT/6, DT/68, DT/71, DT/72, DT/77, 388(Rev.1) (paragraph 4.2))

1.1 The Chairman invited delegates to continue consideration of Document DT/77, which had been taken up at the previous meeting.

1.2 The delegate of Australia welcomed the fact that most Members had felt the need to set a realistic ceiling; in his view, the proposed figure of 115 million Swiss francs for 1990 was a step in the right direction. With regard to Section 3 and the figure of 15 million Swiss francs, he observed that his Delegation had not accepted paragraph 4 of Document 388. Expenditure should be considered in relation to available resources, in the framework of a 109 million Swiss franc ceiling for the 1990 budget.

In an endeavour to reach a consensus, he suggested that the proposal made by the French delegate at the previous meeting should be taken up: the Plenary Meeting would be offered a bracket and, in its report, Committee 4 would propose three alternatives, namely, a budget of 107 million Swiss francs which would be the zero option, a budget of 115 million Swiss francs which would allow for modest growth and tie in with Document 388, and a budget of 120 million Swiss francs which would take account of proposals which had not yet been quantified.

1.3 The delegate of the United States said that, following the discussion of Document DT/72 at the previous meeting, he had been expecting a document to be issued setting out, on the one hand, a zero growth budget of about 107 million Swiss francs and, on the other, a budget of 115 million Swiss francs allowing for some increase of Section 7 and for estimated total expenditure of 595 million Swiss francs in the period 1990-1994, whereas in fact Document DT/77 was based on a hypothetical budget of 118 million Swiss francs and on total expenditure of 640 million Swiss francs for the coming period.

Turning to Sections 0 to 6 in Document DT/77, he said that he did not understand the figure of 416 million Swiss francs for expenditure in the period 1990-1994, which was given as the approved figure even though, as he understood it, the Plenipotentiary Conference was entitled to alter the decisions of the Administrative Council. Neither did he understand the figure of 83 million Swiss francs per year, which was possibly based on past activities; that expenditure would no doubt need to be discussed with the coming period in view.

Items 1.20 and 1.21 of Document DT/77 seemed to overlap, since both of them provided for a sizeable increase in staff. All the sections which in the past had been concerned with technical cooperation activities would also need to be reviewed and grouped together, since a new organ had just been set up for that area of activity. With regard to Sections 11 to 18, he emphasized how important conferences and meetings were in the life of the ITU, whose very *raison d'être* was the development of standards and the distribution of frequencies. Any savings to be made in that area would require very careful thought.

Finally, he supported the Australian proposal that three options should be submitted to the Plenary Meeting. He further suggested that Committee 4 should draw up a programme of conferences for 1990-1991 and invite the Administrative Council to consider the future schedule in the light of the ceilings set.

1.4 The delegate of the Netherlands said that his Delegation maintained the reservation it had expressed in the Plenary Meeting with regard to the technical cooperation activities in Section 7 of the budget. With regard to the overall budget, he was ready to take 115 million Swiss francs as a basis for discussion, without

however accepting that figure as the ceiling for 1990. The 1989 budget amounted to 106 million Swiss francs; an increase to 115 million Swiss francs would mean a growth rate of 9% and a budget of 123 million Swiss francs one of about 16%, and both those amounts would be too high for administrations to meet.

Like other delegations, he found Document DT/77 a little disappointing because, instead of the expected overall total of 115 million Swiss francs, it contained the figure of 118,400,000 Swiss francs which was to increase even further in subsequent years. He shared the view that the discussion would not be productive unless different hypotheses were considered, with 115 million Swiss francs as the maximum growth option.

Turning to page 7 of Document DT/77, he remarked that the amounts for Sections 0 to 6 were very high in relation to those for the other sections. It would be useful for further details to be provided concerning Sections 0 to 6 so that priorities could be identified and an across-the-board reduction of 5 or 10% avoided. Delegates needed to know all the facts in order to allocate the necessary resources to essential standardization activities.

He supported the Australian proposal.

1.5 The delegate of the Federal Republic of Germany said that the Committee should not confine itself to looking at the figures in Document DT/77 without going into any detail. In his view, all the amounts relating to technical cooperation should be transferred to the Telecommunications Development Bureau, after which ways and means of making savings should be sought; it was not reasonable to start off by making a 13% cut in the CCITT budget, against Members' wishes. He supported the proposal by the Australian delegate.

1.6 The delegate of Romania proposed, in order to make it easier to take a decision, that Sections 1 to 9, which made up the bulk of the budget, should be discussed together, after which the Administrative Council could take appropriate decisions based on the Resolutions of the Conference.

At the Plenary Meeting during which Document 388 had been considered, most delegates had accepted the proposals for the new BDT on condition that savings were made in other sections of the budget. Since the 1989 budget provided 87.5 million Swiss francs for Sections 1 to 9 and the 1990 budget updated at 1 April 1989 provided 95.35 million Swiss francs, he proposed that 100 million Swiss francs should be allocated to those sections including, as the ceiling for 1990, 15 million Swiss francs for Section 7 and 9 million Swiss francs for Sections 11 to 18, making a total of 109 million Swiss francs, i.e. the figure of the adjusted provisional budget for 1990 (Document DT/72). He repeated that his Delegation could accept only the zero growth option. Like other speakers, he was in favour of realistic and reasonable limits and of an annual growth rate which did not exceed 1.5 to 2%.

1.7 The delegate of Mexico, taking into account the 1989 budget of about 106 million Swiss francs and the decision to establish a new organ for the development of telecommunications, considered that a ceiling of 115 million Swiss francs would be a sound basis for discussion. Adjustments could be made among the various activities in subsequent years. In that connection, he considered the activities of the IFRB, the CCIR and the CCITT to be essential. It would be advisable not to exceed an annual growth rate of 2%. He did not support the Australian proposal which contemplated a ceiling of up to 120 million francs.

1.8 The delegate of Japan said he was in favour of a ceiling of 115 million Swiss francs for 1990. The ceiling in Document 441, which his Delegation had sponsored, seemed to be realistic and reasonable from the standpoint of all the delegations. A budget of 115 million Swiss francs would represent an 8.2% increase in relation to the 1989 budget of 106 million Swiss francs. He drew the Committee's attention to the fact that, under the 1989 budget, 5 million Swiss francs had been withdrawn from the Reserve Account and that the contributory units had been decreased, whereas, no withdrawal would be made from that account in 1990 and the contributory unit would therefore rise by more than 8.2%.

His Delegation could support the Australian proposal to the effect that three options should be submitted; however, he would prefer 115 million Swiss francs to be set as the maximum ceiling for the 1990 budget. He requested the Secretary-General to submit a document setting out the three options, together with the value of the contributory unit corresponding to the various ceilings.

1.9 The delegate of Algeria, after observing that Working Group PL-B had proposed to reduce the length of the 1992 Conference from six to four weeks, questioned whether that would really be a simpler and more constructive solution. Furthermore, it had been proposed to abolish the fellowships for IFRB seminars. Those seminars were highly valued by the developing countries, which would no longer be able to attend them if their travel and other expenses were not at least partly covered. Was that really what was wanted?

He observed that reductions were being proposed first and foremost by the major contributors to the Union's budget. However, it should be noted that, having regard to their possibilities, countries like Algeria contributed proportionately at least as much as the industrialized countries.

With regard to the ceilings for 1990, it would be advisable not to draw up too restrictive a budget. However, it should not be left to the Secretary-General to propose reductions; it was for the Conference to make such proposals. He asked whether the costs relating to consultants, the Group of Experts and the early Plenipotentiary Conference were included in the total budget figure; if they were, the total might be brought down to 115 million Swiss francs.

1.10 The Secretary-General replied that the figures in Document DT/71 were not incorporated in Document DT/77.

1.11 The Secretary of the Committee, referring to Document DT/77 which gave 118,484,000 Swiss francs as the general total for 1990, said that the cost of consultants, i.e. 1 million Swiss francs, and of three meetings of the Group of Experts, i.e. 525,000 Swiss francs, should be added to that figure, making a new total of 120,009,000 Swiss francs. For 1991, the total of 124,818,000 Swiss francs should be supplemented by 1,500,000 Swiss francs for the early Plenipotentiary Conference, although the year in which that Conference would be held was not yet known.

1.12 The Chairman suggested that the amount in question should be entered for 1991, subject to its possible transfer to 1992.

1.13 The Secretary-General considered that that item of expenditure should not be added to any other item. Furthermore, the credits for the FMS had been brought down to 2,504,000 Swiss francs, which was a substantial reduction.

1.14 The representative of the IFRB (Mr. Brooks), referring to the reduction of the section relating to the FMS, observed that the cuts affected not only the staff but also the other items in the section.

1.15 The delegate of Saudi Arabia, replying to a question by the Chairman, said that he could accept a budget of 118,484,000 Swiss francs. He supported the proposal made at the previous meeting by the delegate of Iraq.

1.16 The delegate of the United Kingdom suggested that the figure of 115 million Swiss francs should be taken as the basis for discussion. That figure already represented an increase over the 1990 budget of 106 million Swiss francs established by the Administrative Council. Since the amounts corresponding to various items of expenditure would have to be added to that figure in accordance with decisions taken by the Conference, the total budget might well be far higher than had been suggested up to present. It was necessary to come down to earth, i.e. to a budget of 106 million Swiss francs and a contributory unit of 240,000 Swiss francs. It should be borne in mind that a budget of 115 million Swiss francs corresponded to a contributory unit of 270,000 Swiss francs and that, once allowance had been made for the proposals in Document DT/77, the contributory unit would be in the region of 300,000 Swiss francs. He stressed the need to adopt a budget which was commensurate with the possibilities of Members and recognized private operating agencies. Savings could be made in a number of areas, such as working and conference languages. He also invited delegates to reflect on the expenditure in Section 7. It did not seem possible to make further savings in the first six sections. As to the section on conferences, savings worth millions of francs could probably be made by deferring the WARC until 1992.

1.17 The Secretary-General was surprised that delegates who had followed the discussions should be saying that the proportion of financial staff in technical cooperation activities was too high. He might wish to take up that point at a later stage.

1.18 The delegate of New Zealand observed that budget ceilings had to be based on available income. In his view, the contributory unit should be kept its current level.

A balance must be struck within the ITU between new and existing duties. Ways and means might perhaps be sought of making savings in the performance of existing duties, not by means of across-the-board cuts but through the accumulation of economies. However, that would not be possible without real financial motivation. His Delegation endorsed the idea put forward by the Australian delegate. As to the suggested figure, 115 million Swiss francs was the absolute maximum that it could accept. It supported the proposal to submit three options, including one for zero growth.

1.19 The delegate of Qatar observed that the Conference had taken vital decisions concerning the developing countries. While it was understandable that the countries which were the major contributors to the Union's budget should be seeking to set ceilings, an order of priority should be adopted and resources distributed on that basis. In his view, there were two priorities for the developing countries, namely, cooperation for development and the organ set up for that purpose, and the introduction of new working languages. In that connection, he drew attention to the proposal by the USSR delegate, supported by the delegates of Iraq and Saudi Arabia. The amount of 3 million Swiss francs was not sufficient to meet that requirement.

1.20 The delegate of Senegal, referring to the proposal that the Conference should set a ceiling and that the Administrative Council should be requested to make the necessary breakdown, expressed the view that such decisions should certainly not be left to the Council. The decision on whether or not to hold a conference should be taken by the Plenipotentiaries. In that connection, he drew attention to the Indian proposal to hold WARC HFBC in 1992, thus enabling substantial savings of at least 1 million Swiss francs to be made.

Turning to Document DT/77, he said it was difficult to see how the ITU could operate if previously frozen posts were abolished once again, if fellowships for attending IFRB seminars were discontinued and if many other decisions of that type were adopted. On the one hand it was being stated that Document 388 must at all costs be respected to the letter whereas, on the other, no attempt was being made to economize on the standardization activities of the ITU's International Consultative Committees even though, in his view, that was the area in which savings could be made.

1.21 The delegate of Brazil said that the present discussion was one of the most important to take place at the Conference, which had to set a ceiling for future years. Account should be taken of the possible financial effect of the decisions adopted on the contributory units, and the different administrations would obviously want to know what the amount of their contribution would be. Committee 4 and then the Conference itself should therefore approach the problem from the macroeconomic standpoint. Several figures had been suggested and agreement seemed to have been reached on a maximum amount of 115 million Swiss francs, although the provisional budget which had been established with reference to the United Nations common system and adopted by the Administrative Council amounted to only 106 million Swiss francs. It should also be borne in mind that while the Secretary-General had responsibilities, so did the members of delegations.

He supported the French delegate's proposal concerning transfers to Section 7. Furthermore, he agreed with the comments by the United States delegate concerning item 1.21 (Reestablishment of credits for frozen posts) and with those of the Secretary-General concerning item 1.22. He pointed out that the suggested transfer from Section 9 to Sections 0 to 6 would have other financial implications for future budgets.

He fully agreed with the delegates who had said that Sections 11 to 18 were the essential basis of the Union and he considered that savings could probably be made at that level.

He suggested that the Secretary-General should submit a new document based on the figure of 115 million Swiss francs and showing the financial repercussions on the contributory unit. Like the Secretary-General, he considered that the cost of the Voluntary Group of Experts should not appear in Document DT/77 and that the Administrative Council should take up the matter at its 1990 session in order to reach a decision. In his view, it did not seem feasible to hold more than one meeting of the Group of Experts in 1990.

1.22 The Chairman, speaking as the delegate of Lebanon, said he had proposed to convene a special session of the Administrative Council in October or November only to advance the work.

1.23 The delegate of the People's Republic of China noted, after studying Document DT/77 carefully, that expenditure was increasing constantly and that the Union did not have adequate resources. Two figures had been suggested for the 1990 budget ceiling: 115 million Swiss francs, which had been supported by a large number of countries, and 118 million Swiss francs, which had been suggested by the Secretariat in the light of the various Committees' decisions.

Taking into account the establishment of the Telecommunications Development Bureau, technical cooperation activities, routine ITU activities and projects for the promotion of telecommunications in the developing countries, he expressed the view that the budget should be kept at a reasonable level and said he could accept



115 million Swiss francs as a basis for discussion. Furthermore, he did not consider that it would be advisable to establish an order of priority and allocate funds to each project; rather, an overall solution should be found which enabled the contributory units to be increased and budgetary expenditure to be reduced. One course would be to make savings inside the ITU itself.

He supported the proposals by the delegates of the USSR, Iraq, Saudi Arabia and particularly India (Document 379), which should be adopted by the Conference.

1.24 The delegate of Chile considered that the discussions should be based on the figure of 115 million Swiss francs and that the proposals in Document 388(Rev.1) should be analysed.

1.25 The delegate of Australia said that he too had made a proposal, amounting to 120 million Swiss francs, which had not been supported but which the Plenary Meeting would have to examine without, however, necessarily adopting that figure as the ceiling. He observed that savings would have to be made and, in that connection, that suggestions had been made by the delegate of the United States in respect of items 1.20 and 1.21 and by the delegate of Brazil in respect of item 1.22.

In conclusion, he said that his Delegation was much exercised over the reduction of Sections 11 to 18 relating to fellowships and IFRB seminars, a matter to which his country attached great importance.

1.26 The delegate of Colombia shared the view expressed by some delegations to the effect that the Committee should take specific decisions which would then be transmitted to the Plenary Meeting. In addition, the Plenipotentiary Conference should analyse the budget from the macroeconomic standpoint without going into any detail, for that was the task of the Administrative Council and the Secretary-General. Projects and programmes were proposed during Plenipotentiary Conferences and it was up to those who wished to implement them to provide the necessary impetus. Several delegations had suggested the figure of 115 million Swiss francs; if that figure were accepted, it would then have to be distributed among the various sections of the budget.

1.27 The delegate of Canada said that since the outset of the Conference she had consistently favoured a modest increase of the budget for technical cooperation activities and for expanding the Union's routine activities. If the figure of 115 million Swiss francs were adopted, the zero growth level should not be raised for the budget must be consonant financial realities. Accordingly, guidelines would have to be set in order to make savings, and 115 million Swiss francs seemed to be a reasonable figure. Furthermore, a comparative budget should be submitted and the figure of 600 million Swiss francs for the period 1990-1994 should not be exceeded.

Finally, she supported the New Zealand proposal for zero growth and 115 million Swiss francs, and she appealed to the Australian delegate to accept that figure since the one he had proposed, namely 120 million Swiss francs, seemed too high.

1.28 The delegate of Australia accepted the alternative suggested by the delegate of New Zealand and supported by the delegate of Canada.

1.29 The delegate of Paraguay said that the subject was a difficult one and called for a cautious and businesslike approach. The delegate of Australia had summed up the situation admirably and had proposed two possibilities, namely, 106 and 115 million Swiss francs.

Like several previous speakers, he supported the proposal for 115 million Swiss francs.

1.30 The delegate of France said that although he had already taken the floor on the subject of Document DT/77, he wished to emphasize that even with a budget of 115 million Swiss francs, which several delegations had said they could accept, it would clearly be impossible to meet all the requirements of Committees 5, 6 and 7, having regard to the reinclusion of certain services in Section 7. For example, it would not be possible to respond favourably to the requests of Committee 6, and a budget of less than 115 million Swiss francs for 1990 would not be acceptable. No lower figure submitted to the Plenary Meeting would serve any purpose save that of comparing the movement of the contributory unit, an exercise which could perfectly well be achieved by means of a table. However, even if the figure of 115 million Swiss francs were accepted, agreement would still have to be reached on the overall budget up to 1994, in application of the Recommendations in Document 388.

Some delegations had proposed to start with 115 million Swiss francs for 1990 as the basis and to multiply that figure by five, a method which would have the effect of increasing the technical cooperation budget to the detriment of the Union's other activities and would therefore be quite unacceptable to his Delegation. The Committee should draw up a reasonable budget which would enable the ITU to perform its standardization, regulatory and technical cooperation and development support activities under equitable conditions.

At the last meeting he had proposed that the Secretariat should draw up a grid based on the Australian proposal, giving three initial basic amounts for 1990 together with projections derived from each of them, the first for zero growth, the second allowing for Document 388 and for zero growth, and the third also allowing for Document 388 and not considering the 1990 budget as binding.

His Delegation could agree to base the discussion on the figure of 115 million Swiss francs, to reach 600 million Swiss francs in the period up to 1994.

1.31 The delegate of Burundi said he was concerned by the turn the discussion was taking. The delegate of Colombia had said that an overall decision should be adopted in Committee 4 and delegations had reproached the Secretariat with not having followed instructions, thus making it impossible for delegates to identify the sections in which savings were to be made. That was not made clear in the documents submitted by the Secretariat. Furthermore, some delegations had asked for the budget which the Administrative Council had approved for 1990 to be reduced, without however making specific recommendations. The Conference had adopted decisions which took the situation into account and the Secretariat was now receiving different proposals.

Accordingly, he suggested either that the Colombian delegate's proposal should be taken up and a ceiling set having regard to the proposal by the French delegate, or that the document submitted by the Secretariat should be used as a basis for establishing priorities. Delegations should also be asked to specify the sections in which savings should be made and, above all, what form those savings should take.

1.32 The delegate of Cameroon said that his Delegation had asked for a budget with a ceiling of 115 million Swiss francs to be submitted. He again requested that such a budget be prepared for the next meeting.

1.33 The Secretary-General made the following statement:

"Thank you, Mr. Chairman. This debate has moved from elements of principle to elements of minute detail. I think and trust you will forgive me if I am very blunt, hopefully not too blunt. First of all I shall not be administering the Union from 1 November but certainly 1990 represents a critical year in its activities. I agree fully with those who say that nothing should be done here to the detriment of the good functioning of the Union. It is exactly that concern that leads me to say very frankly that, unless you decide to put off some activities, the figure of even 115 million Swiss francs will not permit the effective functioning of the Union in 1990, as I see it with all my knowledge of the Union. The Administrative Council established a very tight budget (107 million Swiss francs) which at this stage is 109 million Swiss francs in real terms as at 1 April this year but you have added in your negotiations a number of issues, some definitive and some moving towards conclusion. Indeed, some of those negotiations were adopted yesterday in adopting the Committee 5 report. There are of course two or three areas which are interrelated and presumably have not reached maturity. You have the report from Working Group PL-B, with the issue of Section 8 (language services) for which the Secretariat prepared a document based on the discussions at an early stage, and endeavouring to accommodate a zero growth concept around V.1 in Document DT/77, except for the question of conferences which is so sensitive. There are three conferences on which you have to reach some understanding. There is a need to have a realistic look at the potential duration of those conferences. The figures you have are based on the assumption that there is a WARC Conference in 1992. For particular reasons, you separated the 1992 Conference into two parts, to deal with specific subjects: one with the limited reallocation of the spectrum and one with the conference planning, HFBC.

I wonder, in the generality of discussions of matters being the life blood of the Union; Sections 11 to 18 (Conferences and Meetings), what about Articles 4, 9, 10 and 11 of the Convention? Are they not part of the life blood of the Union including the functions of the Secretary-General? I hear them being discussed here. For example, the information exchange, i.e. information created by yourselves as a result of the regulatory decisions that Members have taken. If you do not wish that function then the provisions of the Convention on this ought to be revisited and here at this Conference. If you wish to cut it out, well cut it out! But don't ask the Secretary-General to do it inefficiently. Let's go back to the Auditor's report which many administrations have received. I think in four or five years running the Auditor himself has pointed to the fact of the Secretary-General's cuts inside the General Secretariat and the consequences even from the auditing point of view of the finance system. The Auditor made a very special report last year because of the consequences on revenue and publications and delay in programmes. Please read those documents.

I am also coming to the TCD, Section 21 of the Budget. Some of the comments are distracting. UNDP took a policy decision in 1970 or 1971 and refused to recognize that the ITU premises costs be attributed in any way whatsoever to Section 21 activity. Your Governments took other decisions that the regular budget of the Union had to share in the management costs of the UNDP programme and this was a consensus reached largely as a result of differences between the major donors, the Scandinavian countries heavily influencing policy which finally the other major donors accepted in the so-called reduction to 13%. We cannot revisit these UNDP Decisions. The Members who are involved actively in the Administrative Council know the extent to which the ITU lost credibility as an agency in the Governing Council of UNDP in the over-pursuit of the support cost question. Let me look now at the staff in the Technical Cooperation Department. In 1983 and 1984, between 20 and 22% reduction of staff was imposed to the Secretary-General. The budget of the Department itself on UNDP activity in 1982-1983 was some 10.4 million and today the operating costs are, I think, maybe 9 million, after seven years.

I am rather astounded at the extent of detail we have entered into. For example, the so-called news letter distributed internally within the ITU is to ensure that everyone interested is aware of what is evolving in the Computer Department. Now I think it is distressing to mention such minimum costs - as something of 2,000 Swiss francs for on-going information to the Members, particularly participants in the CCITT activities. I think it should be stressed that extra-budgetary resources were kindly made available to the Secretary-General - by American Telegraph and Telephone and KDD operators; it is referenced in the report to this Conference which helped us enormously identify priorities, along with other industrial organizations who accept the ITU leadership in this activity and have brought substantial savings and improvement of efficiency in the ITU and potentially in liaison with you as Members. For example, right here at this Conference one of those enterprises has spent half a million dollars which is used in the rapid turnaround of the documents you are reading now. So, I think that getting down to the question of cost of the Random Bits information note is distracting.

You asked me to prepare some budget figures so I will come back now to the Conference meetings. These figures providing an element in Chapters 0-6 have been accepted, and I emphasize accepted. The trend lines here in the two Consultative Committees are more or less zero growth, not quite in the case of the CCIR but certainly in the case of CCITT, projecting expenditure based over the last four years. I do emphasize that the figures here shown in 1990 - 5,832,000 Swiss francs - depend on the acceptance of item 1.17. If you do not accept item 1.17 then the credits of 5,832,000 Swiss francs for the CCITT and 1,651,000 Swiss francs for the CCIR will not be sufficient and corresponding adjustments will have to be made. We will produce some additional information and statistics on the volumes of work. I gave also one example of reduction in the Technical Cooperation Department. There are other parts of the General Secretariat that have reductions of 15 and 16%. It cannot be said that the same happened in the other Secretariats and that is why I have been so concerned about global cuts. Maybe I was too soft in 1983 and 1984, though I do believe that one Secretariat met that objective with the Secretary-General.

As I have said I am not administering this new budget but would like to see you give the new Secretary-General a better hand and a better cooperation than the global cut which were imposed on me at six weeks notice in 1982. They were cuts that were done without much consideration. We will also look at the question of a few other staff members who could be identified to the Development Bureau but please do not have us moving costs back to Chapter 21 and then find the continual round of discussion which occurred in the last period on the so-called shortfall, because frankly speaking the UNDP will not accept it. Some of your Governments know, and got very concerned because UNDP is itself carrying out a study and its trend is to try and put more onto the agencies, as one or two Members are now wrestling with the UNDP management to get back to something like status quo or something like what was presented in the document on the Changing Nature of Technical Cooperation. Let us face the situation as it is. The policy of UNDP has been quite clearly defined and redefined and I think in preparing the ceilings one has to look to the future based on the current status of relations with UNDP.

Coming to the second element of this discussion, which is the fact of the variables up to 1994, there are two or three variables. First, there is the conference programme on which I think this afternoon in Plenary you will have to reach some understanding: either you put the radio conferences in one as some delegations suggested - this would complicate the conference I am sure - or you separate them, then a price has to be paid - or you phase them out further, but can you reach some understanding there? Then comes the question of the restructuring. You want to invest in the establishment of a review with objective consultants which makes good sense if you are not ready to do it now. I do not notice in the ceilings any forecast of savings if there were a conference in 1991 or 1992. It is a question of how much money

you wish to spend now to get it later and this issue will need to be looked at when it comes to the Plenary. I trust you will excuse me for having been a little blunt.

The attention has been focussed on Chapter 9. All we did here was to reflect on what was evolving in PL-C in which there were suggestions but no decision has been taken other than to come back here and try to finance the minimum, i.e. the real minimum requirement for the maintenance of the FMS system. Those who followed the Administrative Council are aware that there were some different judgements on the maintenance requirement. In our discussion here in Document DT/6 we merely presented the trend in the discussion for the small reductions to have the year 1990 similar to the subsequent years. One representative raised the question of the other minimum figure which was discussed in the Administrative Council. These are issues that I did not wish to pursue here although the Secretary-General has not changed his original position and has continued to believe that the number of permanent posts concerned at the time should be maintained.

Finally, Mr. Chairman, you cannot ask the Secretary-General to take specific decisions. You have to say which functions should not be performed or curtailed. The Convention is a Convention, all of the functions are there and they are being done as far as the General Secretariat is concerned on a cost-effective basis. There are various functions in the General Secretariat, in fact some are being financed from extra-budgetary activity of which you are well aware. I will close there, Mr. Chairman, in the knowledge that we will try and construct information which may help you but I do believe you have to reflect very much on what programme of work you wish to see carried out. The real budget start-off point with the contributory unit is 109 million Swiss francs, and you have made some commitments between yourselves. There are other potential commitments which need to be further discussed between yourselves and then we may arrive at suitable conclusions."

The meeting rose at 1300 hours.

The Secretary:

R. PRELAZ

The Chairman:

M.H. GHAZAL

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 452-E  
21 September 1989  
Original: French

PLENARY MEETING

MINUTES

OF THE

NINETEENTH PLENARY MEETING

Sunday, 25 June 1989, at 1330 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed

Documents

- |    |   |                             |
|----|---|-----------------------------|
| 1. | Adoption of the agenda  | PL/19                       |
| 2. | Report of the Chairman of Committee 5<br>(Staff matters) to the Plenary Meeting   | 345 + Corr.1,<br>394(Rev.3) |
| 3. | Note by the Chairman of Committee 5 to the<br>Plenary Meeting concerning a draft Resolution on human<br>resources development | 347                         |
| 4. | Date on which the Secretary-General elect<br>will take up office  | -                           |

1. Adoption of the agenda (Document PL/19)

1.1 The Chairman proposed that consideration of the second and final report by the Chairman of Working Group PL-B to the Plenary Meeting (Document 379 + Corr.1) should be postponed until a later meeting in order to give Committee 4 the time to analyse the financial implications of the proposals it contained.

It was so agreed.

2. Report of the Chairman of Committee 5 (Staff matters) to the Plenary Meeting  
(Documents 345 + Corr.1, 394(Rev.3))

2.1 The Chairman of Committee 5 said that his Committee had held eight meetings, following which a small Drafting Group had met to prepare the draft Resolution on human resources development reproduced in Document 347. The Committee's meetings had not been very well attended, possibly because of the complexity of staff matters or participation in the work of other Committees such as 7 which often met in parallel with Committee 5.

Committee 5 had adopted Resolution No. COM5/2 relating to in-service training, Resolution No. COM5/3 relating to the geographical distribution of ITU staff, Resolution No. COM5/4 relating to remuneration of ITU elected officials and Resolution No. COM5/5 relating to the actuarial situation of the ITU Staff Superannuation and Benevolent Funds. With regard to the adjustment of pensions, which had undoubtedly been the most controversial issue, Committee 5 had not been able to reach a consensus on the adoption of a Resolution to replace Resolution No. 61 of the Nairobi Convention. The text of Resolution No. COM5/1, which had been adopted following a vote in which 37 delegations had taken part (26 delegations had voted in favour and 7 against with 4 abstaining), was found in Annex 1 to his report (Document 345). An alternative text entitled "Draft alternative Resolution No. COM5/1" (Document 394(Rev.3)) was now being submitted the Plenary Meeting by a number of delegations. A decision would therefore have to be taken on one or other of the two draft Resolutions relating to the adjustment of pensions.

He therefore submitted for consideration Document 345, which was the basic document, together with Documents 347 and 394(Rev.3).

2.2 The Chairman said that, before opening the general discussion on the key issue of the adjustment of pensions, he would like to give the floor to Mr. Turnbull, Chairman of the Staff Council.

2.3 The Chairman of the Staff Council made the following statement:

"Mr. Chairman, Ladies and Gentlemen,

We are entering the last week of this Plenipotentiary Conference and the staff of ITU, that is your staff are worried. We came to this Conference with a backlog of problems from the previous Conference in Nairobi and have managed to accumulate additional problems in the past seven years. The most serious among these are a reduction in pension benefits in 1983, reduction in pensionable remuneration in 1985 and 1987 and a pay freeze starting 1985.

When the ITU drew up an agreement with the United Nations and when it later joined the common system such problems were unknown and, had they been foreseen, the ITU may well have chosen to do what the UPU did in the case of pensions and retain its own systems.

We have had it pointed out that the pay freeze was imposed by the UN common system to reduce the margin between salaries in the UN and the comparator civil service missing of course the known fact that these people are considerably underpaid. And while many voices echoed the words common system, nobody has referred to the many flaws in this esteemed system:

- it cannot react properly to monetary fluctuation;
- the salary system is so complicated that it is an administrative nightmare;
- the deficit in the actuarial balance of its funds was pointed out to the UNJSPB in 1983 and while the reduction in pension benefits I mentioned may help, many other measures taken tend only to aggravate the situation;
- the decisions and actions of the ICSC have been contrary to its theoretical status as an independent, technical body.

So when Member countries use the common system as a means of closing debate, you can understand that staff have little hope that solutions will be found. I know that under the urging of the UN General Assembly, a comprehensive review of employment conditions is being reluctantly undertaken by the ICSC, but I also know, because staff representatives are present, that ICSC is avoiding discussion of the fundamental problems so the likelihood of basic, positive changes to the system are small.

The common system, in these circumstances, must be of rather limited benefit to the ITU and it is well known that recruitment of the best and most qualified personnel - as required by the Convention - has become practically impossible.

In the pensions area, studies are also being made at the demand of the UN General Assembly to find ways to restore the balance of the Fund but the terms of reference suggest that any increase in contributions should be avoided. In those circumstances it appears highly likely that a further reduction in pension benefits after 1990 will be recommended to save the Fund.

In considering pensions, we must give attention to two important principles, stability and fairness. The principle of stability is to avoid the pensioner becoming the victim of monetary fluctuations and the fairness is to ensure that the purchasing power of a pension in Geneva is equal to that in New York.

Resolution No. 61 of the Nairobi Conference was concerned with these principles and in response to it, the ITU devised its own insurance scheme to provide stability and fairness to its retiring staff in case the UNJSPF could not provide them. The staff had hoped that Committee 5 would produce a Resolution recommending this scheme as a possible solution but instead, with only a small number of Member countries present, a Resolution which provides no real solution was adopted. We have been encouraged, however, by the appearance in the last week of Document 394 which provides a last hope for the pension problem.

We have the Legal Adviser's opinion that the ITU scheme is not incompatible with the common system. The ITU has in any case found it expedient to adapt or even contradict common system guidelines from time to time and for its own needs.

Finally, the staff is worried in case our Secretary-General elect, who is likely to come out of this Conference with a bigger than ever work-load, finds himself facing a budget cut which would gravely handicap him. If to this is added a staff which is demotivated, I would suggest his task would become impossible.



Mr. Chairman, ladies and gentlemen, I realize that the final outcome of this Conference will depend on financial considerations. I would therefore ask you to consider the fact that a 10% reduction of productivity is equivalent to 8.5 million Swiss francs."

2.4 The delegate of Greece observed that the Plenipotentiary Conference was instructing the Secretary-General to carry out a great many tasks which would be more difficult to handle if the staff were dissatisfied. As one of the authors of Document 394(Rev.3), he proposed the inclusion, in paragraph 2 under "instructs the Administrative Council", of a date by which the action should be taken (1991 seemed the most appropriate) or, at the very least, of a statement to the effect that the action should be taken as soon as possible.

2.5 The Secretary-General elect said that it would probably be realistic to plan for the appropriate action to be taken at the 1991 session of the Administrative Council.

2.6 The Chairman observed that the United Nations General Assembly was to take final decisions on conditions of service and pensions before the end of 1990.

2.7 The delegate of Indonesia supported the draft alternative Resolution No. COM5/1 (Document 394(Rev.3)), with the insertion of a date.

2.8 The delegate of the United States said that his Delegation was rather concerned with the procedure being followed. Since Committee 5 had adopted a draft Resolution on pensions, he would have expected that text to be taken as the basis for examination in Plenary, whereas it was an alternative text, with far less status, that was being discussed. He pointed out that while only a few delegations had attended Committee 5 meetings at any one time, over several weeks in fact a large number had taken part at one time or another.

He drew attention to other Resolutions adopted by Committee 5, namely, the institution of a long-service step increase and the creation of posts to carry out post classification work. A further Resolution was before the Plenary on the development of human resources within the ITU. All those represented significant developments within the purview of the ITU. What was now before the Plenary with respect to pensions, however, affected the basic relationship between the ITU and the common system and it should not be overlooked that the common system provided many benefits to Union staff and to Member States. The Member States present were also those who participated in, and were responsible for, the overall United Nations system. Problems did arise - largely to do with factors such as exchange rates and inflation, which demanded adjustments from time to time - and there were complications due to the existence of 150 Member States whose nationals worked in various duty stations and could retire in one of them.

The ITU was not equipped to duplicate the work of the common system in such matters. It had agreed to participate in the Joint Staff Pension Fund and it was inappropriate for it to adopt supplements to pensions. It was appropriate, on the contrary, for Member States to work within the common system and ensure that fair and equitable conditions of service and retirement prevailed. That was precisely the intent of the Resolution in Document 345 which sought to reach solutions funded within the budgetary ceilings adopted, unlike that in Document 394(Rev.3) which would imply a reduction in other activities or an increase in the ceilings.

In short, the decision to adhere to the United Nations common system had been a good one and the justification for it remained valid. The Plenary should therefore endorse the Committee 5 decision by adopting the Resolution contained in Document 345.

2.9 The Chairman observed that Document 394(Rev.3) was supported by 20 delegations and could hardly be disregarded.

2.10 The delegate of Spain considered that it would be advisable for the Administrative Council to take the appropriate decisions at its 1990 session, so that the financial implications could be reflected in the budget for 1991 and also in order to avoid any hiatus between the decisions taken by the General Assembly late in 1990 and those of the Administrative Council, which would naturally have to be adopted depending on the action taken by the General Assembly.

2.11 The Secretary-General elect observed that the decision of the Administrative Council would be final and that it was therefore important to allow sufficient time to find a solution. Temporary action could of course be taken in the interval if necessary but, in his view, the Administrative Council would not be able to adopt a final decision before its 1991 session.

2.12 The delegate of Australia associated himself with the statement by the United States delegate and expressed surprise that so much time was being spent attempting to set aside the draft Resolution adopted by Committee 5. In reopening an already lengthy discussion which had been closed by a vote, the Plenary Meeting was calling in question the validity of decisions taken by the Committees.

Turning to Document 394(Rev.3), he observed that the instructions to the Administrative Council were vague; in particular, the meaning of the words "appropriate action", "envisage" and "found to be" in paragraph 3 was not clear. Furthermore, paragraphs 2 and 3 were contradictory and he failed to see how a unilateral decision by the Administrative Council could possibly be compatible with the common system.

He therefore supported the draft Resolution in Annex 1 to Document 345, which entrusted the Administrative Council with a task that did not jeopardize the common system, was consistent with the decisions of the General Assembly and had no financial implications for the organizations of the United Nations system.

2.13 The delegate of Pakistan, referring to Document 394(Rev.3), considered that a date should be given in the second operative paragraph under "instructs the Administrative Council". Since a decision on the United Nations General Assembly's current review of pension matters might be taken in 1990, 1991 might be the appropriate date to insert.

2.14 The delegate of Cameroon said that his Delegation formally supported the draft Resolution in Document 394(Rev.3). He suggested that paragraph 2 under "instructs the Administrative Council" should be amended to read: "to take, at its session in 1991, appropriate action compatible with the common system ...".

2.15 The delegate of Canada, explaining why his Delegation supported the draft Resolution in Document 394(Rev.3), said that as a member of the Administrative Council he had had the opportunity between 1982 and 1989 to examine the question of adjustment of pensions. While the Administrative Council had not succeeded in settling the matter once and for all, it had endeavoured to get both the competent authorities in New York and the Administrations Members of the ITU to advance the study of the question. It was important for the Administrative Council to be instructed not only to follow the development of the situation carefully, but also to take appropriate action to secure for ITU staff retiring in any country in the world pension benefits comparable to those prevailing at the base of the system (New York). It was stated on page 3 of Document 345 that Committee 5 had been unable to achieve consensus on a draft Resolution to replace Resolution No. 61 of the Nairobi Convention. His Delegation hoped that the Plenipotentiary Conference would be able to achieve consensus on Document 394(Rev.3). It was important for the Resolution adopted by the present

Plenipotentiary Conference to go at least as far as the one which had been adopted in 1982.

His Delegation wished to reaffirm Canada's unconditional support for the common system. Nevertheless, it should be borne in mind that over the years the Members of the ITU had been able to count on a competent and devoted staff. The least that could be done was to instruct the Administrative Council to solve the pensions problem. Finally, he supported the proposal by the delegate of Cameroon.

2.16 The delegate of Lesotho observed that the problems concerning the adjustment of staff pensions had existed for a very long time, a Resolution on the subject having been adopted as far back as the Torremolinos Conference. Since then, no solution seemed to have been found. His Delegation was persuaded that the draft Resolution in Document 394(Rev.3) would enable the matter to be settled. Accordingly, he supported that text and asked for his country to be added to the list of authors.

2.17 The delegate of the United Kingdom said that his Delegation shared the concern expressed by the delegates of Australia and the United States. The right to raise an issue in the Plenary Meeting was not in question, but the normal procedure would be for the Conference to give priority to a draft Resolution adopted by a Committee.

With regard to the substance of the matter, he acknowledged that something should be done for the staff and expressed the view that the action proposed in Document 345 came within the ambit of the common system. The same could not be said of the action contemplated in Document 394(Rev.3). The draft Resolution in that document went even further than Resolution No. 61 of the Nairobi Conference.

Adoption of the draft Resolution in Document 394(Rev.3) would have further financial implications, and additional funds would have to be found. Furthermore, he endorsed the comments by the Australian delegate concerning the ambiguities in the operative part of the text. Paragraph 2 under "instructs the Administrative Council" should not be interpreted as automatically entailing an increase in pensions; indeed, the pensions of staff living in countries where the cost of living was low might be adjusted downwards. Accordingly, he supported the draft Resolution in Document 345.

2.18 The delegate of Spain, referring to the procedural aspect of the matter, drew attention to paragraph 1.36 of the summary record of the eighth and last meeting of Committee 5, which stated that "the Committee would submit whatever decision it took to the Plenary Meeting. Any delegation would however have the right to submit any alternative or proposal it saw fit to the Plenary Meeting as well". No objection had been raised to that text in Committee 5 and the procedure followed by the Chairman therefore seemed to be perfectly in order.

2.19 The delegate of Algeria said that the Chairman of the ITU Staff Council's statement appealed to the plenipotentiaries' conscience. His Delegation, which was a co-author of Document 394(Rev.3), naturally supported the draft Resolution it contained and also fully endorsed the comments by the delegate of Canada. The concern voiced by the Chairman of Committee 5 in respect of the poor participation in that Committee's discussions was understandable. Obviously, delegations which had been unable to attend the Committee's meetings would like the latter's conclusions to be debated in the Plenary Meeting. He supported the proposals by the delegates of Greece and Cameroon.

2.20 The delegate of the USSR said that every delegation was entitled to submit proposals. Although he had sympathy for the concerns of the ITU staff, he considered that the plenipotentiaries should adopt a realistic approach; the Union was currently in a difficult financial situation and promises should not be made which could not subsequently be kept, as was the case in Document 394(Rev.3). His Delegation was in favour of draft Resolution No. COM5/1 adopted by a majority in Committee 5. In the

coming years, the Administrative Council would have to follow developments carefully and take into account the interests of the staff.

2.21 The delegate of India said that his Delegation shared the views expressed by previous speakers in respect of the procedure to be followed. It supported the draft Resolution in Document 394(Rev.3) and endorsed some of the comments by the Canadian delegate. It should be borne in mind that the staff was at present very worried, and it was up to the plenipotentiaries to find an equitable solution that was not at variance with the common system. After emphasizing the loyalty of the Union's staff and elected officials, he said that the plenipotentiaries ought to adopt the draft Resolution as a sign of their gratitude.

2.22 The delegate of the Federal Republic of Germany said that his Government supported draft Resolution No. COM5/1 in Document 345. In his view, the poor attendance at Committee 5 meetings was of little importance but, given the large number of delegations which had supported Document 394(Rev.3), it was reasonable for that proposal to be considered in the Plenary Meeting. His Delegation knew that the ITU staff worked hard but considered that the principle of adherence to the common system was an essential one.

2.23 The delegate of the Netherlands said that his Delegation supported draft Resolution No. COM5/1 in Document 345. It was true that the Union was responsible for its staff and should take note of their problems with a view to studying possible improvements in the overall framework of the United Nations common system.

However, the problem seemed to be one which could never be solved in a manner that would be entirely satisfactory for all concerned. Furthermore, paragraph 2 under "instructs the Secretary-General" in Document 394(Rev.3) might in certain cases be detrimental to the interests of staff retiring in weak-currency countries.

2.24 The delegate of Mexico said that his Delegation stood by the results obtained by Committee 5.

2.25 The delegate of Tanzania endorsed the views expressed by the delegate of Canada. In his view, it was important to acknowledge the staff's concern about pensions, taking the common system as the basis. He supported the draft Resolution in Document 394(Rev.3) and asked for his country to be added to the list of authors.

2.26 The delegate of Japan said that he was sympathetic towards the Union's staff but considered it imperative for the pension purchasing power protection insurance (PPPPI) plan to be compatible with the United Nations common system. In his view, the text of Document 394(Rev.3) could not be incorporated in the common system provisions and he therefore supported draft Resolution No. COM5/1 in Document 345.

2.27 The delegate of Senegal said he was pleased to have the opportunity of reverting to Committee 5's work in the Plenary Meeting. In his view, the draft Resolution in Document 345 was quite retrograde as compared with Resolution No. 61 of the Nairobi Conference. His Delegation supported the draft Resolution in Document 394(Rev.3) although it did not underestimate either the financial implications or the complex nature of the problem. The Secretary-General should study appropriate proposals for submission to the Administrative Council.

2.28 The Chairman said it was clear that the Plenary Meeting would not be able to reach a decision without taking a vote.

There were two texts before the meeting, namely, Resolution No. COM5/1 relating to the adjustment of pensions, reproduced in Annex 1 to Document 345 and proposed by Committee 5, and an alternative draft Resolution No. COM5/1 set out in Document 394(Rev.3). The Legal Adviser having been consulted, it would seem that the

relevant rule was that set out in No. 563 of the Convention, which stated: "When there are two or more proposals on any one matter, they shall be put to the vote in the order in which they were presented, unless the meeting decides to the contrary". The first proposal was the one in Document 345.

2.29 The delegate of the Netherlands, while not contesting the procedure proposed by the Chairman, requested clarification in respect of the Cameroon Delegation's proposal to add the words "compatible with the United Nations common system" in paragraph 2 under "instructs the Administrative Council" in Document 394(Rev.3). Was that amendment being put to the vote?

2.30 The Chairman said that delegates should first vote on the text in Annex 1 to Document 345, to which no amendments had been proposed. If that text were rejected, the draft Resolution in Document 394(Rev.3) would be put to the vote, together with the proposed amendments.

2.31 The delegate of the United States accepted the procedure suggested but pointed out that the proposal in Document 345 would have no financial implications in respect of the ceiling whereas the adoption of the draft Resolution in Document 394(Rev.3) would have financial repercussions amounting to 5,600,000 Swiss francs for financing and 500,000 Swiss francs per year for payments.

2.32 The Chairman considered that that was not a point of order but one substance and proposed that the vote be taken as he had earlier indicated.

The result of the vote was as follows: 31 votes in favour, 68 against and 11 abstentions.

Draft Resolution No. COM5/1 in Annex 1 to Document 345 was rejected.

The Chairman proposed to put to the vote draft Resolution No. COM5/1 in Document 394(Rev.3). Two amendments had been proposed to paragraph 2 under "instructs the Administrative Council". The first consisted in adding the phrase "at its session in 1991" after the words "to take". Since it had been supported and had given rise to no objections, the amendment was adopted.

The second proposal, by the delegate of Cameroon, was to amend the paragraph to read: "to take, at its session in 1991, appropriate action compatible with the common system to secure for ITU staff ...".

2.33 The delegate of Algeria had difficulty in understanding why the delegate of Cameroon had proposed to add the word "compatible" in paragraph 2 when it already appeared in paragraph 3 in the phrase "any scheme protecting the purchasing power of pensions which is found to be compatible with the common system". He therefore requested the delegate of Cameroon not to press the point. In a spirit of compromise, the delegate of Cameroon agreed to withdraw his amendment.

2.34 The delegate of the Netherlands said that his Delegation had supported the proposal submitted by Committee 5 in Document 345. Efforts should be made to reach a consensus and he would therefore be willing to accept the text in Document 394(Rev.3) if paragraph 2 were amended to read "to contemplate taking appropriate action ..." and if paragraph 3 were deleted.

2.35 The Chairman said he did not believe that would be possible. He proposed that the draft Resolution in the annex to Document 394(Rev.3) should be put to the vote as amended.

2.36 The delegate of the United Kingdom, speaking on a point of order, asked why the amendment proposed by the Netherlands Delegation had been refused.

2.37 The delegate of Canada fully agreed with the delegate of the Netherlands that it should be possible to arrive at a unanimous decision. A short suspension of the meeting would enable the co-authors of Document 394(Rev.3) to consider the possibility of reaching a consensus on the proposal by the Netherlands delegate. If that proved to be unfeasible, the document could then be put to the vote.

It was so agreed.

2.38 A consensus not having been reached, after a short suspension of the meeting, the Chairman proposed to put to the vote draft Resolution No. COM5/1 with the amendment proposed to paragraph 2 under "instructs the Administrative Council", namely, the addition of the words "at its session in 1991" after "to take".

2.39 The delegate of the Netherlands, speaking on a point of order, said that the proposal he had just made was a reasonable one and should be considered by the Plenary Meeting.

2.40 The Chairman said that, under No. 556 of the Convention, "No delegation may interrupt once a vote has begun, unless to raise a point of order in connection with the way in which the vote is being taken. The point of order cannot include any proposal entailing a change in the vote that is being taken or a change in the substance of the question put to the vote".

He announced that the vote had begun.

The result of the vote was as follows: 79 votes in favour, 12 against and 15 abstentions.

Alternative draft Resolution No. COM5/1 in Document 394(Rev.3), as amended, was adopted on the understanding that the text would be transmitted to the Editorial Committee.

2.41 The delegate of the United Kingdom said that he had spoken on a point of order before the vote and had waited until the vote had ended in order to express his concern about the decision that had just been taken. He asked why the Chairman had not been able to accept the proposal by the Netherlands Delegation.

2.42 The Chairman, after consulting the Legal Adviser, replied that he had applied No. 564 of the Nairobi Convention.

2.43 The Chairman of Committee 5 considered that he had, in a manner of speaking, been the subject of a vote of censure insofar as Committee 5's proposal had been rejected. He thanked the Vice-Chairman of the Committee, delegate of the German Democratic Republic, and the Head of the Personnel Department for their assistance, thanks to whom he had been able to bring the work of Committee 5 to a conclusion.

2.44 The delegate of Japan said he respected the decision which had just been taken but was somewhat concerned by the procedure followed. In his view, the amendment proposed by the Netherlands could have been considered since it had been based on the Cameroon Delegation's amendment which had been withdrawn. In that connection, he drew attention to No. 569 of the Convention concerning the procedure for voting on amendments, which did not seem to have been followed.

2.45 The Chairman said that he had referred to No. 564 of the Convention because the Netherlands Delegation's amendment in question had been moved after he had announced the vote on the second proposal in Document 394(Rev.3) as earlier amended.

3. Note by the Chairman of Committee 5 to the Plenary Meeting concerning a draft Resolution on human resources development (Document 347)

3.1 The delegate of Cameroon, seeking clarification in respect of the second paragraph under "requests the Administrative Council", asked whether the phrase "in the light of the potential financial implications" referred to the examination of the report or the adoption of the decision. He would prefer the phrase to be moved to the end of the paragraph.

3.2 The Chairman of Committee 5 said that the Spanish-language version of the text did not cause any difficulty. It was a matter of carrying out a study and examining the Secretary-General's report which would be submitted to the Administrative Council so that the latter could take a decision, having regard to the financial implications.

3.3 The delegate of the United States said that the document had been prepared by a number of delegations, including his own, and the Secretariat with a view to solving the problems faced by the Conference. The development of human resources was an important issue and he joined with the majority of delegations in expressing his approval. With regard to the financial implications, it was for Committee 4 - which had all the relevant information - to take decisions, but he wished to state that the approval of Document 347 caused his Delegation no difficulty.

3.4 The Chairman suggested that the text of draft Resolution No. COM5/6 should be transmitted to the Editorial Committee, which would take action on the request by the delegate of Cameroon.

Draft Resolution No. COM5/6. as set out in Document 347, was adopted on that understanding.

4. Date on which the Secretary-General elect will take up office

4.1 The Chairman said that the Secretary-General and the Secretary-General elect had their respective arrangements to make: after consultation, it had been decided to set a date which would be acceptable to both of them and to the Union. The proposed date was 1 November 1989, it being understood that the Secretary-General elect was willing to be in Geneva from 1 October 1989 so that there would be a preparatory period during which the Secretary-General could keep him informed. Furthermore, the date of 1 November 1989 preceded both the extraordinary session of the Administrative Council from 6-10 November 1989 and the second session of the Regional Administrative Conference for the Planning of VHF/UHF Television Broadcasting in the African Broadcasting Area starting 13 November 1989, and the Secretary-General elect would have taken up office prior to these sessions and be able to fully participate in them.

He therefore proposed that the Secretary-General elect should take up office on 1 November 1989.

It was so decided.

The meeting rose at 1710 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 453-E  
22 September 1989  
Original: English

PLENARY MEETING

MINUTES

OF THE

TWENTIETH PLENARY MEETING

Wednesday, 26 June 1989, at 1520 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- |    |   |                         |
|----|---|-------------------------|
| 1. | Second and final report by the Chairman of Working Group PL-B to the Plenary                                | 379 + Corr.1            |
| 2. | Fifth series of texts submitted by the Editorial Committee for first reading (Corr.1 to B.5)                | Corr.1(Rev.1)<br>to 302 |
| 3. | Seventh series of texts submitted by the Editorial Committee to the Plenary Meeting for first reading (B.7) | 334                     |



1. Second and final report by the Chairman of Working Group PL-B to the Plenary Meeting (Documents 379 + Corr.1)

1.1 The Chairman informed the meeting of the invitation by the Government of Spain to hold a world conference in that country in 1992.

1.2 The Vice-Chairman of Working Group PL/B introduced the Working Group's final report and said that since the submission of the Working Group's first report to the Plenary Meeting certain changes to the texts originally submitted had been made. The question of IFRB seminars could not be considered by the Working Group, and some comments on other matters were called for.

Annex 1 - Resolution No. PL/B-1 on future conferences of the Union

Paragraph 1.3 had been left in square brackets as the Working Group had not been able to discuss it.

With respect to paragraph 1.4 and a proposed CCIR conference preparatory meeting in 1991 for the 1992 WARC, Committee 4 had indicated that such a meeting would not be possible, but no definite decision had been taken on the matter.

With respect to paragraph 1.7 and a Plenipotentiary Conference proposed for 1995, he recommended that in view of possible agreement on 1994, the year 1995 be placed in square brackets.

Although the meetings of the CCIR and the CCITT had not been under discussion in Working Group PL/B, it had been considered appropriate that the CCITT Plenary Assembly be held in 1992 as originally planned.

1.3 The delegate of Senegal proposed that the document be transmitted to Committee 4 because of its financial implications in the light of proposals to reduce the length of certain conferences and to interchange paragraphs 1.4 and 1.5, whereby a transfer of the HFBC Conference from 1992 to 1993 would constitute a saving of 1,380,000 Swiss francs for 1992 for a team whose work was to be completed in 1991.

1.4 The Director of the CCIR, referring to the suggestion that there might not be a CCIR Preparatory Meeting, said that the CCIR had become more systematic in its preparation for administrative radio conferences. The preparatory work for conferences dealing with a single service or for certain planning conferences could be done by one or two Study Groups or even an Interim Working Party. An allocation conference, however, by its very nature dealt with a number of different services, usually with conflicting interests and requirements, and a CPM was the most efficient format for CCIR to deal with those questions since it brought together experts from all the concerned services on an equal footing. Experience had also shown that participation in a CPM was wider than in a Study Group or IWP thus providing a broader base of information. The question was not whether a CPM was needed but whether CCIR technical preparation was required. Such preparation would, in any event, mean expenditure.

1.5 The delegate of India said that Annex 1, which had been referred back to the Working Group, had not been really reconsidered, since the HFBC Conference foreseen for 1992 in accordance with the international commitment made in 1987 was still set for 1993. A date earlier than 1992 was admittedly not possible due to the scheduled completion of work by the software development team being only towards end-1991; however, any delay beyond 1991 would incur expenditure to ITU. He therefore proposed that the conferences under decides 1.4 and 1.5 be interchanged so that the Allocation Conference be held in 1993 and the HFBC in 1992. That could also meet the requirements of the CCIR since administrations needed time to prepare for preparatory meetings be they CPM or any other type.

With reference to the suggestion that the HFBC bands be first expanded to ensure the success of the Conference, he said that the bandwidth requirements for HF broadcasting were so great that it would not be possible to obtain such a large bandwidth in the near future. The available bandwidth had to be therefore used in the most effective manner and the Conference would be required to plan part of the bands and improve the procedures for the rest. Such a dual approach would permit those currently unable to broadcast on HF to do so with reasonable transmitter power, whereas others with high power could use the remaining unplanned portions of the bands in accordance with the improved procedures; the Conference would thus only need to adopt the improved software and, the planning itself could be complemented by the IFRB depending on the spectrum available.

1.6 The delegate of the Islamic Republic of Iran associated himself fully with the statements by the delegates of India and Senegal to the effect that the international commitment in 1987 be respected and the additional HFBC Conference be held in 1992.

1.7 The delegate of Finland, associating himself with the comments of the Director of the CCIR, added that experience from a number of radio conferences had shown that without careful preparations by the CCIR for the technical bases, in particular for an allocation conference, the time required for a given radio conference was likely to be several days longer than if careful preparations had been made. With respect to the WARCs in Document 379, there were conflicting requirements and different preferences. MOB-87 had recommended the convening of a limited allocation conference by 1992 at the latest; HFBC-87 had recommended that another HFBC session be held not later than 1992. Since those conferences differed in nature, it was not practical to organize them simultaneously or one immediately after the other. The Limited Allocation Conference was urgent for new allocations for certain services, e.g. mobile, mobile satellite, land mobile or for the application of a broadcasting service like HDTV, and to re-accommodate services elsewhere. Delay in organizing such a conference would hamper the important development of such services. With respect to the HFBC Conference, he was convinced that expanding the bands, in particular below 10 MHz, would help the Conference and he fully supported the conference programme as submitted in Document 379.

1.8 The delegate of Paraguay said that the results of discussions in Committee 4 showed in Document DT/77, under item II.8, that from 1991 onwards two million Swiss francs were foreseen for establishing a permanent organ for telecommunications development. Under Section V.1, the sum of 8,453,000 Swiss francs was foreseen for 1990/94 for WARC HFBC. Several delegations were of the opinion that if that conference was held in 1992 a saving of 1,380,000 Swiss francs could be made. Thus, in order to effect savings, he proposed that one single conference of six and a half weeks could deal with frequency allocations in certain bands, as in decides 1.4, and the latter two weeks could be devoted to HFBC matters including the evolution of the broadcasting-satellite service.

1.9 The delegate of Mexico said CCIR preparatory meetings were fundamental to the success of any WARC. He considered the proposal by the delegate of Paraguay to be very interesting, especially in view of the comments by the delegate of India to the effect that all the HFBC Conference had to do was to approve the software. The subject should be explored further in that direction with a view to solving the problems related to the conference programme.

1.10 The delegate of Colombia supported fully the views expressed by the delegate of India in that the HFBC WARC should be convened before the Conference on Frequency Allocation taking into account the relevant reduction in costs.

1.11 The delegate of Venezuela was of the opinion that the HFBC Conference should be held in Geneva just before the Frequency Allocation Conference.

1.12 The delegate of Indonesia referring to Annex 1 in connection with decides 1.5, supported the proposal by the delegate of India to hold the HFBC Conference in 1992, in particular with a view to possible savings.

With respect to [1.3], he said that in Document 388, which had been accepted, the Administrative Council would have at its disposal the Recommendations of a group in charge of the study on restructuring. Consequently, it was appropriate that the brackets be removed in anticipation of a decision by the Administrative Council. He also proposed deleting "1991" and adding an asterisk together with a footnote to the effect that the matter would be decided by the Administrative Council at its 1991 session.

1.13 The delegate of China said that his Delegation appreciated the programme of meetings put forward by Working Group PL/B and concurred with the observations by previous speakers.

The Delegation supported fully the Indian proposal: he thought that the decision taken in the HFBC Conference Resolution in that respect, i.e. to hold an HFBC Conference no later than 1992 - should be respected. To convene that Conference in 1992 would also save over one million Swiss francs, since the IFRB team working on it cost 1.3 million francs per year.

1.14 The delegate of Pakistan supported the proposal to bring the HFBC Conference forward to 1991 or 1992. Postponement would incur costs and complicate the task further. Although he agreed in general with the draft Resolutions, including that based on the proposal by the German Democratic Republic (Annex 4), he believed that in the next five years ITU and its organs would be subject to a great deal of appraisal and there was therefore a need to coordinate the various studies and themes in a proper manner. With respect to seminars, he fully supported regional IFRB seminars as well as those in Geneva, as such seminars contributed towards better results.

1.15 The delegate of the Federal Republic of Germany referring to Annex 1 and an appropriate conference timetable, said that the IFRB test results had to be available before the HFBC Conference could be convened. In addition, he believed it was desirable to first settle the frequency allocation issue before HFBC frequencies were planned and thus supported the convening of a HFBC Conference in Geneva at the beginning of 1993 as a compromise. Since Spain had invited ITU to hold a radio conference in 1992 it ought not to be a planning conference, such as HFBC, because experience had shown that during such a conference all activities were greatly dependent on the computer and its local availability. Hence he requested a response from the Secretary-General and the members of the IFRB as to whether a planning conference could only be held at ITU Headquarters since that had an influence on the decision of interchanging 1.4 and 1.5.

1.16 The Chairman of the IFRB said that all planning conferences held during his mandate had taken place in Geneva with the exception of the Region 2 MF Broadcasting Conference held in Rio de Janeiro in 1981.

For the Rio de Janeiro Conference, the planning activity was conducted on the ITU computer in Geneva relying on telecommunications between the two cities. There had been difficulties, however, due to the speed of transmission and breakdowns in the transmission links and to a large extent recourse had had to be made to transporting magnetic tapes by plane. Since that time significant progress had been made in high speed data transmission. However, for HF broadcasting the system files would be huge, in the order of gigabytes for which even the speediest transmission would need time.

Anything was possible, technically speaking, but it was all a question of the flexibility that would be available.

1.17 The Chairman, taking Annex 1 of the report of the Working Group, said that three questions had to be put in respect of each conference: firstly, whether there was agreement on the holding of the conference, secondly its date, and thirdly its duration and place. Bearing in mind that any decision would have repercussions on the budget, he summed up that with respect to decides 1.1, there was consensus on the principle of holding the conference, the dates, duration and place; there were no problems in respect of decides 1.2 either.

With respect to decides 1.3, he proposed deleting the square brackets and inserting something on the lines of Document 388, i.e., "possibly an additional Plenipotentiary Conference, depending on the decision to be taken by the Administrative Council at its 1991 session (two weeks)" and replacing the text of decides 1.7 by:

"1.7 Plenipotentiary Conference (1994), five weeks subject to confirmation by the Administrative Council at its 1991 session."

With respect to decides 1.4 and 1.5, although opinions had been divergent, there had been no opposition to the principle of either of the two meetings but with respect to the date, duration and place, views had diverged greatly.

He recalled that the first report of the Working Group had mentioned 1994 for the conference in 1.5. After a second discussion in Working Group PL/B, 1993 had been proposed, but that did not seem satisfactory for some delegations. The first proposal by the delegate of Paraguay supported by the delegate of Mexico was that the conferences under 1.4 and 1.5 be held in conjunction in 1992 in Spain for six and a half weeks (four and a half weeks for the conference in 1.4 and two weeks for that in 1.5). Another proposal was to hold the conference in 1.5 in 1992 and that in 1.4 in 1993, which was, however, not completely compatible with the invitation to hold a conference in Spain in 1992. There had also been the suggestion that early 1993 for the conference in 1.5 could be a compromise between 1992 and 1993, and the reply to a technical question on the possibility of holding a planning conference away from Geneva.

Thought still had to be given to the proposal by the delegate of the Federal Republic of Germany to have the conference in 1.4 in Spain in 1992 and that in 1.5 in Geneva early 1993.

There had been no comments on 1.6.

1.18 The delegate of Qatar said that the Chairman's summary had clarified the situation. He agreed that the conference programme had to be considered carefully. He associated himself with those who had supported the proposal by India. He wondered what were the administrative and technical obstacles which prevented the HFBC Conference from being held before that referred to in 1.5. The Chairman of the IFRB had given technical reasons for holding the planning conference in Geneva but technical progress should permit the problems to be overcome if the two conferences were to be held in Spain, whose Government he would like to thank for extending the invitation. He would like some clarification from the Secretary-General as to the administrative difficulties involved in grouping the two conferences together.

1.19 The Secretary-General said that it was impossible to compare a small conference such as the one in Rio de Janeiro and the processing necessary for a HFBC Conference. The huge processing capacity and speeds required to operate the software system gave rise to some concern about taking a decision to do that from Spain, notwithstanding the improvement in technology and the closeness of Seville to Geneva. Adjustments would also be necessary to the software and, the matter needed to be studied. Looking at

planning conferences such as ORB-88 or HFBC-87, he had to underline the huge amount of data needed in order to have a plan which included several runs and the need to service the individual requirements of particular countries. Before reaching a conclusion, much thought had to be given to the question.

1.20 The delegate of Spain said that the conference foreseen under decides 1.4 seemed urgent particularly with respect to new space services. He proposed that the second phrase in decides 1.4 be transferred to 2.2. In view of the results of the first two sessions of the HFBC Conference, he wondered whether it was so important to accord the HFBC Conference top priority. Concerns about the reliability of data transmission between Geneva and Spain, as well as financial considerations, would not affect the holding of one or the other conference in Spain in 1992.

1.21 The delegate of the USSR said that while he agreed with the Chairman's conclusion, he wished to make a few comments. Decides 1.3 should be deleted and a note incorporating the second part of 2.7 from Document 238 should be inserted in decides 1.7, thus giving the Administrative Council the authority to take a decision on the convening of an additional Plenipotentiary Conference. The second sentence of decides 1.4 should be transferred to decides 2.2, as proposed by Spain, or better still be deleted altogether. Finally remote processing from Seville would not be easy and needed careful study.

1.22 The delegate of New Zealand had significant doubts on the ability of the Union to successfully conclude a planning conference for HFBC in Geneva, not to mention one outside Geneva, noting the computer resources required in particular for the plan. The Plenary would need further information before making a decision. He therefore proposed placing the dates, venues and duration in decides 1.4 and 1.5 in square brackets pending further information both from Committee 4 as to the finance available within the budget ceilings and from the General Secretariat on the technical feasibility of the effectiveness and costs of a planning conference away from Geneva.

With respect to decides 1.6, he proposed deleting the date and duration at the end of the paragraph since the timing was to be determined by the Administrative Council and he was unsure of the precise need for such a conference from the regional point of view and with respect to its agenda.

1.23 The delegate of Sweden, speaking on decides 1.4 and 1.5, concurred with the delegates of Finland and the Federal Republic of Germany that the Frequency Allocation Conference referred to in 1.4 was urgent for the development of new services, the establishment of which was an essential task of the ITU. Furthermore, the holding of an allocation conference could ease the task of the HFBC Planning Conference so the former should be held sufficiently well in advance. He agreed that it would be foolhardy to move the HFBC Planning Conference away from Geneva for the practical consequences would not fail to have economic implications. He advocated that the Allocation Conference precede the HFBC Conference, that they be sufficiently separated and that the HFBC Planning Conference be held in Geneva. Like the delegate of Spain he supported the transfer of the second part of decides 1.4 to 2.2.

1.24 The delegate of Venezuela said that the conference in decides 1.5 should be held before that in decides 1.4.

1.25 The delegate of the Netherlands did not attach a high priority to the HFBC Conference. However, in the interest of compromise his Delegation had agreed to such a conference provided it were prepared very carefully, which meant a better allocation of the frequencies concerned. He was therefore in favour of having an allocation conference first and then the HFBC Conference. He had serious doubts about holding such a conference outside Geneva and supported the convening of the HFBC Conference in 1993.

1.26 The Chairman indicated a compromise suggested by the Secretary-General elect to hold the Allocation Conference early in 1992 in Spain and the HFBC Conference early in 1993 in Geneva.

1.27 The delegate of Spain supported the suggestion to convene the Allocation Conference in the first quarter of 1992, with a year's interval before the HFBC Conference which could thus be held in the first quarter of 1993.

1.28 The delegate of India, welcoming the respect shown toward the international agreement concerning the HFBC Conference, and taking into account the problems related to holding the HFBC Conference away from Geneva as well as other logistic problems, said he could go along with the compromise proposal if those that had supported his original proposal could agree.

1.29 The delegate of the Islamic Republic of Iran supported the compromise proposal made by the Secretary-General elect.

1.30 The Chairman invited agreement on the proposal to hold the Conference referred to in 1.4 in Spain in the first quarter of 1992 and the HFBC Conference in Geneva in the first quarter of 1993.

It was so agreed.

He then invited agreement on a proposal to set neither the date nor duration of the Region 3 Conference referred to in 1.6, since the Administrative Council would do so after having consulted the membership. In addition, he asked whether the proposal by the delegate of Spain to transfer the second part of 1.4 to 2.2 was acceptable.

In respect of 1.3 and 1.7, the aim was to foresee a Plenipotentiary Conference and to add the text of paragraph 2.7 of Document 388 to the effect that the Administrative Council would set the date and duration of such a conference at its meeting in 1991.

1.31 In response to the delegate of Colombia as to the duration of each of the Conferences, the Secretary-General said that in the case of the limited Reallocation Conference and taking account of the financial situation and the work achieved in recent conferences, and in consideration of Document DT/77 to Committee 4, the Secretariat had put forward one or two options: costs based on a duration of four weeks and two days and the avoidance of the need for a special preparatory meeting of the CCIR. Another option, not costed, but one that would represent savings was for a duration of four weeks. It would be useful to have some discussion on the duration of the conferences because that would affect the financial issues and obligations. As to the HFBC Improved Planning Conference, the Secretariat paper to Committee 4 left the matter at four weeks which was also to be considered. A further element to be discussed was one considered at the 1987 Conference and which the Administrative Council was unable to resolve, namely the need for a type of Panel of Experts and the question of participating in IFRB information meetings.

The question of the preparations for the HFBC Conference had arisen in the Administrative Council and whether those preparations necessitated something more than information meetings as the best possible way to build up confidence in the software that might be evolving and adapted by the Board. The duration of the 1992 Conference and the way the next improved HFBC Service Conference was prepared had to be addressed because they touched on the question of whether or not both conferences would be successfully concluded.

1.32 The delegate of France said that the attention of the Conference had to be drawn to the budgetary implications of the decisions taken and the necessity to keep expenditure at a reasonable level. He was in favour of an in-depth study to reduce the duration of conferences as well as their cost so as to be able to reach agreement on the global ceiling.

1.33 The Chairman invited comments on the duration of the Conference referred to in 1.4, i.e. either four weeks or four weeks and two days.

1.34 The delegate of Japan, referring to 1.7 said that his Government had been contemplating the year 1994. He agreed to the addition of the text from Document 388 to point 1.7, but proposed the insertion of the words "in Japan" in the final part.

His Government had extended an invitation to hold a Plenipotentiary Conference in 1994 in Japan on the understanding that there would not be another Plenipotentiary Conference in the interim. If the text of paragraph 2.7 of Document 388 were retained, it would mean that the recommendations of the Group in charge of the study would be referred to the normal Plenipotentiary Conference in 1994, provided that there was no additional Plenipotentiary Conference.

1.35 The delegate of Indonesia saw no difficulty in holding a WARC in 1992 for four weeks and the HFBC Conference at the beginning of 1993 for two weeks. He recalled the agreement on the possibility of holding a Plenipotentiary Conference prior to 1994. He therefore supported the Chairman's earlier proposal to insert in 1.3 an asterisk after "Plenipotentiary Conference, Geneva, two weeks", and a footnote, "to be decided by the Administrative Council in 1991" or words to that effect. 1.7 was acceptable as read out by the Chairman; he could not accept the last proposal stating the venue because the Plenipotentiary Conference under 1.3 had the authority to decide whether it would be in 1994 or 1997 and it was for that Conference (in 1991) to decide on the appropriate date.

1.36 The delegate of Spain said that it was necessary to set a duration which permitted the establishment of the expenditure limits of the conference programme. He supported a duration of four weeks and two days as suggested by the Secretary-General.

1.37 The Secretary-General said that for budgetary reasons his suggestion had been for four weeks and two days for the Allocation Conference. With respect to the HFBC Conference, a duration of two weeks was not realistic.

1.38 The Chairman of the IFRB recalled that the delegate of India's remark that the HFBC Conference would not have to establish a frequency assignment plan but adopt software and procedures. With respect to the software, if the Conference wished the IFRB to carry out planning exercises during the Conference a minimum period of three weeks would be needed to make the necessary calculations and the minimum duration of the Conference would have to be four weeks, without even mentioning the question of procedures.

1.39 The Chairman, in the light of the comments by the Secretary-General and the Chairman of the IFRB, proposed four weeks for the HFBC Conference to be held in Geneva during the first quarter of 1993 and four weeks and two days for the Limited Frequency Allocation Conference.

It was so agreed.

He proposed under 1.3 to add "Possibly an additional Plenipotentiary Conference depending on the decision to be taken by the Administrative Council at its 1991 session".

In addition, under 1.7 he proposed "Plenipotentiary Conference 1994, Japan, to be confirmed by the Administrative Council at its 1991 session".

It was so agreed.

1.40 The delegate of the USSR said that in as much as it was in line with Document 388, he did not object to the proposal to provide for an additional Plenipotentiary Conference in 1991, if the Administrative Council so decided. As for the budgetary implications of that proposal, however, his Delegation considered that the present Plenipotentiary Conference should not make any provision for such an eventuality. If the Administrative Council decided that an additional Plenipotentiary Conference was necessary, it should rearrange the programme of the other conferences in such a way as to be able to meet the costs involved.

1.41 The Chairman, in response to the comment about the budgetary implications of the programme, said that the Administrative Council at its session in 1991 would have to decide after consultation of the Members.

1.42 The Secretary-General confirmed that the Members would have to be consulted since the Administrative Council would not be able to take such decisions on behalf of a Plenipotentiary Conference. In the financial provisions there would have to be a reference to the financial engagements in respect of such conferences even if one or the other did not take place in the years concerned, because one was being put forward for two weeks and the other for five weeks.

1.43 The delegate of the People's Republic of the Congo was of the opinion that the financial impact of holding a Plenipotentiary Conference before that foreseen in Japan would have to be determined and that estimate would have to be in parentheses.

1.44 The delegate of the USSR repeated that no budgetary provision should be made at the present time for an additional Plenipotentiary Conference but that if the Administrative Council decided that such a conference was necessary, it should reschedule the 1994 Conference or the Administrative Conferences. Inclusion of the costs for an additional Plenipotentiary Conference might render the budget unacceptable to many Members.

1.45 The Chairman said that a five-week Plenipotentiary Conference in 1994 had to be provided for in the budget. If in 1991 the Administrative Council foresaw a conference at an earlier date there would be two consequences: the amount foreseen for a normal conference could be used for the supplementary conference and the 1994 conference would probably be postponed somewhat, since it was difficult to imagine Plenipotentiary Conferences being held within intervals of two to three years. The budget should therefore provide for only one Plenipotentiary Conference of a five-week duration.

1.46 The Secretary-General, complementing the remarks by the Chairman, said there needed to be a provision in the form of a paragraph in the Protocol foreseeing that possibility, even if only one set of financial figures for five weeks was shown.

1.47 The Chairman of Committee 4 hoped that a consensus in Committee 4 would be achieved and recalled that Document DT/71 contained material on an additional 3 million Swiss francs for experts and other activities concerning such an additional conference. He requested guidance for his Committee's work.

1.48 The delegate of Senegal drew the attention of the meeting to the decision to modify Additional Protocol 1, for not only did the Plenipotentiary Conference establish the conference programme in respect of which the Administrative Council had no power but it also set the ceilings. If the proposal by the delegate of the USSR was retained,



due account should be taken of it in the Additional Protocol concerning the expenditure of the Union in the years ahead.

1.49 The Chairman, in response to the delegate of the Islamic Republic of Iran who queried whether the additional Plenipotentiary Conference, if held in 1991 and irrespective of decisions taken at Nice, could change the 1994 date, said that that was so. The Administrative Council in 1991 would take its decision and such an additional conference would have repercussions on the following conference.

1.50 The delegate of Romania, agreeing with the proposal by the delegate of the USSR and the Chairman's remarks, recalled the agreement in the Administrative Council and the Plenipotentiary Conference to have not more than one world conference a year and proposed that that be reflected in paragraph 3 of the Resolution.

1.51 The delegate of Colombia supported the Chairman's proposed addition to paragraph 1.3 as it was based on paragraph 2.7 in Document 388 which had already been approved.

1.52 The Chairman said that on the basis of the discussions he would prepare a draft Resolution No. PL-B/1 in collaboration with the Secretary-General and the Secretary-General elect.

It was so agreed.

Annex 2 - Resolution No. PL-B/2

1.53 The Chairman, in response to the delegate of Turkey's query concerning the statement in brackets in resolves, confirmed that it was a parenthesis which had to be retained.

1.54 The Vice-Chairman of the Working Group said that in view of the decisions taken on decides 1.4 and 1.5 on Resolution No. PL-B/1, the square brackets around 1992 under instructs the IFRB 6. could be removed.

With that amendment, Annex 2 was approved.

Annex 3 - Resolution No. PL-B/3

1.55 The delegate of Colombia, supported by the delegates of Indonesia and Venezuela, said that the Group of Experts to be set up should also analyse the technical and economic implications of a re-allocation of the frequency spectrum on the services operating at present, bearing in mind the situation of the Members directly concerned and proposed an additional item 1.3 in the terms of reference to that effect.

1.56 The Chairman of the IFRB said that the proposed addition was extremely important for the study and constituted an element that any frequency allocation conference had to take into account. If a Group of Experts were to study the matter it would have to take into account all the possible combinations of services and sharing between services. If the action was to be effective the Resolution should contain a Recommendation to all administrative conferences for allocating frequency bands to take into account technical, economic and operating implications concerning changes in stations when the allocation of a band changed from one service to another.

1.57 The delegate of Finland objected to the proposed addition to draft Resolution No. PL-B/3. Although it was a very important aspect it was a task that could best be undertaken by a future competent conference. The proposed study was intended to help a future conference to examine the Radio Regulations with a view to improving their usefulness and the utilization of the radio-frequency spectrum. On the other hand the task proposed to be added was beyond the possibilities of a Voluntary Group of

Experts, because of its complexity and the large number of different and possibly conflicting interests of Members.

1.58 The delegate of the USSR, on a point of order, proposed that the text read out by the delegate of Colombia be submitted in writing as a document for consideration by the Plenary.

1.59 The Chairman said that the text could be seen when the document was presented by the Editorial Committee for first reading.

1.60 The delegate of Mali said the title of the Resolution should be amended to reflect that the Voluntary Group of Experts were to study the allocation and improved use of the radio frequency spectrum.

1.61 The delegate of Japan proposed a consequential change in resolves further 2 whereby the last date should read 1993 instead of 1994; in resolves further 3 the last date should read 1994 instead of 1995. The reason for those changes was that the tasks of the Voluntary Group of Experts should be completed before the next Plenipotentiary Conference.

1.62 The Vice-Chairman of the Working Group, in response to the proposal by the delegate of Japan, said that it was not desirable to shorten the period of time available to the Group. The results of the Group of Experts would be more appropriate to an administrative radio conference and that idea had been reflected in resolves further 4. He therefore was unable to see the connection with a Plenipotentiary Conference, regardless of the year, and preferred that the dates be maintained as they appeared in Document 379.

1.63 The Chairman suggested that pending the distribution of the text proposed by the delegate of Colombia, Annex 3 be transmitted to the Editorial Committee and that a final decision be taken later.

It was so agreed.

#### Annex 4 - Resolution based on a proposal by the German Democratic Republic

1.64 The Chairman said the text had not been discussed in the Working Group but, in the absence of objections, he proposed to transmit it to the Editorial Committee.

1.65 In response to the delegate of Algeria as to the "alternative" mentioned in paragraph 1.3 the delegate of the German Democratic Republic said that with a change in the management of conference preparatory work it might be possible to save the time and energy of administrations and the IFRB, as well as costs, and added that the matter had to be studied carefully.

1.66 The delegate of Canada enquired as to the relationship between the review proposed in Annex 4 and the structural review that was to take place after the Conference, the details of which were to be decided by the Administrative Council in November.

1.67 The delegate of the German Democratic Republic said the Resolution in Annex 4 could be merged with the Resolution drafted by Drafting Group 7 ad hoc 2 which contained a phrase referring to the analysis of the non-permanent organs which he believed also meant administrative conferences. On the other hand, the proposal in Annex 4 was of a more technical nature, beginning with the preparatory work by the CCIR, the first session of a conference, new methods such as the use of data bases, telecommunication information systems, etc. Therefore, it could be either merged with

the Resolution of 7 ad hoc 2 or left on its own, as it was not needed for 1991 but rather for the 1994 Plenipotentiary Conference.

1.68 The Chairman said more reflection on the matter was needed and proposed to come back to it later.

2. Texts submitted by the Editorial Committee for first reading  
(Corr.1(Rev.1) to 302)

2.1 The Chairman of the Editorial Committee introducing a revised version of the Resolution on the Settlement of Accounts in Arrears submitted by Committee 4, said that four countries were concerned by the operative part of the Resolution. In reply to the Chairman of Committee 4, who wondered whether in resolves 6 the reference was to No. 117 of the Nairobi Convention or No. 122 of the Constitution, he said that in an earlier text reference had been made to No. 122 of the Constitution. However, since the Resolution would be applicable immediately and the Constitution would not be in force, it had been thought preferable to refer to No. 117 of the Nairobi Convention. He suggested adding a footnote to the effect that upon entry into force of the Constitution, a reference to No. 122 would replace No. 117 of the Nairobi Convention. If the meeting agreed, that change would be made when the text was submitted for second reading.

2.2 The delegate of Spain indicated that in the Spanish version of resolves 6 the words "que se reflejan" should be inserted in the first line between "adeudadas" and "en la cuenta especial".

2.3 The delegate of Paraguay believed it was necessary to remove Guatemala from the paragraph "regretting" because Document 411 indicated that that country was regularizing its situation. The Chairman of Committee 4 said that Guatemala should be maintained in the text since Committee 4 had agreed to cancel the payment of certain interests.

The Resolution was approved, as amended.

3. Seventh series of texts submitted by the Editorial Committee to the Plenary Meeting for first reading (Series B.7) (Document 334)

Resolution No. COM6/1

3.1 The Chairman indicated a number of suggested changes to the text. Firstly, the proposal by Algeria to begin the title with the definite article; secondly, the delegate of Paraguay had drawn attention to considering a) which ought to read "the provisions of the Constitution and the Convention of the International Telecommunication Union (Nice, 1989) ..."; thirdly, the delegate of Algeria could agree to the addition of "other international organizations" in "recognizing"; finally, the delegate of Nigeria, who had wished to discuss paragraph 3, had been requested to accept the text as it stood.

Recalling the modifications adopted at the previous meeting, namely to remove the square brackets around GATT, he invited the meeting to approve the amended text.

3.2 The Legal Adviser suggested that in considering a) reference be also made to the basic instrument in force, namely, the Nairobi Convention, because the text was now being approved on the basis of that Convention and not on that of the Constitution which had yet to enter into force.

With that further modification as well, the text of the Resolution was approved, as amended.

Resolution No. COM6/2

Approved.

Resolutions Nos. COM6/3 and COM6/4

3.3 The Secretary of Committee 6 indicated that in considering of Resolution No. COM6/3 "family" should be replaced by "system", in line with an earlier decision.

3.4 The Legal Adviser said that in the "invites ..." - paragraph of Resolution No. COM6/4, the referral should only be to "the Members of the Union" since in the case of refugees not PTT administrations, but other Government institutions had to decide whether a person was to be considered as a refugee before he could be selected for training.

With those amendments Resolutions Nos. COM6/3 and COM6/4 were approved.

Resolutions Nos. COM6/5 and COM6/6

Approved.

Resolution No. COM6/7

3.5 The Chairman of the Editorial Committee said that the square brackets in paragraph 1.2 could be removed; he enquired whether the square brackets could be removed around "International Consultative Committees and the IFRB" and around the "Group of Engineers" throughout the text.

With respect to 1.6 and the term "Technical Cooperation Department" in the square brackets, he said it should be in line with the decisions of the Conference, to which the Deputy Secretary-General said that the square brackets could be removed to reflect the existing situation.

3.6 The delegates of the Islamic Republic of Iran and Algeria suggested replacing "Technical Cooperation Department" by "Telecommunications Development Bureau".

3.7 The delegate of Canada concurred with the previous speakers and added that "the divisions" should be removed so that the text would read:

"1.6 to provide technical advice to the Telecommunications Development Bureau;"

3.8 The Secretary-General said that the concept in 1.6 did not appear in Resolution 22 of Nairobi nor had it appeared in any previous Resolution concerning the Group of Engineers which to date had been part of the Technical Cooperation Department. It seemed strange that a group within a Department or a Bureau had to be instructed in a Resolution to provide advice to others in the same group. Obviously, they would be giving advice within the Telecommunications Development Bureau. The appropriate course would therefore be to strike out 1.6 entirely since the Group of Engineers would be working under the auspices of a Director who had a number of units or divisions. Surely, in carrying out their duties, they would carry out the necessary advisory services within the group, as distinct from others they would be assisting as part of the Bureau.

3.9 The delegate of Algeria said that the establishment of the Telecommunications Development Bureau should be reflected throughout the Resolution and therefore, for example, the reference to the Group of Engineers in resolves 1 should be modified.

3.10 The Chairman suggested that discussion on Resolution No. COM6/7 be continued at the following meeting.

It was so agreed.

The meeting rose at 1900 hours.

The Secretary-General:

R. E. BUTLER

The Chairman:

J. GRENIER

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 454-E  
22 September 1989  
Original: English

PLENARY MEETING

MINUTES

OF THE

TWENTY-FIRST PLENARY MEETING

Tuesday, 27 June 1989, at 0925 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- |   |                        |
|---|------------------------|
| 1. Proposal relating to draft Resolution No. PL-B/3<br>(continued)  | 463, Annex 3<br>to 379 |
| 2. Draft Resolution relating to the review of the<br>preparatory, regulatory and post-conference<br>activities of administrative radio conferences<br>(continued) | Annex 4 to 379         |
| 3. Seventh series of texts submitted by the Editorial<br>Committee for first reading (B.7)<br>(continued)   | 334                    |
| 4. Eighth series of texts submitted by the Editorial<br>Committee for first reading (B.8)   | 369                    |

1. Proposal relating to draft Resolution No. PL-B/3 (Documents 463, Annex 3 to 379) (continued)
  - 1.1 The Chairman reminded the meeting of the suggestion by the Chairman of the IFRB that a text along the lines of the Colombian proposal in Document 463 should appear as a new resolves further a) 6 of the draft Resolution, instead of resolves further a) 1.3.
  - 1.2 The delegate of Switzerland said that his Delegation would have serious difficulties with the text, wherever it was placed, since the affected administrations alone were in a position to evaluate the repercussions of the changes in question.
  - 1.3 The delegates of the USSR, Sweden, France, Malta and Japan endorsed those views, as did the delegate of Hungary, who added that it would be practically impossible for the Group of Experts to carry out the analysis. The delegate of the United States agreed with that statement.
  - 1.4 The delegate of Spain supported the Colombian proposal.
  - 1.5 The Chairman then suggested that the Colombian proposal, preceded by the words "to recommend to administrations", should be inserted as resolves further d) at the end of the draft Resolution.
  - 1.6 The delegates of Argentina, Uruguay and the United States said that they could support the proposal with that amendment.
  - 1.7 The delegate of Colombia said that her Delegation could agree to the suggested placing of its proposal, but that it might be preferable to address the recommendation to administrative conferences.
  - 1.8 The delegate of the Islamic Republic of Iran proposed that the opening words of the paragraph should read "instructs the IFRB to assist administrations in analysing ...", since the administrations of certain developing countries would be unable to carry out such an analysis without IFRB assistance. The delegate of Colombia accepted that amendment, which was also supported by the delegate of Algeria.
  - 1.9 The Vice-Chairman of the IFRB pointed out that, since there were many frequency bands for which administrations were not obliged to notify frequency usage and for which only typical stations were therefore notified, the IFRB had no real data base for conducting the analysis in question.
  - 1.10 The delegate of the Islamic Republic of Iran said that the purpose of his Delegation's proposal was not to entrust the analysis to the IFRB, but to enlist the Board's help with the methodology and procedures of the exercise. The delegate of Colombia endorsed that statement.
  - 1.11 The Chairman suggested that the opening words of the Colombian proposal be amended to read: "to recommend to administrations to analyse, calling upon the assistance of the IFRB to the extent possible, the various repercussions ...".
  - 1.12 The delegate of Uruguay said he could support that amendment, although the assistance to be given to administrations by the permanent organs of the Union was already stipulated in many provisions of the Convention.

1.13 The delegate of the United Kingdom observed that it would be more appropriate to consider the substance of the Colombian proposal, as amended by the Chairman, when the results of the work of the Group of Experts were examined by the competent conference referred to in resolves further a) 4. He would therefore prefer the Colombian text not to be inserted in the draft Resolution.

1.14 The delegate of Mexico said that the administrative conference concerned should take full account of all the technical and financial implications of the Group's report in taking its decisions, and that the amended Colombian proposal should therefore be incorporated in "resolves further a) 4".

1.15 The delegate of Switzerland said that, although he would still prefer the Colombian text to be omitted altogether, he would be prepared to accept a paragraph beginning with the words "to recommend to administrations to analyse ..." and ending with the words "... currently in operation". The addition of the words "to recommend to administrations" made the last phrase of the Colombian proposal redundant.

1.16 The delegate of Colombia said that his Delegation could accept the text read out by the Chairman for insertion in resolves further a) 4.

1.17 The delegate of the Netherlands said that he too would have preferred the Colombian proposal to be rejected, but could support the text as amended by the Chairman in the interests of reaching a consensus. The delegate of New Zealand endorsed those views and supported the Swiss delegate's proposal to delete the last phrase of the Colombian text.

1.18 The Chairman said that the meeting seemed to have agreed to insert after "resolves further a) 4" a new paragraph reading "to recommend to administrations to analyse, calling upon the assistance of the IFRB to the extent possible, the various repercussions of adopting modifications to frequency allocations in certain bands, with respect to services currently in operation".

Draft Resolution No. PL-B/3 was approved as amended.

2. Draft Resolution relating to the review of the preparatory, regulatory and post-conference activities of administrative radio conferences (Annex 4 to Document 379) (continued)

2.1 The Chairman pointed out that attention had been drawn at the previous meeting to the importance of establishing the relationship between the draft Resolution, based on a text submitted by the German Democratic Republic, and the global review of the work of the permanent organs.

2.2 The delegate of the German Democratic Republic observed that his Delegation had already explained its reasons for submitting a separate draft Resolution on the subject.

2.3 The delegate of Saudi Arabia said that his Delegation was in favour of incorporating the substance of the draft Resolution in the global review.

2.4 The delegate of the Federal Republic of Germany said that the draft Resolution was inappropriate. In the first place, "resolves 1.3" probably did not reflect the real intention, which was not to replace administrative conferences, but to reduce their duration by using more effective methods and improving the preparatory work. Furthermore, insofar as adding the proposed



study to the global review was concerned, the time schedule did not correspond to that of the overall review, the structural changes referred to in that review were of a different character, and the Group to carry out that review would not be the appropriate body to consider such changes as were contemplated in the draft Resolution.

2.5 The Chairman suggested that the matter could be dealt with by referring to proposal DDR/6/26 in the "recognizing" part of Resolution No. COM7/1. The delegate of the Federal Republic of Germany agreed that such a reference might be inserted in "recognizing h)" of that Resolution.

2.6 The delegate of the German Democratic Republic said that, while he could agree to the insertion of the proposed reference, the Group of Experts to be set up under Resolution No. COM7/1 would hardly have time to study the improvement of arrangements for both the permanent organs of the Union and for administrative conferences.

2.7 The delegate of Niger observed that insertion of the reference in Resolution No. COM7/1 would mean that the Conference agreed with the substance of the proposal in question, whereas the draft Resolution before the meeting raised a complex set of problems, including the replacement of administrative conferences by some other system.

2.8 The delegate of the German Democratic Republic stressed that there was no question of such replacement, but that the draft Resolution was designed only to improve management and preparatory work for conferences and to reduce their duration.

It was decided to insert a reference to proposal DDR/6/26 in "recognizing h)" of Resolution No. COM7/1.

3. Seventh series of texts submitted by the Editorial Committee for first reading (B.7) (Document 334) (continued)

Draft Resolution No. COM6/7 (continued)

3.1 The delegate of New Zealand endorsed the Secretary-General's suggestion at the previous meeting that "resolves 1.6" should be deleted, and indeed wondered whether it was necessary to retain the whole of the draft Resolution, since the definition and tasks of the Telecommunications Development Bureau were fully and adequately set out in Article 11A of the new Constitution.

3.2 The Secretary-General said that it was appropriate and desirable to retain Resolutions of that kind which indicated the line of conduct, types of cooperation and day to day coordination required to attain the purposes of the Union. Moreover, from the practical point of view, a Resolution might have to be developed during the Conference to provide transitional measures for the Bureau, which would not come into being until the Constitution entered into force. It was therefore important to continue all Resolutions containing instructions to the Secretary-General and the Administrative Council to cover that transitional period. On the other hand, "resolves 1.6" might well be deleted.

It was so agreed.

3.3 The Chairman of the Editorial Committee observed that the words "of the Telecommunications Development Bureau" should be inserted after "Group of Engineers" in "resolves 1".

Draft Resolution No. COM6/7 was approved as amended.

Draft Resolution No. COM6/8

Draft Resolution No. COM6/8 was approved.

Draft Resolution No. COM6/9

3.4 The Chairman of the Editorial Committee said that the square brackets appearing in the title, "resolves" and "instructs the Secretary-General" could be removed, in view of the decision that the Telecommunications Development Bureau would work with world as well as regional development conferences.

3.5 The delegate of France said that the text should subsequently be checked for consistency with the relevant provisions of the Constitution.

3.6 The delegate of the USSR said that no decision on world-wide conferences had yet been taken by Committee 7, where opinions on the matter were evenly divided. The square brackets should therefore be retained until the second reading, by which time the final text from Committee 7 should be available.

3.7 The delegate of the Islamic Republic of Iran said that a decision to include world-wide conferences had been taken by a majority in Committee 7 and that the square brackets should therefore be removed.

3.8 The Secretary-General suggested that the square brackets be retained pending receipt of the relevant report from Committee 7.

It was so agreed.

Draft Resolution No. COM6/9 was approved on that understanding.

Draft Resolution No. COM6/10

Draft Resolution No. COM6/10 was approved.

Draft Resolution No. COM6/11

3.9 The delegate of Cameroon, supported by the delegate of Mexico, proposed the deletion of the word "insufficient" in the third line of "considering".

Draft Resolution No. COM6/11 was approved as amended.

Draft Resolutions Nos. COM6/12, COM6/13 and COM6/14

Draft Resolutions Nos. COM6/12, COM6/13 and COM6/14 were approved.

Draft Resolution No. COM6/15

3.10 The delegate of the United States observed that when the draft Resolution had been approved in Committee 6, decisions subsequently taken elsewhere had not yet been made known. He therefore proposed the insertion of the words "and Trust Funds" after "UNDP" in the third line of "resolves 2" and the addition of the phrase "in order to ensure that the cost to the Union of providing these administrative and executing services do not exceed the credits received for this purpose from the UNDP and Trust Funds" at the end of "instructs the Administrative Council 2".

3.11 The Secretary-General said that those amendments called for some reflection, since they were liable to cause confusion. It was indeed important to refer to the Trust Fund activity, but the references might also need to be inserted in places additional to the ones proposed by the United States delegate. Moreover, there was some concern that the Trust Fund activity might represent a departure from the current practice of following the rules adopted by the UNDP Governing Council as part of the Union's partnership obligation to meet the difference in cost.

3.12 The Chairman suggested that the draft Resolution should be kept in abeyance pending consultations between the United States and other interested delegations and should be resubmitted for first reading at a later date.

It was so agreed.

Draft Resolution No. COM6/16

Draft Resolution No. COM6/16 was approved.

Draft Resolution No. COM8/1

3.13 The Chairman of Committee 8, commenting generally on the work of his Committee, said that it had held 19 well-attended meetings, including several evening meetings, and that its success was a credit to all participants. Working Group 8-A had been set up to deal with the procedure of defining a region for the purpose of convening regional meetings, and Working Group 8 ad hoc had examined the complex issue of languages. Thanks were due to those Working Groups and to the Secretariat for their assistance and for producing the summary records on time.

3.14 The delegate of Qatar endorsed that statement and expressed appreciation of the exemplary way in which the Chairman had guided the work of Committee 8.

3.15 The Chairman of the Editorial Committee said that the words "the current basic instrument of the Union, Administrative Regulations and practices of the Union" should replace the words following "framework of" in "resolves 1" and following "in conformity with" in "resolves 4".

Draft Resolution No. COM8/1 was approved as amended.

With the exception of draft Resolution No. COM6/15, the seventh series of texts submitted by the Editorial Committee (B.7), as amended, was approved on first reading.

4. Eighth series of texts submitted by the Editorial Committee for first reading (B.8) (Document 369)

Constitution - Article 4

4.1 The Chairman of the Editorial Committee said that square brackets had been placed around the last part of No. 15 because that provision was not properly aligned between the three languages. Nevertheless, since no administration had proposed any amendment to the provision, which had appeared in all the Conventions since the Atlantic City Conference of 1947, it might be thought best to remove the square brackets.

It was so agreed.

4.2 The Chairman of Committee 9, referring to the square brackets around the word "Members" in Nos. 16 and 18, said that his Committee had decided that the square brackets could be removed from No. 16, but that the word "Members" should be replaced by "countries" in No. 18, because the provision did not apply exclusively to the Members of the Union.

It was so agreed.

4.3 The Chairman of the Editorial Committee said that it had been agreed in Committee 10 to revert to the text of No. 24A originally submitted by Committee 8, in order to obtain the most suitable alignment between the language versions.

It was so agreed.

4.4 The delegate of Sweden drew attention to the reservations entered to No. 18 by a number of delegations, which had proposed the insertion of the words "any associated" before "orbital" in the third line, in order to make it clear that orbital positions were not registered in isolation, but only in association with frequency assignments. That argument had been raised in Committee 7, which had inserted the words in its corresponding text. The delegate of the Netherlands added that the insertion of the words was necessary in order to avoid imposing on the ITU the task of registering all orbital positions, which would be very costly and had never been intended by WARC ORB-88.

4.5 The delegates of Australia, Switzerland, Canada, Japan, Papua-New Guinea, the Federal Republic of Germany, the Philippines and Malta supported the proposal.

4.6 The delegates of the United States and Finland also supported the proposal, adding that the IFRB endorsed the insertion of the words and that such an insertion would clarify the distinction between the tasks of the ITU and those of other organs dealing with space matters, such as the United Nations Committee on the Peaceful Uses of Outer Space.

4.7 The Chairman of Committee 8 pointed out that the majority of his Committee had been in favour of retaining the original text proposed by Kenya, as amended by Mexico.

4.8 The delegate of Niger confirmed that statement, adding that the views of the IFRB could not supersede those of the majority of the Plenipotentiaries.

4.9 The delegate of Kenya suggested that No. 18 should be left in square brackets pending consultations on the matter with the IFRB.

It was so agreed.

4.10 The delegate of Romania proposed the deletion of the word "space" at the end of the fourth line of No. 19, since the provision obviously related to all radiocommunication services. That proposal was supported by the delegates of Mexico, the USSR and France.

It was so agreed.

Article 4 of the Constitution was approved as amended, subject to the outcome of consultations concerning No. 18.

The meeting rose at 1215 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 455-E

26 June 1989

Original: French

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PLENARY MEETING

SIXTH REPORT OF COMMITTEE 4 TO THE PLENARY MEETING

1. At its 5th, 6th, 7th and 8th meetings, the Finance Committee considered proposals put forward by Members of the Union with modifications to the draft Constitution and draft Convention of the Union prepared by the "Group of Experts Basic Instrument of the Union" and presented as Documents A and B in Conference Document 47.

2. With regard to Article 15 "Finances of the Union" of the Constitution, only one proposed modification was accepted by the majority of the Committee. That proposal authorizes a Member - with the approval of the Administrative Council - to reduce the level of its contributory unit if - once the new classes of contribution have been decided by all the Members - that Member is in a substantially worse position than under the existing Convention.

3. For Article 27 "Finances" of the Convention, the main modifications considered by the Committee may be summarized as follows:

a) New classes of 28 and 23 units have been added to the table of contributions to Union expenses. At the lower end of the scale of contributions, a new class of contribution of 1/16 unit has been agreed to allow small countries and developing countries to suit their contribution better to their financial possibilities. The Committee proposed that the classes of 1/8 and 1/16 unit should be available only to "the least developed countries as listed by the United Nations and other Members determined by the Administrative Council". This clause already applies to the 1/8 unit class.

The financial cost of introducing this minimum class of 1/16 unit may be estimated at not more than 600,000 Swiss francs, which could entail an increase in the value of the contributory unit of the order of 0.6%.

In the light of the above, the Finance Committee proposes that the Plenary Meeting adopt an opinion asking Members, under the provisions of the Nice Constitution/Convention, to choose a class of contribution which is suited to their financial possibilities and, wherever possible, to increase their class of contribution.

b) The Committee considered a proposal to increase the contribution of recognized private operating agencies (RPOA), scientific or industrial organizations (SIO) and international organizations (IO) taking part in the activities of the CCITT and the CCIR.

Under the proposal, the system of free choice would be maintained with a floor level of 1 unit (in other words, the 1/2 unit class would be excluded), thus generating additional income of 24,000 Swiss francs from each RPOA, SIO or IO currently contributing in the 1/2 unit class. The total amount of extra income that the proposal could be expected to produce was estimated at 6,450,000 Swiss francs.

Arguing in favour of the proposal, many delegations said that the ITU - in its present financial situation and in view of the substantial extra expenditure which may be expected - should seek the support of the RPOAs and SIOs by asking them to bear a larger share of the Union's expenses.

On the other hand, a significant number of delegations considered that doubling the minimum contribution of the RPOAs and SIOs would probably lead to many withdrawals and that part of the standardization work might be removed from the Union, to the latter's detriment.

A compromise proposal to increase the value of the contributory unit of RPOAs and SIOs from 1/5 of the value of the contributory unit of Members to 1/4 was rejected by the Committee.

By a majority, the Committee finally arrived at the following proposal:

maintaining the value of the contributory unit of the RPOAs and SIOs at 1/5 of the value of the contributory unit of Members;

maintaining a free choice of class of contribution by the RPOAs and SIOs;

for the larger agencies and organizations, provided that their means are sufficient and that they agree, the minimum class of contribution should be one unit. For the other agencies and organizations, the minimum class of contribution of 1/2 unit would be maintained.

A Resolution entitled "Contributions by recognized private operating agencies, scientific or industrial organizations and international organizations", requesting them to choose a class of contribution better adapted to their financial capacity in the future, was approved.

Some delegations reserved the right to bring the matter up in the Plenary Meeting, since they considered that there were too few delegations present for decisions to be taken on the issue. The Chairman estimated the number of delegations present at between 40 and 50.

c) A proposal to make Member Administrations liable for the debts of their RPOAs and SIOs was not accepted.

d) The Committee considered a proposal to introduce a provision in the Convention relating to the budgets and accounts of Union activities in the field of world and regional exhibitions and other similar events. Although the Committee did not accept this provision, there was agreement that these budgets and accounts should be provided annually to the Administrative Council for the purpose of greater transparency in the Union's finances. The Committee also agreed that it be proposed to the Plenary Meeting that the Administrative Council be instructed to amend its Financial Regulations accordingly.

4. The Finance Committee also prepared a Resolution for the Plenary Meeting (formerly additional Protocol I) on the "Expenses of the Union for the period 1990 to 1994". This Resolution containing the proposed amounts will be submitted in a special report to the Plenary Meeting.

In that connection, the Committee considered that the Resolution dealing with expenditure limits should also contain ceilings for planned regional conferences.

5. The Committee also considered a draft Resolution for revising Resolution No. 49 of the Nairobi Conference to facilitate the participation in the work of the Union of small countries not included in the United Nations list of least developed countries. The proposal was accepted by the Finance Committee.

The following texts were transmitted to the Editorial Committee for subsequent submission to the Plenary Meeting:

Opinion No. COM4/1  
Resolutions Nos. COM4/6 and COM4/8  
Amended texts of the Constitution and the Convention

M. GHAZAL  
Chairman of Committee 4



# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 456-E

26 July 1989

Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

SEVENTEENTH MEETING OF COMMITTEE 9

Saturday, 24 June 1989, at 0905 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

1. Consideration of proposals (continued)

Documents

DT/12 + Corr.1  
+ Add.1 + Add.2,  
Documents A + B  
GE-BIU 50(Rev.)  
DL/43, DT/65

1. Consideration of proposals (continued) (DT/12 + Corr.1 + Add.1 + Add.2, Documents A + B, GE-BIU 50(Rev.), DL/43, DT/65)

Settlement of disputes (continued)

Article 34 of the Convention - Arbitration procedure (continued) (Document DL/43)

No. 419 (continued)

1.1 The Chairman drew attention to proposal KWT/11/30, introduced at the previous meeting, concerning the transmittal of the outcome of an arbitration to the Secretary-General for future reference purposes only. It would be recalled that the Informal Group had questioned the advisability of introducing that amendment because of the problems of confidentiality that it might entail. A text had been prepared to strike a balance between the issues of confidentiality and the usefulness of the information concerned for the Secretary-General, and the Delegation of Kuwait had agreed to that wording.

1.2 The Legal Adviser read out the following text to be inserted at the end of No. 419: "If the parties to the arbitration so agree, the decision of the arbitrator or arbitrators shall be communicated to the Secretary-General for future reference purposes." In the interests of consistency with No. 417, the word "decision" had been substituted for the word "outcome" used in the Kuwaiti proposal, and the term "shall be communicated" had been used as a consequence of the opening phrase "If the parties to the arbitration so agree".

1.3 The Chairman observed that the term "parties to the arbitration" was somewhat innovative, and suggested that it be replaced by "parties concerned". The Legal Adviser said that that concept was perhaps too broad, and that the words "parties to the dispute" might be used, by analogy with No. 315.

Article 34 of the Convention was approved as amended.

1.4 The Chairman said that the Informal Group had revised the Optional Protocol to take account of the fact that the Constitution would not be regularly revised in the future, and had therefore included in the Protocol its own amendment and denunciation procedures. The wording had been further updated to reflect decisions taken on the final clauses of the Constitution. The square brackets around the word "discrepancy" in the last paragraph could be removed.

The Optional Protocol, as revised by the Informal Group, was approved.

Article 40 - Administrative Regulations (continued) (Document DT/65)

1.5 The Chairman, having pointed out that Article 40 was a central provision of the Constitution, linking the basic instrument with the Administrative Regulations which were the major vehicle for the achievement of the purposes of the Union, said that Document DT/65 had been drawn up in order to define the component parts of the Article and to provide solutions that would both take account of the new format of the Union's basic instrument and the effects thereof for future acceptance of revised Administrative Regulations and meet some of the concerns expressed during the discussions.

After clearly defining the legal status of the Administrative Regulations in general, the Article established the relationship between the Regulations and each Member of the Union in two ways, first by stating that ratification of the Constitution and Convention constituted acceptance of the Administrative Regulations in existence at the time, in other words, determining the extent to which each Member ratifying the basic instrument was bound by certain Regulations, and second, by providing for the future situation when administrative conferences would continue to revise the Administrative Regulations in whole or in part; since the semi-automatic acceptance of the Regulations through the adoption of successive Conventions would now cease, the Constitution must provide a continuing link between revisions and individual Members, and the mechanism used to that end should follow the existing system as closely as possible.

Provision also had to be made for the practical approval of revised Administrative Regulations, and the legal ambiguity of the present regime must be removed while maintaining uniformity and simplicity of application as far as possible. To that end, a possible solution suggested in the document was that of provisional application of the Regulations for a certain period, starting from a date specified by the administrative conference concerned. That method would make it possible for Member States to apply the revisions in accordance with their national constitutional instruments and in practice would clarify the position of Members in respect of such revisions, not only between themselves, but also vis-à-vis the competent organs of the Union. Such provisional application would have to come to an end at a certain point, and specific solutions of that problem were suggested in that document.

Turning to the text, he observed that Nos. 179 and 180 were more or less self-explanatory and that the mechanism of provisional application, including its termination, was described in Nos. 181 *et seq.* It would be seen that the provisional application could end in three ways: first, if the Member concerned indicated to the Secretary-General that it did not wish to be bound by the revision, thus reflecting the case under the present system where a Member did not ratify a later Convention and did not notify the Secretary-General of its consent to be bound; second, through express notification by a Member of its wish to be legally bound by the revision - a provision inserted to facilitate the situation of Members whose legislation precluded acceptance by tacit consent; and third, when after a specific period of provisional application, a Member had not indicated whether or not it wished to be bound by the revision, since it was considered that after such a period the Union and the other Members were entitled to ascertain the position of that particular Member.

Whereas Nos. 181, 181A and 181B related to signatory Members, whether or not they had made reservations, No. 181C covered the situation of non-signatory Members, who were encouraged to notify the Secretary-General of their approval as soon as possible. Finally, in view of the many different situations of the Members of the Union, Nos. 181B and 181D required the Secretary-General to inform Members promptly of notifications received under the Article; that point might be partly covered by the information regularly supplied by the Secretary-General to the Administrative Council on the legal status of the instruments of the Union.

He invited delegations to indicate whether they regarded the document as an appropriate basis for discussion.

1.6 The delegate of Japan said that his Delegation could not accept the suggested text. With regard to No. 179, there seemed to be no reason to change the wording of the Nairobi Convention agreed to by the Group of Experts. Moreover, under his country's domestic legislation a treaty was held to be an individual international agreement.

between States, whereas the legal force of the Administrative Regulations was dependent on the Constitution and Convention to which they were complementary. Nor could Japan accept the new concept of provisional application, since under such a regime it would not be clear whether the current or the revised Regulations would be applicable at the international level or under the domestic law of Members. For example, Japanese domestic law had to be revised to accommodate revisions of the Administrative Regulations, but the provisional application procedure seemed to imply that the same obligations would be incurred for the current and for the revised Regulations upon signature. Moreover, the new procedure would make it impossible for Japan to sign the Final Acts, since under its domestic law such signature required prior parliamentary approval. Although the practical reasons of the insertion of No. 181C were understandable, his Delegation could not accept the introduction of such a drastic change from the current practice of the application of the Administrative Regulations. Finally, the Chairman's text totally ignored proposal J/111/5 concerning the possibility of making reservations to the Administrative Regulations at the time of ratification of or accession to the Constitution and the Convention; perhaps the Chairman thought such a provision unnecessary or considered that Members were not entitled to make such reservations, but in any case his Delegation found it difficult to accept the Article without a provision of that kind: Japan had been unable to enter a reservation to the Final Acts of WARC MOB-87 because of the time difference between Geneva and Tokyo, and together with other delegations in a similar situation was now trying to have that reservation inserted in a Protocol to the Nice instruments. For all those reasons, his Delegation could not accept the Chairman's proposal.

1.7 The Chairman pointed out that Document DT/65 had been drafted to take account of the main trends that had emerged from the debates and in no way reflected his own opinions. The approach in proposal J/111/5 had been omitted because the proposal had been supported by only one delegation in the earlier debate. The delegate of Japan said he regretted that the wrong impression might have been created by his inadequate command of English. The Chairman had of course drafted the document in his capacity as Chairman of Committee 9; his personal opinions were well known to the Japanese Delegation after three years of work in the Group of Experts. The Legal Adviser, referring to the Japanese delegate's comments on No. 79, emphasized that the Administrative Regulations were international agreements concluded between States Members of the Union.

1.8 The delegate of Greece said that his Delegation found it difficult to accept the suggested text because of its definition of the legal nature of the Administrative Regulations and because it attempted to perpetuate the somewhat bizarre practice of the ITU with respect to the sovereign right of States to formulate reservations, a right which for Greece was one of the most fundamental expressions of national sovereignty. His Delegation to the Nairobi Conference had raised the question with regard to the provisions which now appeared as Nos. 581 and 582 of the Convention, but the situation was becoming even more difficult with the suggested polycentric system of revision of the Final Acts of administrative conferences. The innovation of provisional application would probably cause difficulties for many delegations, since the course of sacrificing the right of States to make reservations to the practical requirements of applying the Radio Regulations was indeed a dangerous one. The text might be made generally acceptable with the incorporation of proposal J/111/5 in No. 181, but if that was not done the Union would be faced with the curious phenomenon of an ad referendum system which would block the modernization of the current procedure. His Delegation also considered that the idea of tacit consent for the approval of revisions, as set out in No. 181B, was unacceptable in international practice. In addition, the fixing of a date

by which a Member would be deemed to be bound by the revisions could cause practical difficulties, especially for developing countries with internal constitutional problems and for countries like his own which temporarily had no Parliament to deal with such matters during the post electoral period. For all those reasons, the suggested text was unacceptable, and Article 40 should be studied further in connection with the general provisions on reservations. His Delegation was prepared to draw up the proposal concerning reservations to the Constitution, the Convention and the Administrative Regulations; meanwhile, the Committee should either approve Article 40 as set out in Document A or place the whole of Document DT/65 in square brackets and submit it to the Plenary.

1.9 The Chairman said it could be assumed that there was no intention of changing the legal system of the ITU on reservations, as set out in No. 582 of the Nairobi Convention. That assumption could be maintained with respect to Article 40 and any other Article affecting reservations.

1.10 The Legal Adviser said that he wished to correct a wrong impression which seemed to be emerging. While it was true that a Working Group at the Nairobi Plenipotentiary Conference had made an effort to adjust the practice followed by the ITU since the Atlantic City Conference to the provision of the Vienna Convention of the Law of Treaties, which entitled any State to make reservations up to the time of ratification of the treaty, that Working Group's proposal had been roundly rejected by the competent Committee, which wanted ITU practice with respect to reservations to remain unchanged. Personally, he had mixed feelings on the subject: as a lawyer, he could only endorse the international practice laid down by the Vienna Convention, but as the ITU Legal Adviser he had to take account of the ITU's long-standing practice and the decisions taken by the Nairobi Conference and confirming that practice. That Conference had indeed maintained the provision in No. 582 of the Nairobi Convention and had even turned down a compromise suggestion consisting in the period for signature to be extended by six months or a year at ITU Headquarters to allow for further reservations. The Plenipotentiaries in Nice were, of course, free to take any other decisions they wished, but the background of the issue had to be clearly borne in mind.

1.11 The Chairman observed that there was hardly time at the current Conference for a major overhaul of a system which had been in operation for a long time.

1.12 The delegate of Greece, while confirming the facts cited by the Legal Adviser, observed that the ITU was a living organism on the threshold of thorough restructuring. Before the Nairobi Conference, most of the new States had had little awareness of the power of their sovereign presence on the international scene, specifically in the ITU, but the process of a change in their attitudes had begun in Nairobi, and their delegations in Nice should now abandon the conformist approach and should try to bring the Union into the international treaty system, thus continuing what a small group had started in 1982.

1.13 The delegate of Canada said that the balanced text submitted by the Chairman was generally acceptable to his Delegation. While Canada understood the concerns expressed by the delegates of Greece and Japan with respect to the sovereign rights of States, it should be borne in mind that the Administrative Regulations were essentially technical rules, designed to improve the smooth operation of telecommunications in all countries and established through cooperative efforts over some 125 years: the concept of provisional application was in line with the requirements of international cooperation as opposed to the traditional concept of absolute State sovereignty.

Nevertheless, Canada had some doubts concerning No. 179. The legal status of the Administrative Regulations and their relationship with the Constitution and the Convention were already established in Article 36, and to repeat the provision in different terms in No. 179 could lead to confusion. The statement that the Administrative Regulations were treaties might be interpreted to mean that the Regulations had their own identity apart from the Constitution and the Convention, whereas the fact that they could not exist without the parent instruments was an important component of the unitary form of the basic instrument; more important still, that statement without any reference to the Constitution and the Convention might be understood to disturb the hierarchy of the instruments as laid down in Article 36. Moreover, Article 36 made it perfectly clear that the Administrative Regulations were international agreements and their description as treaties in No. 179 without reference to Article 36 could create more problems. For all those reasons, his Delegation considered that No. 179 was redundant and confusing and could be deleted; if the Committee wished to retain the provision, however, it should be amended to read: "the Administrative Regulations, as specified in Article 36, shall be subject to the provisions of the Constitution and the Convention".

1.14 The delegate of the United States said that his Delegation was prepared to accept Document DT/65 as a basis for discussion, although it had a few minor changes to propose and major difficulties with some of the provisions. In No. 179, replacement of the word "treaties" by "international agreements" would more clearly convey the hierarchy of the instrument; in the light of earlier debates on Articles 40 and 36, however, the United States did not believe that the provision should be deleted. The wording of No. 180 was an improvement on the text in Document A in that it clarified exactly which Administrative Regulations were approved through ratification of the Constitution and the Convention and covered the new International Telecommunication Regulations which had not yet entered into force.

With regard to the clauses on provisional application, it should be borne in mind that telecommunication experts came together at administrative conferences to discuss technical problems, adopted the Final Acts and returned to their countries to implement the results; the Committee's task was to describe that sequence of events in terms of the rights and obligations of the parties concerned. It should further be noted that provisional application was expressly subjected to the extent to which it was permissible under domestic law, and if such application conflicted with its domestic law, a Member incurred no additional obligation under No. 181. Although the United States supported the new concept, it noted that provisional application did not cover non-signatories of the Final Acts of conferences and considered that that point should be studied further. Moreover, the question of reservations by non-signatories was not covered and should be examined in connection with either Article 40 or the more general provisions or reservations, as should be the possible effect on the application of Article 40 of the replacement of the word "delegation" by "Member" in No. 582 of the Nairobi Convention.

His Delegation's main difficulty with Document DT/65 related to No. 181B and the period of twelve months after which silence was deemed to indicate consent. That period did not reflect the practice of many States signing Final Acts, which wished the results of conferences to come into force as quickly as possible. In view of the fact that many countries, like his own, submitted the Radio Regulations to their national legislature for approval, he did not consider that much would be lost by extending the period to three or even four years, since the provisional application procedure would continue to operate during that time.

1.15 The Chairman, responding to the Canadian delegate's comments on No. 179, observed that the relationship between the Administrative Regulations and the parent instrument was covered by the phrase "and shall be subject to the provisions of the Constitution and the Convention". Moreover, the concern that the word "treaties" might carry the implication that the Administrative Regulations were separate from the Constitution and the Convention should be alleviated by the fact that a treaty was defined in Article 2, paragraph 1 (a), of the Vienna Convention as "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation". The wording of No. 179 was intended to obviate the use of the terms "shall be regarded as annexed" or "shall be annexed", which had given rise to some problems, and the provision might be further clarified by the proposed reference to Article 36.

The United States delegate had rightly pointed out that the new wording of No. 180 now covered the International Telecommunication Regulations although they had not yet entered into force. Finally, the system described in No. 181 did not include non-signatories because the principles of international law required a certain linkage of States with respect to provisional application, and that linkage was expressed through signature.

1.16 The delegate of Spain said that Document DT/65 indeed reflected the debates on Article 40 and could therefore be used as a basis for further discussion. His Delegation endorsed the substance of No. 179, particularly in the light of the definition of the word "treaty" read out by the Chairman, but considered that the Spanish text required clarification. The new text of No. 180 constituted a distinct improvement over the original by indicating unequivocally the Administrative Regulations covered by the provision. On the other hand, his Delegation still had considerable difficulty in accepting the concept of provisional application. In the first place, the phrase "to the extent permitted by their domestic law" had been inserted in No. 181 for consistency with the Vienna Convention, but that insertion did not explain what a State was to do if its domestic law did not allow for provisional application in whole or in part. Was that State simply not to apply the Regulations or was it to declare that it could not do so under its domestic law? In view of that ambiguity, it was hard to see the need for a change in the present system, for even though the Constitution was to become a stable instrument, the Convention could be partly revised at Plenipotentiary Conferences. Moreover, the results of administrative conferences, such as those for the planning of frequency bands and for changes of frequency plans and service allocations, had to be applied as quickly as possible, and such immediate application was perfectly well provided for under the present system. Indeed, it might be said that in practice the Administrative Regulations were already applied provisionally by States which had not formally approved them, and his Delegation saw no reason for replacing the simple text of No. 181 in Document A by a complicated set of provisions.

1.17 The Chairman said that the new concept of provisional application now appeared in an ITU text for the first time as a result of discussions which had indicated widely differing views on the practical and legal approaches to the present regime. It must be made clear that provisional application did not prejudge a Member's capacity to bind itself to revisions of the Regulations. The Spanish delegate had admitted that the present system amounted to practical rather than legal application, provided such application was permissible under domestic law, and the purpose of Nos. 181 et seq. was to reflect the practice and at the same time to meet some of the legal concerns expressed during the debates. It should be added that it was unnecessary for Members to notify anything with respect to provisional application, since it was assumed that the signatories could apply the revisions provisionally as of the date specified by the conference concerned: notification only came into question when a Member indicated consent to be legally bound.

1.18 The delegate of Cyprus said that his Delegation's difficulty in accepting No. 181 derived from the fact that small countries like his own could not afford to send to administrative conferences delegations with the necessary expertise to advise them on the implication of various issues at the time of the signature of the Final Acts. In view of the difficult situation in which Cyprus now found itself with regard to a reservation to the Final Acts of WARC MOB-87 that it had been unable to enter, it proposed that the text of J/111/6 be incorporated in Article 40. The delegates of Italy and Iceland supported that proposal.

1.19 The delegate of Algeria said that he found Document DT/65 rather confusing. In the first place, the title should specify the regulations concerned, namely, the Radio Regulations and the International Telecommunication Regulations. No. 179 should simply state that the Administrative Regulations formed an integral part of the basic instrument, since the proposed definitions only confused the issue. In the fourth line of No. 180, it would be advisable to replace the word "constitute" by "imply". Finally, he agreed with the Spanish delegate that Nos. 181 et seq. merely described in unduly complicated terms a situation which already prevailed in practice. It was essential to have a Constitution which was clear, precise and easy to understand.

1.20 The delegate of Australia said that the text which the Committee had requested reflected in a balanced way the main points made during all of the discussions on Article 40. Australia could support that text with a few refinements, such as the amendment to No. 179 proposed by the Canadian delegate. Finally, his Delegation considered that the existing practice with regard to reservations should be continued, although as a lawyer he shared the mixed feelings expressed by the Legal Adviser.

1.21 The delegate of the United Kingdom said that his Delegation could accept Document DT/65 as a basis for discussion and agreed with the Canadian delegate that reference to the Administrative Regulations as treaties should be avoided. In that connection, he wished to know whether the Administrative Regulations were registered with the Secretary-General of the United Nations under Article 102 of the Charter. He had some doubts concerning the use of the word "adopted" in No. 180, and thought it should be made clear in that provision that approval of the Administrative Regulations was subject to reservations made at the time of signature of the Final Acts of the administrative conference concerned. Finally, experience had shown that the twelve-month period referred to in No. 181B was realistic, and he could not agree with the United States delegate that it should be extended. The Legal Adviser said that the Administrative Regulations were not registered with the Secretary-General of the United Nations. The Chairman said that the concept of adoption subject to reservations was covered by the phrase "adopted by competent world administrative conferences" in No. 180, since the procedure of such conferences was well known to all Members.

1.22 The delegate of New Zealand supported the Canadian proposal to insert a reference to Article 36 in No. 179, since that would clarify the hierarchical position of the Administrative Regulations. New Zealand considered that reservations should be made at the administrative conferences; its small delegation to WARC MOB-87 had made a reservation to the Final Acts, taking account of the counter-reservations subsequently entered.

1.23 The delegate of Mexico supported the Canadian amendment to No. 179 and agreed with the delegate of Spain that the Spanish text should be clarified. Her Delegation could accept the new version of No. 180, but had some difficulties with No. 181, since Mexican law stipulated unequivocally that a treaty must be ratified before it could be



applied. Since the date of entry into force of the Final Acts was specified by administrative conferences, there seemed to be no reason to indicate any date other than that agreed upon by the signatories. Her Delegation was not against modernization, but considered that the customary practice had worked well in the past and should be continued; it therefore supported the text of No. 181 that the Group of Experts had approved in its wisdom. The Legal Adviser pointed out that the terms of reference of the Group of Experts had not allowed it to make any substantive changes in the provisions of the Nairobi Convention, but that its task had been to apportion those provisions between the Constitution and the Convention.

1.24 The Chairman said that a slight majority of speakers in the debate had accepted Document DT/65 as a basis for discussion and that the main difficulties seemed to relate to Nos. 181 et seq. The Committee should therefore try to agree on the texts of Nos. 179 and 180. The discussions had shown that most delegations could accept a version of No. 179 reading along the following lines: "The Administrative Regulations, as specified in Article 36, are international agreements, subject to the provisions of this Constitution and the Convention".

1.25 The delegate of Spain said that that text would be acceptable with the insertion of the words "and shall be" before "subject to the provisions".

1.26 The Legal Adviser said that the new formulation was particularly fortunate and judicious from the legal point of view, since it clearly specified the legal status of the Administrative Regulations. The insertion proposed by the Spanish delegate raised no legal problems, and indeed might be useful for future revisions of those Regulations by world administrative conferences, in particular in view of, and in line with, the provisions of Article 7 of the Constitution.

The meeting rose at 1205 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

# PLENIPOTENTIARY CONFERENCE

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COMMITTEE 9

SUMMARY RECORD

OF THE

EIGHTEENTH MEETING OF COMMITTEE 9

Saturday, 24 June 1989, at 1340 hrs

Chairman: H.H. SIBLESZ (Netherlands)

Subject discussed:

1. Consideration of proposals (continued)

Documents

DT/12 + Corr.1  
+ Add.1 + Add.2,  
Documents A and B  
GE-BIU 50(Rev.)  
DT/65

1. Consideration of proposals (Documents DT/12 + Corr.1 + Add.1 + Add.2, Documents A and B, GE-BIU 50(Rev.), DT/65 (continued))

Article 40 - Administrative Regulations (continued)

No. 179 (continued)

1.1 The Chairman invited the Committee to continue its consideration of No. 179 with the wording read out at the end of the previous meeting, namely:

"179 1. The Administrative Regulations, as specified in Article 36 of this Constitution, are international agreements, subject to the provisions of this Constitution and the Convention."

1.2 Support for that wording, and for reference to the Administrative Regulations as international agreements, was expressed by the delegates of Japan, the Federal Republic of Germany, the United States, France, Australia, Greece, Austria and Mexico.

1.3 The same wording with inclusion of the words "and shall be" before "subject to", as had been suggested earlier by the delegate of Spain, was endorsed by the delegate of Czechoslovakia.

1.4 A discussion then ensued on the exact status of the Administrative Regulations in international law and their relation to the Constitution and Convention. The delegate of Japan said that in his view the Administrative Regulations represented an agreement between the administrations of Member States not between the States themselves. Furthermore, a view endorsed by the delegates of Algeria and the Federal Republic of Germany, if as a result the Administrative Regulations had to be included in the same legislative process of ratification by government as followed by the Constitution and Convention, it would cause considerable procedural and publication difficulties and lead to lengthy delay. The delegate of Algeria added further that although governments were obliged to ratify, accept or approve the Constitution and Convention he did not consider they were under any obligation to accept or ratify the Administrative Regulations and noted, with the support of the delegate of France, that care would need to be taken with the term used in the French version of the text to express the meaning of "subject to" in English to make clear the exact relationship between the Administrative Regulations and the Constitution and Convention. The delegate of Austria said that the Administrative Regulations could not be considered in any way as a integral part of the Constitution or Convention since they were adopted at administrative conferences, in other words at other times and places than Plenipotentiary Conferences. On the question of submission of Administrative Regulations to lengthy national parliamentary procedures, he noted that it was the practice in the United Nations system for the Constitution and Convention, but not the Administrative Regulations, to be sent to the United Nations Secretary-General in New York for registration. The delegate of the United States, supported by the delegate of Australia, expressed surprise that there appeared to be some doubts as to the binding nature of the Administrative Regulations on Member States. The Administrative Regulations were quite clearly an agreement between States, since the Final Acts were signed by delegations accredited by the governments, and not the administrations, of Members. The binding nature of the Administrative Regulations on Members, which then enjoined their observance on administrations and recognized private operating agencies, was long-standing; the meeting's attention was drawn in that respect to Nos. 170, 175 and 176 of the Nairobi Convention.

1.5 The Chairman, summing up the discussion, said it was clearly recognized by virtually the entirety of the Committee that the Administrative Regulations were binding on Members, as was clearly set out in Article 36 of the draft Constitution, approved earlier by the Committee. The function of Article 40 was to set out in more detail how that principle was to be implemented and the extent to which Members were bound by each particular set of regulations and revisions. It would thus be in keeping with the overall view of the Committee to retain the wording read out, with the modification proposed by Spain and with the understanding that particular attention would be given to rendering in the French and Spanish texts the words "subject to".

It was so agreed and the text of No. 179, as amended, was approved.

1.6 The delegates of Czechoslovakia and Japan reserved their rights to revert to the contents of No. 179 if necessary when the subject of reservations was before the Committee in respect of the other paragraphs in Article 40.

No. 180

1.7 The Chairman drew the Committee's attention to the text in Document DT/65, which, in order to remove a certain degree of ambiguity, expanded the wording of Document A, and thus of No. 174 of the Nairobi Convention. In his view, the carrying forward of reservations to the Administrative Regulations, unless such reservations were withdrawn or reduced in force, was implicit in that text; however, to respond to the concern expressed by a number of delegates at an earlier meeting and the desire for more explicit reference to reservations he had asked the Legal Adviser to draft a suitable text for consideration by the Committee.

1.8 The Legal Adviser, sharing that opinion, said that with the suggested addendum, No. 180 might read:

"180 2. Ratification, acceptance or approval of, or accession to, this Constitution and the Convention, in accordance with Articles 38 and 39 of this Constitution respectively, shall also constitute approval of the Administrative Regulations adopted by competent world administrative conferences prior to the date of signature (29 June 1989) of this Constitution and the Convention, subject to any reservation made at the time of their respective signature and to the extent maintained at the time of deposit of the Instrument of Consent to be bound referred to above."

1.9 The delegate of Sweden, while having no objection to the additional wording, said she would prefer the text to be split into two sentences for ease of reading. With the support of the delegate of the United States she considered the use of the words "respective" and "respectively" in the provision confusing and likely to lead to misunderstanding.

1.10 The delegates of Japan and Spain questioned the use of the word "approval" in the light of earlier decisions of the Committee.

1.11 The Legal Adviser suggested that the earlier text slightly amended to take account of the comments made might then read as follows:

"180 2. Ratification, acceptance or approval of, or accession to, this Constitution and the Convention, in accordance with Articles 38 and 39 of this Constitution, shall also constitute consent to be bound by the Administrative Regulations adopted by competent world administrative conferences prior to the date of signature (29 June 1989) of this Constitution and the Convention. Such consent is subject to any reservation made at the time of signature of the Administrative Regulations or revisions thereof to the extent maintained at the time of deposit of the Instrument of ratification, acceptance, approval or accession."

1.12 The delegate of Japan said his Delegation could not accept the limitation on the timing of reservations contained in the additional sentence. All Members were entitled to make reservations on Administrative Regulations up to the time of entry into force of the new Constitution, which among other things would carry the Administrative Regulations forward. If the situation of a country with regard to any Administrative Regulation had changed by the time of ratification or acceptance of the Constitution, he wondered how that country could ratify that Constitution unless it could reserve its position with regard to that Administrative Regulation. Japan, together with Italy, Cyprus and Iceland, were in such a situation because of the decision of another international organization. That had been the reason for Proposal J/111/5. He was therefore strongly opposed to the additional sentence as it stood.

1.13 The delegates of Australia, France and the United Kingdom endorsed the view that the additional sentence was not really necessary as the carrying forward of reservations was implicit in the wording given in Document DT/65. However, to meet the concern some delegations had expressed, explicit reference to the current practice of the ITU would be useful. If the principle of the additional sentence was accepted, the delegates of France and the United Kingdom said that, without further change to the substance of the text, its sense could perhaps be amended somewhat to make it more acceptable.

1.14 The delegate of Brazil said he would prefer the text of No. 180 to remain as it was in Document DT/65. The carrying forward of reservations to Administrative Regulations should remain implicit in the provision; as far as he was aware that practice had not caused difficulties in the past.

1.15 The delegate of the Ukrainian Soviet Socialist Republic said that he could accept the text read out by the Legal Adviser as a reasonable compromise.

1.16 The delegate of Mexico said she would accept the substance of the additional sentence but would like to be assured that the wording in Spanish made clear that the reservations in question were those made at the time of the signing of the Final Acts of administrative conferences.

1.17 The delegate of Greece said it would be advantageous, before taking a decision, to have the three language versions of the suggested text before the Committee in writing.

1.18 The delegate of the United States reminded the Committee that reservations made at the time of signature of the Final Acts of the present Conference were governed by the provisions of No. 582 of the Nairobi Convention. It was therefore open to the countries with problems regarding reservations to the current Administrative Regulations to consider the desirability of invoking No. 582 of the Nairobi Convention. That problem, however, did not concern the issue at present under discussion, which was the future practice of the Union with respect to reservations to Administrative Regulations after the Nice Constitution and Convention had come into force.

1.19 The delegate of Italy said that the need might well arise in future to provide for reservations to be made to Administrative Regulations after signature of the Final Acts of administrative conferences; it was therefore very important to make provision now for that eventuality.

1.20 The delegate of Japan, maintaining his objection to the additional sentence, proposed, with the support of the delegates of Greece and Cyprus that the wording in question should be placed in square brackets for forwarding to the Plenary, or at least until the question of reservations had been dealt with by the Committee.

1.21 The Chairman, with the support of the delegates of the Ukrainian Soviet Socialist Republic and France, said the issue of reservations was a very broad one and would have repercussions on provisions other than those in Article 40. It would therefore not be feasible to hold all such provisions pending until the matter of reservations had been discussed. He appealed to the Committee to keep to its practice of forwarding to the Plenary as few texts as possible in square brackets.

The proposal to put the additional sentence in the suggested text for No. 180 in square brackets was put to the vote by a show of hands and rejected by 34 votes to 10.

1.22 The delegate of the United States noted for purposes of clarification that the difficulties with the present additional text had arisen because four Members wished to add their names to a reservation made by some 50 other Members at the time of signature of the Final Acts of a recent mobile services conference. The present impasse could perhaps be resolved by deleting the phrase "at the time of signature of the" from the additional sentence.

1.23 The Chairman said that the presence of that phrase was the point on which the Committee was divided; any decision on the lines suggested by the United States' delegate would pre-empt the discussion on the whole question of reservations. He suggested that discussion of No. 180 should be adjourned until the suggested text was before the Committee in writing. He further suggested that, following completion of consideration of Article 40, consideration should immediately be given to the question of reservations; until that had been completed the text of Article 40 should be kept in Committee in case of any consequential impact upon its wording.

It was so agreed.

#### No. 181

1.24 The Chairman invited the Committee to consider the concept of the provisional application of provisions of the Administrative Regulations as embodied in the text given in Document DT/65.

1.25 The delegate of Spain considered the phrase "to the extent permitted by their domestic law" to be somewhat weak and proposed that it should be replaced by "if permitted by their domestic law".

1.26 The delegate of the United States reminded the Committee that the concept of provisional application was not contained in the original United States' proposal, which placed great emphasis on States indicating their consent to be bound before they assumed any obligation under an Administrative Regulation, new or revised. However, many changes agreed by an administrative conference could advantageously be put into effect immediately, and that could be done in any individual country in cases where no impediment was caused by its domestic regulations. In other cases, of course, in that country, its domestic regulations would prevent such immediate implementation. The introduction in that way of partial provisional application where allowed by domestic law - a practice already current in the United States - was not an onerous obligation; it in no way bound a State to the revisions concerned until it had completed the usual ratification procedure. He therefore endorsed the provisions of No. 181.

The meeting rose at 1630 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 458-E  
6 September 1989  
Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

NINETEENTH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Sunday, 25 June 1989, at 0905 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

Documents

- |    |  |  |
|----|--|--|
| 1. | Consideration of proposals (continued) | DT/12 + Corr.1 +<br>Add.1 + Add.2<br>Documents A + B<br>GE-BIU 50(Rev.)<br>DT/65(Rev.) |
| 2. | Consideration of texts in Plenary      | -  |
| 3. | Expression of thanks to Working Party  | -  |



1. Consideration of proposals (Documents DT/12 + Corr.1 + Add.1 + Add.2, DT/65(Rev.), Documents A + B, GE-BIU 50(Rev.)) (continued)

Article 40 - Administrative Regulations (Document A) (continued)

1.1 The Chairman invited the Committee to consider Document DT/65(Rev.) and, in view of the heavy workload and lack of time, to keep any comments short and to the point.

No. 179

1.2 The delegate of Spain pointed out that the Spanish text of No. 179 did not reflect the agreement reached in the Committee and said that he would submit a correction to the Secretariat. In response to the delegate of Greece, the Chairman of the Editorial Committee said that, in the French text, "doivent se conformer" should be replaced by "doivent être conformes". In reply to the delegate of Algeria, the Legal Adviser said that, in order to maintain uniformity throughout the text, "cette derniere" should be replaced by "la presente Constitution".

It was so agreed.

No. 181

1.3 The delegates of the Federal Republic of Germany, Czechoslovakia and Spain supported the text of No. 181 as it stood, the delegate of Czechoslovakia noting that the inclusion of the qualification "to the extent permitted by their domestic law" resolved any problems with respect to provisional application. The delegate of Spain said that, in the Spanish text, the word "asi" should be inserted after "en la media en que". The delegate of Paraguay accepted the text in substance but said that it should be drafted more clearly.

1.4 The delegate of Japan said that the Japanese Delegation opposed the provisions contained in Nos. 181 and 181A to D dealing with the provisional application of the Administrative Regulations. In the past, the Japanese Government had dealt with the Administrative Regulations as annexed to the Convention, as specified in Article 43 of the Nairobi Convention and in the relevant Articles of other preceding Conventions. The Conventions had always been submitted to Parliament for approval, but the Administrative Regulations had not because they had been considered to fall under the legal regime of the Convention and thus not to require separate approval. Approval of the Administrative Regulations by Parliament could not, however, be waived under the terms of the text before the Committee. Approval of the Administrative Regulations would entail an enormous amount of preparatory work, including translation of the whole text. The time required to complete the latter task would delay Japan's readiness to implement the Administrative Regulations.

He recalled that past practice had been for the Administrative Regulations to enter into force on the date decided by the administrative conference and so specified in the instrument of the Regulations. Japan needed such an automatic system of entry into force to maintain efficiency in domestic procedures and obviate the need for Parliamentary approval. The phrase in No. 181 "in respect of all Members having signed such revisions" would mean that a Member would be bound by the Administrative Regulations at its own initiative through signature of the Administrative Regulations or revisions of them, not by the administrative conference that adopted the text. The Regulations would then be considered to be an independent agreement and Parliament would have to be consulted. A similar problem applied to other provisions. One solution would be to include the provisions in the Administrative Regulations, rather than in the Constitution; another would be not to include the provisions anywhere, but to maintain current practice.

1.5 The Legal Adviser found the opinion of the Japanese Delegation surprising. The terms of the Nairobi Convention, under which the Administrative Regulations were "regarded as annexed to this Convention", were more likely to call for submission of those Regulations to Parliament than the text contained in Document DT/65(Rev.). If "annexed to" the basic instrument or considered an integral part of the basic instrument, the Administrative Regulations would have to be submitted to Parliament, as was the case of the Constitution. If the Administrative Regulations were, however, clearly separate instruments, there did not seem to be any need to do so. With respect to provisional application and the dates fixed in the Administrative Regulations, the text before the Committee simply reflected current practice, under which a specific date "for entry into force" was fixed in each revision of the Regulations, although most governments had not usually approved the revision by that date. Nevertheless, the IFRB and governments, as far as possible, applied the revision from the fixed date, subject to later approval. As drafted, No. 181 would enable conferences to fix the "date for provisional application", not for entry into force. That decision would then be signed by Members at the conference agreeing to the text, with the proviso that Members could then notify the Secretary-General of their consent or refusal to be bound by the revision. After the expiry of a fixed period, in the absence of refusal or reservation, any provisional application would become a definitive application. In reply to a request for clarification by the delegate of Japan, he explained that provisional application would relate only to revisions of the Administrative Regulations adopted after the date of signature of the new basic instrument (29 June 1989). Earlier revisions were to be dealt with according to the preceding regime.

1.6 The delegate of Indonesia said that his country faced the same problem as that described by the delegate of Japan, but with respect to the Nairobi Convention. The text of No. 181 before the Committee was satisfactory since it would solve the problem by obviating the need for Parliamentary ratification.

1.7 The delegate of Greece said that it should be left for the Plenary to decide whether to maintain the phrase "at the time of signature" which should thus either be in square brackets or be deleted from the text. The analogous phrase in No. 180 should be treated similarly. The Chairman recalled that it had previously been established by a show of hands that the Committee did not wish to include square brackets in texts transmitted to the Plenary. The Greek Delegation had at that time made it clear that its purpose in seeking to insert square brackets was merely to keep the issue in abeyance until the Committee had dealt with the question of reservations. The Committee had therefore decided to keep the matter pending until it had reached a decision on the question of reservations. Article 40 would thus not be sent to the Editorial Committee until the question of reservations, in connection with Document 73, had been decided. The delegate of Greece requested that an asterisk be placed against Nos. 180 and 181 to recall that decision, since the summary records were published rather slowly. The Chairman pointed out that, relatively speaking, the summary records of Committee 9 came out rather quickly. In any event, an asterisk was unnecessary since the Chairman had promised the Committee that Article 40 would not be sent off until the question of reservations had been dealt with.

No. 181 was approved, subject to any later decision with respect to reservations.

#### Nos. 181A and 181B

1.8 The delegate of Greece welcomed Nos. 181A and 181B, although personally he would have been prepared to accept immediate application. A compromise should be reached, however, to allay valid concerns related to tacit consent in order not to undermine the new practice of provisional application.

1.9 The delegate of the United States recalled his country's proposal stressing the importance of notification by Members of consent to be bound by revisions of the Administrative Regulations. While willing to accept, in principle, a termination of provisional application, as set out in No. 181B, the period of twelve months was too short for the necessary review of and action on revisions of the Administrative Regulations by national parliaments. The phrase "to the extent permitted by their domestic law" in No. 181 was sufficient to accommodate internal procedures during the period of provisional application. The transition from provisional application to international obligation should be sufficiently delayed to allow any necessary national parliamentary procedures to be completed. He therefore proposed that, in No. 181B, "twelve months" be replaced by "three years". Such a period would not be excessive, as shown by the recent acceptance by some Members, through ratification, of the Nairobi Convention or of revisions to the Radio Regulations made by WARC ORB-85, i.e., after a period of four years.

1.10 The delegate of Tanzania questioned whether it was really necessary to codify the apparently successful past practice of provisional application. The concept of tacit consent was not acceptable but he would be prepared to join a consensus that the minimum period should be three years.

1.11 The delegate of Spain said that for consistency, in No. 181A a), "approval of" should be replaced by "consent to be bound by". For the purpose of clarifying the text, he proposed the insertion of "if appropriate", after "indicates", in the same paragraph. If no reservation had been made, there would be no need for any indication of position. He supported the comments made by the delegates of Greece and the United States and said that, in No. 181B, the period after which silence was taken to imply consent should be increased to three or, preferably, four years. The delegates of Mexico and Saudi Arabia were also in favour of three or four years, the latter indicating that the concept of tacit consent was not acceptable to his country.

1.12 The delegate of Czechoslovakia, supported by the delegates of Tanzania and Venezuela, said that the concept of silence meaning consent was not acceptable in the context of his country's practice with respect to international treaties, for reasons explained previously. Nevertheless, if the overwhelming majority were in favour of the concept of tacit consent to be bound by the Administrative Regulations, his Delegation could agree to it only if the period were extended to three years, as suggested by the delegate of the United States.

1.13 The delegate of Australia, while preferring a shorter period, could accept three years as meeting the concerns expressed with regard to the need to allow time for national parliamentary procedures and to notify the Secretary-General of consent or refusal to be bound by revisions. In practice the period would be longer than three years because provisional application would not commence at the time of signature but at a date to be specified. The delegate of Canada felt that twelve months was reasonable but was prepared to accept a longer period, although considering three to four years too long. The delegate of the Federal Republic of Germany could accept twelve months but could equally agree to a period of three years in order to meet the concerns expressed. The Regulations would, in any event, be applied provisionally throughout that period.

1.14 The delegates of Paraguay and Algeria considered that the period of twelve months was too short, the former suggesting a minimum of two years and the latter stressing the importance of reaching consensus.

1.15 The delegate of the United Kingdom found twelve months to be a suitable period but, to take account of the concerns expressed, suggested that the following phrase be inserted in No. 181B after the words "provisional application", "or three years from the date of signature, whichever is the later".

1.16 The delegate of Indonesia said that a balance had to be drawn between allowing time for national procedures and fixing a limit for establishing definitive positions with respect to revisions. He would thus prefer a shorter period, say two years, but could accept three years. In reply to his request for clarification, the Legal Adviser explained that the text would not change past practice with respect to reservations, subject to any modifications made later by the Committee when it would discuss the overall subject of reservations.

1.17 The delegate of Senegal said that the scope of No. 181A a) should be clarified by expanding the phrase "maintains any reservation made at the time of signature" to read "maintains any reservation made in respect of that revision at the time of signature".

1.18 The Chairman said that, on the one hand, the wish to establish a definitive position of Members with respect to revisions of the Administrative Regulations would be met by acceptance of the principle of setting a limit to the period of provisional application but on the other, the concern expressed by some delegations over the introduction of the principle of silence meaning consent would be materially lessened by extending the period of provisional application. There appeared to be a large measure of agreement on a period of three years. He therefore suggested that the Committee accept three years and approve the following text, as read out by the Legal Adviser and, incorporating the various amendments suggested:

No. 181A

- "4. Such provisional application shall continue until:
- a) the Member notifies the Secretary-General of its consent to be bound by any such revision and indicates, if appropriate, the extent to which it maintains any reservation made in respect of that revision at the time of signature of that revision; or
  - b) sixty days after receipt by the Secretary-General of the Member's notification informing him that it does not consent to be bound by any such revision."

No. 181B

"5. If no notification under a) or b) in paragraph 4 above has been received by the Secretary-General from any Member having signed any such revision, prior to the expiry of a period of thirty-six months from the date or dates specified therein for the commencement of provisional application, that Member shall be deemed to have consented to be bound by that revision, subject to any reservation it may have made in respect of that revision at the time of signature of that revision."

It was so agreed.

No. 181C

1.19 The delegate of Japan recognized the importance of ensuring that, at a certain point, all Members accepted revisions of the Administrative Regulations. Nos. 181, 181A and 181B dealt with Members signing revisions. A similar approach should be taken for Members not signing revisions, whether they had not been present at the conference concerned or had been present and had chosen not to sign. All Members should be treated

equally with regard to silence being taken to mean consent. A provision analogous to that in No. 181B should therefore be added at the end of 181C. Even Members not present at a conference would have long enough to notify the Secretary-General of their position, if they so wished.

1.20 After some discussion on the wording to be employed, the Chairman suggested that the Committee also approve the following additional sentence at the end of No. 181C, as read out by the Legal Adviser, on the understanding that it was subject to the Committee's later consideration of the question of reservations:

"If no such notification has been received by the Secretary-General from such a Member prior to the expiry of the period stipulated in paragraph 5 above, that Member shall be deemed to have consented to be bound by such revisions."

It was so agreed.

No. 181D

Approved.

Article 40 as a whole was approved, subject to any subsequent decisions by the Committee with respect to reservations.

2. Consideration of texts in Plenary

2.1 The delegate of the United States said that if the Plenary meeting were to decide to make substantive changes in texts forwarded by the Committee, the Chairman should, as he had rightly done on a previous occasion, request that the texts in question be returned to the Committee. Such a course would save time by avoiding repetition in Plenary of editorial questions already considered by the Committee.

3. Expression of thanks to Working Party

3.1 The Chairman suggested that an expression of appreciation of the valuable work carried out by the Working Party on dispute settlement be entered into the summary record of the appropriate meeting.

It was so agreed.

The meeting rose at 1205 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 459-E  
6 September 1989  
Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

TWENTIETH MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Sunday, 25 June 1989, at 1725 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subject discussed:

Documents

- |    |  |   |
|----|--|---|
| 1. | Consideration of proposals (continued) | DT/12 + Corr.1<br>+ Add.1 + Add.2,<br>Documents A and B,<br>GE-BIU 50(Rev.)<br>DT/65(Rev.)<br>73, 243 |
| -  | Article 25 (of the draft Convention)   |   |
| -  | Article 40 (of the draft Constitution) |   |

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1. Consideration of proposals (continued) (Documents DT/12 + Corr.1 + Add.1 + Add.2, A and B, GE-BIU 50(Rev.), DT/65(Rev.), 73, 243)

1.1 The Chairman said that, having virtually completed its consideration of Article 40 of the draft Constitution (Document A), the Committee should now consider the provisions of the draft Convention (Document B) regarding reservations to the Constitution, the Convention or the Administrative Regulations.

Article 25 (Document B)

Nos. 349 and 350

1.2 The Legal Adviser recalled that when the Committee had first discussed reservations, it had considered the question of what should happen when Member States were unable to attend conferences. He wished to suggest the possibility of a small amendment to the text of No. 350 to cover such cases. It would consist of adding at the end of No. 350 after the word "decision" a semi-colon and the following wording "any such reservation may be made by a delegation on behalf of a non-participating Member, who has given to that delegation proxy powers to sign in accordance with the provisions of Article 15 of this Convention".

1.3 The Chairman said that the only proposal before the Committee was that by the the Japanese Delegation to delete Nos. 349 and 350 and that was related to the Japanese proposal for an amendment to the Constitution on which a decision had been reached at the Committee's preceding meeting.

1.4 The delegate of Japan said that he believed there was some misunderstanding of his Delegation's intention in proposing the deletion of Nos. 349 and 350. The aim was to have no specific provision in the Convention regarding reservations, so that the ITU would automatically follow the normal rules of international practice in that respect, as laid down in the Vienna Convention on the Law of Treaties. Thus all administrations would be entitled to enter reservations up to the moment when their Government agreed to become bound by the final acts of a conference, by signing, ratifying or acceding to them. It was for that reason also that his Delegation had submitted Proposal J/111/5 for the addition of No. 180A to the Constitution. If the meeting was in favour of continuing the current ITU practice, then he would accept retention of the two paragraphs, but he still felt strongly that all Members should be enabled to make at least some minimum reservation when ratifying or signing the new Constitution. The addition suggested by the Legal Adviser was an improvement by comparison with the current ITU practice but it did not provide a solution to the Icelandic Government's request since it would apply only to the future. Moreover, during administrative radio conferences, which were at times controversial, it was difficult for a delegation to guess on what issues it should enter reservations and it would be almost impossible for countries which had not participated to ask a proxy delegation to enter a reservation for them before the end of the conference.

1.5 The Chairman said that the Committee must distinguish between the situation as it was to be regulated in future and the specific problems raised by the Governments of Iceland, Italy, Cyprus, etc.

1.6 The delegate of Czechoslovakia said there appeared to be general agreement in the Committee that reservations were permissible and the only point at issue was the deadline up to which they could be made. He was aware that the procedure approved for Article 40 of the Constitution was in accordance with the current ITU practice, but the Plenipotentiary Conference was perfectly entitled to change that practice. His Delegation had great sympathy with the concern felt by such Governments as Japan and Cyprus. In the somewhat hectic atmosphere prevalent towards the end of an administrative radio conference, it was very possible, particularly for a small

delegation, to overlook a point on which it would normally have entered a reservation. Some delegations, such as that of New Zealand, had voiced concern regarding the possibility of making what were known in the ITU as counter-reservations. Those were, in substance "objections" under the Vienna Convention, and Article 20, paragraph 5 of that Convention made clear stipulations regarding them and even set the time limit by which they should be made. Article 21 et seq. of the same Convention clearly stipulated the legal positions of the reserving and objecting States in relation to the implementation of the treaty concerned. He urged the Committee to draw on the procedure outlined in the Vienna Convention which was the result of lengthy negotiations by many sovereign States.

1.7 The delegate of New Zealand, supported by the delegates of Algeria, Venezuela, the Federal Republic of Germany, Mexico, the Philippines, Iceland, Norway, Nigeria, Canada, the German Democratic Republic, Guinea, the Netherlands and Zambia favoured the retention of Nos. 349 and 350 with the amendment suggested by the Legal Adviser, which he considered would be well adapted to overcoming in future problems such as those which had been encountered by Iceland.

1.8 The delegate of the United States said that the Vienna Convention contained other Articles regarding reservations which if referred to, would probably seriously affect current ITU practice but it was beyond the Committee's competence to do so in the time available. He therefore supported Nos. 349 and 350 with the amendment suggested by the Legal Adviser, although he appreciated the difficulties to which the Japanese delegate had referred.

1.9 The delegate of Greece said that his Delegation wished to introduce an amendment to the Constitution concerning reservations (Document 429), the text of which was not yet available for technical reasons. He could accept the existing text of Nos. 349 and 350, provided his Delegation's proposal in Document 429 was approved.

1.10 The Chairman said that the Greek delegate's proposal was for the inclusion of a specific provision in the Constitution enabling Members to file reservations in accordance with the system under the Vienna Convention.

1.11 The delegate of Kenya said that he would prefer to retain the existing Nos. 349 and 350 without the amendment suggested by the Legal Adviser. No. 188 of the draft Convention clearly stipulated the conditions under which a proxy might be given. If No. 188 implied that the power to vote and sign on behalf of another Member included the power to enter reservations on the latter's behalf, then the addition suggested by the Legal Adviser was redundant. If it did not, then there was good reason for not granting that power to the holder of a proxy, since reservations arose from the reasoned consideration by a delegation of the proceedings at a conference, which was not possible for a delegation which had not been present.

1.12 In reply to a question by the delegate of Nigeria, regarding the implications of No. 188, the Legal Adviser said that he envisaged no dangers or difficulties in that respect. The delegate of Kenya was correct in saying that a proxy power was provided in No. 188. He was equally correct in saying that No. 188 could be interpreted as including the power to make reservations, but there was need of an interpretation of No. 188 for that. That was why he had suggested spelling it out, since it was not a point which had been considered before. He could see no more danger in it than in giving a proxy for voting and he did not agree that a reservation was more serious and binding than a vote, since a government, for which a reservation had been made by proxy powers, could withdraw such reservation at any time. Moreover, as indicated in Article 40, paragraph 4 b), which had been approved at the Committee's preceding meeting, Members might also withdraw their consent to be bound by a revision.



1.13 The delegate of Gabon shared the concern expressed by the Kenyan delegate since a country which had given a proxy might have a reservation imposed upon it by the country to which it had given the proxy. He was in favour of Nos. 349 and 350 as they stood.

1.14 The delegate of Australia placed on record his Delegation's view as given in Document 69, which expressed the principle that the Constitution and Convention should not be subject to reservations, except as specifically permitted. He hoped that other delegations would recognize that principle, and he noted that in other international organizations the practice was somewhat different from that in the ITU. However, since the Committee appeared to be in favour of accepting Nos. 349 and 350 with the addition suggested by the Legal Adviser as a solution to a particular problem, he would not insist on his Delegation's view.

1.15 The delegate of the USSR said that his Delegation supported Nos. 349 and 350 and considered the amendment suggested by the Legal Adviser both necessary and useful since it precluded a different interpretation regarding the right of a country which was unable to participate in a conference and which had given proxy rights to another.

1.16 The Chairman noted that very substantial support had been expressed for the retention of the present regime as stated in Nos. 349 and 350, and most delegations were prepared to accept the addition suggested by the Legal Adviser.

Nos. 349 and 350 were approved, as so amended.

1.17 The delegate of Spain suggested that the texts concerning reservations in No. 350 of the draft Convention and Article 40 of the draft Constitution should be aligned. The Legal Adviser said that that would be done.

1.18 The delegate of the United States said that it seemed anomalous to have provisions covering possible amendments to the Constitution in the Convention. He suggested that, now that a decision had been taken, the Committee might consider whether those provisions should be placed in the Constitution.

1.19 The Legal Adviser said that it would be very difficult to transfer Nos. 349 and 350 to the Constitution, at the current stage of work, as No. 350 in particular would need to be reformulated first. He strongly recommended that the provisions be left where they were.

It was so decided.

Article 40 of the Constitution (continued) - Application of Nairobi Convention reservations in respect of letters from Member States asking to make reservations to earlier Administrative Regulations (Documents A, 73, 243 and DT/65(Rev.))

1.20 The Chairman recalled that the Committee had agreed to leave parts of Article 40 in abeyance pending discussion of the question of reservations. The Committee having now dealt with that question so far as the future situation was concerned, under both the Constitution and the Convention. He concluded on that basis that the Committee would not be willing to entertain the Greek proposal in Document 429.

The delegate of the United States had indicated, that the content of No. 180 depended on the Committee's finding on the question of late reservations under the Nairobi Convention regime. The question of how Article 40 was to deal with the subject of reservations had been answered as far as the forward-looking provisions of that Article were concerned but No. 180 looked backwards and picked up the effects of the Nairobi regime, which would be fixed through the ratification of the Nice Constitution.

The Committee would agree the text for No. 180 after a discussion to establish its finding on the issues raised by Documents 73 and 243 with regard to the current Nairobi Convention.

1.21 The delegate of Norway said that since the Greek proposal in Document 429 was not on the agenda of the meeting, it could not be considered before time had been allowed to study it in detail.

1.22 The Chairman reiterated that when the Committee had dealt with the problem of reservations as it appeared in the draft Convention, the majority finding had been in favour of maintaining the existing regime as expressed there. That seemed to constitute a decision not to consider any proposal, such as the one contained in Document 429, aimed at changing that regime. It remained to consider how to deal with the question of late reservations under the Nairobi Convention to which Documents 73 and 243 were relevant. The outcome of that discussion would determine the solution with respect to No. 180 of the draft Constitution. It would no longer be necessary, then, to consider the Greek proposal, so he saw no need for Document 429 to be introduced.

1.23 The delegate of Greece suggested that Document 429 be placed on the Committee's agenda for the next day, since it was relevant and should be discussed.

1.24 The Chairman said that his intention was to try to conclude the discussion on the question of reservations and there would be no practical purpose in reverting to it later.

1.25 The delegate of the United States, speaking on a point of order, asked if No. 574 of the Nairobi Convention dealing with the non-repetition of a vote was applicable to the case of the Greek proposal.

1.26 The Legal Adviser said that a decision had already been taken by the Committee on the subject matter with which Document 429 was concerned. That decision ruled out any change to another system such as the one reflected in the Vienna Convention on the Law of Treaties.

1.27 The delegate of Greece, speaking on a point of order, said that under the Nairobi Convention, only the Secretary-General of the ITU provided legal advice. Secondly, he wished to reserve his right of reply.

1.28 The Legal Adviser said that in view of the Committee's clear decision in favour of the existing system for reservations, it was up to the Committee itself to decide when it would agree to place Document 429 on its agenda. So far as the current meeting was concerned and, speaking as the Secretary of the Committee, his advice would be to continue with the existing agenda. The Greek Delegation could move to put Document 429 on the agenda of a later meeting and the Committee could then decide whether to accept it or not.

In response to the point of order made by that Delegation that legal advice was only to be given by the Secretary-General, he had to state that such a view was difficult to accept. Under Article 56 of the Nairobi Convention dealing with the "General Secretariat", the Secretary-General had dozens of functions, including the one of "providing legal advice to the organs of the Union". It was clear that the Secretary-General could do that himself if he were a professional lawyer, but to give legal advice was a matter for professionals trained in the legal field. It was part of his own job description, as Legal Adviser, to give legal advice "to the Secretary-General and, on request, to the organs of the Union" and he had constantly done so in the past practice of the Union.

1.29 The Chairman observed that if the Secretary-General were required to appear whenever legal advice was needed, he would have little time for his other functions. So far as Document 429 was concerned, he was prepared to consider its inclusion in the Committee's agenda for the next day.

1.30 The Legal Adviser, introducing Document 73 ("Note by the Secretary-General on reservations/declarations/statements communicated to him after closure of conferences of the Union and concerning legal instruments adopted by the latter"), said that it was prompted by doubts whether the Secretary-General, as depositary of the instruments of the Union, could accept such reservations after the end of administrative conferences. Article 77 of the Vienna Convention on the Law of Treaties laid down the responsibilities of a depositary, who had to examine, in accordance with sub-paragraph d) of paragraph 1 thereof, "whether .... any instrument, notification or communication relating to the treaty is in due and proper form" and had to bring, "if need be, the matter to the attention of the State in question". It was by virtue of paragraph 2 of that Article that the Secretary-General was submitting the matter to the Plenipotentiary Conference as the competent organ of the Union, with a request to provide him with clear directives, both in general and with respect to the specific cases in question dealt with in Document 73.

So far as the general principle was concerned, the Committee had already decided in favour of retaining the Union's existing system for entering reservations. It only remained to provide the necessary directives to the Secretary-General on how to deal with the specific attempts undertaken to make late reservations as annexed to Document 73.

1.31 The delegate of Iceland, introducing Document 243, said that it was prompted by the Secretary-General's note and by the fact that Iceland had been unable to make a reservation to Articles 55 and 56 of the Radio Regulations as approved at WARC MOB-87 because it was not present. To avoid being bound by the decisions of WARC MOB-87 in that regard, Iceland intended to enter its reservation at the time of signing the Final Acts of the current Conference, in exercise of its sovereign right to regulate its own telecommunications as recognized by the Preamble to the Nairobi Convention.

1.32 The delegate of Japan said that his Administration was in the same difficult situation as Iceland and that was the reason for proposal J/111/5 to add a second sentence (No. 180A) to Article 40, paragraph 2 (No. 180) of the draft Constitution, rendering it possible for Members to make reservations to existing provisions of the Administrative Regulations when acceding to the new Constitution and Convention. Looking at the revised text of Article 40 annexed to Document DT/65(Rev.), he now favoured the suggestion made by the delegate of the United States to substitute the word "to" for the phrase "at the time of signature of" in No. 180. That was one possible solution to the difficult legal problem faced by at least four countries. Since No. 180 only applied to Administrative Regulations adopted prior to the current Conference, the change should not create any great legal instability or confusion. He therefore appealed to the Committee to take what might be the last opportunity to solve the problem and approve the reservations submitted by Italy, Cyprus, Iceland and Japan.

1.33 The delegate of Italy said that his Administration's position with respect to WARC MOB-87 was set out in the annexes to Document 73. That Conference had gone to the limits of its competence in taking an important last-minute decision on Articles 55 and 56 of the Radio Regulations, without due consideration for the views of the International Maritime Organization or the difficulties of small delegations attending the Conference. The revised Articles 55 and 56 were unacceptable to his Administration and he urged that a way out of the impasse be found at the current Conference.

The meeting rose at 2005 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to  
Document 460-E  
16 October 1989

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SUMMARY RECORD OF THE  
TWENTY-FIRST MEETING OF COMMITTEE 9

Page 2, paragraph 1.5 should read as follows :

"1.5 The delegate of Finland said that the new global maritime distress and safety system was due to come into force in 1992. The required amendments to the Radio Regulations could thus be considered by the proposed WARC 1992 and be put into effect immediately if so agreed. To treat the reservations in question on a case-by-case basis would take a great deal of time but to establish a general rule to deal with them might create a dangerous precedent."

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 460-E  
6 September 1989  
Original: English

COMMITTEE 9

SUMMARY RECORD  
OF THE  
TWENTY-FIRST MEETING OF COMMITTEE 9  
(BASIC INSTRUMENT OF THE UNION)

Sunday, 25 June 1989, at 2135 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

Documents

1. Consideration of proposals (continued)  
- Reservations

DT/12 + Corr.1  
+ Add.1 + Add.2,  
Documents A + B,  
GE-BIU 50(Rev.),  
DL/65(Rev.), 73, 243

2. Outstanding matters for consideration  
by Committee 9

DT/54, DT/66, DT/67,  
72, 262, 266, 290, 310,  
340, 344, 355, 363,  
366, 367, 368, 375,  
378, 388(Rev.1), 392,  
393, 408, DL/55  
GE-BIU/50(Rev.)

1. Consideration of proposals (continued) (DT/12 + Corr.1 + Add.1 + Add.2, Documents A + B, GE-BIU 50(Rev.), DL/65(Rev.), 73, 243

Reservations (continued) (Documents 73, 243)

1.1 The delegate of Norway proposed, as a solution to the problem under discussion, that the Committee adopt a draft Resolution inviting the Secretary-General to request the Administrative Council to place the matter upon the agenda of the forthcoming ARC to be held in 1992. If specific steps were taken to cover the cases of the four countries which had written to the Secretary-General, that might solve the problem as far as they were concerned, but it would not provide satisfaction for the many other countries which might be facing the unfortunate outcome of a world administrative radio conference. Moreover, the action he proposed could be taken before the Regulations in question entered into force under the relevant IMO Convention.

1.2 The delegates of Canada, Australia and Finland endorsed the Norwegian proposal.

1.3 The delegate of Iceland, supported by the delegate of Italy, said that it was most unreasonable, for a small country like his own, which had not been able to participate in all the meetings to be penalized because it had been unaware of something decided at a very late stage in the Conference proceedings. The matter in question was not technical in nature but a matter of seafaring policy. It was not in line with the IMO Regulations, and he requested the Committee to find some way of enabling his Government to avoid complying with it.

1.4 The delegate of Malaysia raised the general case of countries which had not been Members of the Union when the existing Administrative Regulations had been formulated. If they were to sign the Nice Convention, they would have to abide by all the Administrative Regulations in force, even though they had not had an opportunity of entering reservations to them when they had been adopted.

1.5 The delegate of Finland said that the new global DSSS was due to come into force in 1992, but it could be put into effect immediately if the Conference agreed. To treat the reservations in question on a case-by-case basis would take a great deal of time but to establish a general rule to deal with them might create a dangerous precedent.

1.6 The delegate of Japan said it was difficult to express a view on the Norwegian proposal at that stage. The ITU was entering a new era with the adoption of a stable Constitution and it was essential to carry out a thorough review and to solve all existing problems so that the Union could also adopt stable Administrative Regulations. He was therefore in favour of the United States proposal for the amendment of No. 180 of the draft Constitution, which would solve the problem even in the cases to which the delegates of Malaysia and Italy had referred.

1.7 The delegate of Canada, while sympathizing with the countries concerned, suggested that the views of the IFRB on the matter of reservations should be sought and reported either in Committee 9 or in the Plenary.

1.8 The delegate of Greece said that the only way to satisfy all the parties involved was to apply the provisions of the Vienna Convention on the Law of Treaties, which would enable States to use their sovereign right to formulate reservations up until the moment of ratification of an instrument.

1.9 The Chairman, after summing up the views expressed and reminding the Committee that it must reach a decision on the request for guidance submitted by the Secretary-General in Document 73, asked the Committee whether it agreed that the Secretary-General was to be instructed, in application of the relevant provisions of

the Nairobi Convention, not to entertain the reservations in question filed after the time of signature of the Final Acts to which they related.

By an informal show of hands, 21 delegations expressed their agreement, 7 their opposition and 12 did not adopt a position.

1.10 The delegate of Norway said that he had been in somewhat of a quandary and had been unable to answer the Chairman's question because the solution he had suggested had been designed to solve what he saw as a global problem although at the same time, the problem was a specific one for Iceland and he wanted a solution satisfactory to that country.

1.11 The delegate of Greece said that he did not believe the Chairman's question had correctly depicted the exact situation because reservations were unilateral actions and did not call for approval.

1.12 The delegate of Iceland, drawing attention to the final sentence in his Delegation's Document 243, asked whether the Chairman considered that his Government's case was included among those mentioned in the note by the Secretary-General (Document 73). The Chairman confirmed that both Iceland and Japan, had they filed reservations similar to the ones referred to in Document 73, would seem to be in the same category.

1.13 The delegate of Australia said that the Committee was not entirely satisfied, but the situation must be accepted. He asked the Chairman to include in his report to the Plenary the fact that the Committee had considered the Norwegian delegate's proposal, which various delegations had seen as the only feasible way of dealing with the global problem of all the countries which regretted the results of WARC MOB-87. He also suggested that the Administrative Council consider the proposal in connection with the future conference programme.

1.14 The delegate of the United States asked that the Chairman also indicate in his report that the United States Delegation had wished a distinction to be drawn between the cases before the Committee and the possibility for a government to file a reservation to WARC MOB-87 under the terms of No. 582 of the Nairobi Convention. In that connection, he drew attention to Statement 48 for Viet Nam (Socialist Republic of), which, although it related to the Final Acts of the Aeronautical Mobile (R) WARC (Geneva, 1978), had been accepted as forming part of the Final Protocol to the Nairobi Convention.

1.15 The Chairman said that he would report to the Plenary along the lines indicated. It went without saying that any delegation which so desired had the right to revert to the matter in Plenary.

He noted that the Committee's finding in respect of reservations reinforced the view that had been adopted during the earlier discussion of Article 40, Nos. 180 and 181, and proposed that the text of No. 180 as in DT/65(Rev.) be approved.

It was so agreed.

1.16 The Legal Adviser said that since the Committee had now dealt with Article 40, he assumed that the Secretariat could issue the revised version. He therefore drew the Committee's attention to a small amendment to paragraph 6 of that Article (No. 181C), where the word "revisions" in the first line had been replaced by the words "any such revision".

1.17 The Chairman said that if there was no objection, he took it that the Committee accepted the amendment and agreed to forward the text of Article 40 of the draft Constitution to the Editorial Committee.



It was so decided.

2. Outstanding matters for consideration by Committee 9 (Document DL/55)

Article 36 of the Constitution - Instruments of the Union (Document 290, Series B.4)

2.1 The Chairman, recalling that the Committee had transmitted the text of Article 36 of the draft Constitution to the Editorial Committee with square brackets on certain items in its list of Administrative Regulations, in square brackets, said that the language just adopted for Article 40, No. 180, would permit those brackets to be removed.

2.2 The Legal Adviser said that Article 36 had already been approved by the Plenary Meeting on first reading in Document 290, Series B.4, with a footnote stating that the items in square brackets were subject to the outcome of the Committee's considerations of Article 40. With the Committee's agreement, it would now be possible to advise the Editorial Committee to prepare Article 36 for second reading without the footnote, deleting the square brackets around International Telecommunication Regulations, and deleting the other square brackets together with their contents.

It was so agreed.

Article 27 of the Constitution - Special Arrangements (Document 262)

2.3 The Chairman recalled that Committee 8, when approving the modified text of Article 27 (No. 150) of the Constitution, had asked Committee 9 to consider the appropriateness of including the words "annexed thereto" to take account of the wording of Article 40, No. 179. Since the wording of Article 40 as approved by the Committee no longer called for those words in Article 27, he took it that the Committee would recommend their removal from the text in Document 262, together with the square brackets in which they were contained.

It was so decided.

Non-continuance of Additional Protocols (Document GE-BIU/50(Rev.), paragraphs 32 and 33)

2.4 The Legal Adviser, introducing paragraphs 32 and 33 of Document GE-BIU/50(Rev.), pointed out that the recommendations of the Group of Experts on the Basic Instrument of the Union were to dispense with the use of "Additional Protocols", such as those appended to the Nairobi Convention, and to deal in future with the substantive issues as up to now covered therein by way of appropriate decisions or resolutions of the Plenipotentiary Conference. Article 4, paragraph 1 w) (No. 101) of the draft Convention had already been amended to remove the reference to "Additional Protocol I", since the budget of the Union could likewise be adopted by a decision or resolution of the Plenipotentiary Conference. If the Committee agreed, there would then be no need for any changes to the draft Convention and the ITU budget would then be adopted by a decision of Committee 4 as approved by the Plenary meeting.

2.5 The delegate of the United States agreed in general, but said that the decision to increase the number of members of the Administrative Council to 43 was particular in that it directly contradicted the provisions of Additional Protocol VII of the Nairobi Convention. The Committee might therefore care to consider if something more formal than a decision of the Plenipotentiary Conference was needed in the case of that change.

2.6 The Legal Adviser said that, while he took the point, the situation was no different from that when the Nairobi Plenipotentiary Conference had decided to increase the numbers on the Administrative Council with immediate effect. While the legal niceties might not be perfect, all that mattered was the consent of Member countries. There was no need to maintain an Additional Protocol for the purpose suggested.

2.7 Following a legal discussion in which the delegates of the United Kingdom, the United States and Mexico suggested that a formal instrument might be more fitting than a decision of the Plenipotentiary Conference in that particular case, the Chairman concluded that, while the views expressed were interesting, the silence of the rest of the Committee implied general agreement with the recommendations of the Group of Experts. He therefore took it that, if there was no objection, the Committee agreed to follow those recommendations.

It was so decided.

Title of Final Protocol (Document GE-BIU/50(Rev.), paragraph 40)

2.8 The Legal Adviser, introducing paragraph 40 of Document GE-BIU/50(Rev.), said that the Group of Experts on the Basic Instrument of the Union had proposed to change in future the title of the "Final Protocol" as currently used for the Nairobi Convention, because of the misunderstandings to which that title gave rise. The new title as proposed by that Group indicated clearly that the document was only concerned with declarations and reservations made at the end of the Plenipotentiary Conference.

2.9 The Chairman said that if there was no objection, he would take it that the Committee agreed to change the title of the Final Protocol to the wording recommended by the Group of Experts in Annex 5 to Document GE-BIU/50(Rev.).

It was so decided.

Repartition of the contents of Chapters II and III of the Nairobi Convention  
(Documents 344, 355, 367, 368 and 375)

2.10 The Chairman said that the substance of the contents of Chapters II and III of the Nairobi Convention had been considered by Committee 8. The only question remaining was whether the Committee agreed with the views of the Group of Experts on where those contents should be placed in the new Constitution and Convention.

2.11 The Legal Adviser said that the draft Constitution and Convention reflected the conclusions reached by the Group of Experts after lengthy debates. The Plenipotentiary Conference had worked on the basis of those conclusions, and it would, under the prevailing time-pressure, not make much sense to question them at the current stage. Since many decisions were already reaching approval on first or second reading, it would be best not to interfere with that process and thus to retain the repartition as proposed by the Group of Experts.

2.12 The delegate of the United States said that after a sudden decision by the Group of Experts at their second meeting to place five Articles in the draft Convention, he had advocated transferring them to the Constitution because of their fundamental importance. He was not objecting now to their remaining in the Convention, although he would prefer them in the Constitution, but he wished the Committee to know that there had been no discussion in the Group of Experts as to the fundamental nature of the Articles in question.

2.13 The delegate of the United Kingdom said that his Delegation also regarded the Articles in question as suitable for inclusion in the Constitution.

2.14 The Chairman recalled that the Committee had awaited Committee 8's decisions on the substance of the Articles before considering the question of their location. The Group of Experts had felt that certain Articles, as they then stood, were not suitable for inclusion in the Constitution, but that might have been changed as a result of the substantive consideration given to those Articles by Committee 8. The Committee might now have to conclude that it did not have time to deal with the question of location thoroughly, since that would require consideration of the provisions. He took it that, if there was no objection, the Committee agreed to follow the recommendations of the Group of Experts.

It was so decided.

Placement of the number of five IFRB members (Document DT/54)

2.15 The Chairman said that the issue to be settled was whether to specify the number of members of the IFRB in the Constitution (Article 10) or in the Convention (Article 5). The arguments were set out in paragraph 5 of the Group of Experts report (Document GE.BIU/50(Rev.)).

2.16 The delegates of the United Kingdom, Japan, the Federal Republic of Germany, the German Democratic Republic, France, Mexico and Australia advocated specifying the number of members of the IFRB in the Constitution.

2.17 The delegates of Tanzania, Nigeria, Saudi Arabia, Zimbabwe and Kenya spoke in favour of specifying the number in the Convention.

2.18 The Chairman, saying that there had been sufficient speakers on both sides, asked for a show of cards on the issue.

2.19 The Legal Adviser announced that the result of the show of cards was 24 in favour of specifying the number of members of the IFRB in the Constitution and 15 in favour of the Convention.

2.20 The Chairman said that, in accordance with the Committee's previous procedure, he would report the Committee's view to the Plenary meeting, on the understanding that the final decision would be taken by that body. He would also report how the view had been reached. The delegate of Kenya said that as others would wish to take up the issue, he would like the Plenary meeting to be informed how close the result of the show of cards had been. The Chairman undertook to do so in his oral report to the Plenary meeting.

Placement of the number of 43 members of the Administrative Council

2.21 The Chairman said that since the same arguments applied, mutatis mutandis, to the issue of where to specify the number of members of the Administrative Council, he proposed to follow the same procedure as in the case of the members of the IFRB.

2.22 The Legal Adviser announced that the result of the show of cards was 24 in favour of specifying the number in the Constitution and 15 in favour of the Convention.

Re-ordering of Articles of the Constitution by the Secretariat

2.23 The Legal Adviser said that, in the absence of any written document due to lack of time, he wished to announce the following suggested re-ordering of the Articles of the Constitution, which would not affect its division into Chapters:

Articles 4, 1, 2, 36, 37, 41, 5, 6, 7, 8, 9, 10, 11, possible 11A, 12, 13, 15, 16, 3, 17, 14, 18-33, 34, 35, 45, 38, 39, 40, 43, 42, 44 and 46.

The meeting rose at 0025 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ



**Documents of the Plenipotentiary Conference (Nice, 1989)**

**Document No. 461**

**Not available**

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**Pas disponible**

\*\*\*\*\*

**No disponible**

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 462-E

26 June 1989

Original: English

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COMMITTEE 10

COMMITTEE 9

## SIXTH SERIES OF TEXTS FROM COMMITTEE 7 TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

Paragraph 73 of Article 10 of the Constitution and paragraph 110 of Article 5 of the Convention concerning the location of the number (five) was submitted to Committee 9 for its consideration and decision (see Document DT/54).

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1

ANNEX

ARTICLE 10

NOC                                    **International Frequency Registration Board**

- MOD\*            73        1.        The International Frequency Registration Board (IFRB) shall consist of ~~five~~\* independent members, elected by the Plenipotentiary Conference. These members shall be elected from the candidates sponsored by Members of the Union in such a way as to ensure equitable distribution amongst the regions of the world. Each Member may propose only one candidate who shall be one of its nationals.
- MOD            74        2.        The members of the International Frequency Registration Board shall take up their duties on the dates determined at the time of their election and shall remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election once only.
- NOC            [315] 75        3.        If in the interval between two Plenipotentiary Conferences which elect members of the Board, an elected member of the Board resigns or abandons his duties or dies, the Chairman of the Board shall request the Secretary-General to invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next annual session of the Administrative Council. However, if the vacancy occurs more than 90 days before the session of the Administrative Council or after the session of the Administrative Council preceding the next Plenipotentiary Conference, the Member of the Union concerned shall designate, as soon as possible and within 90 days, another national as a replacement who will remain in office until the new member elected by the Administrative Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate; in both cases, the travel expenses incurred by the replacement member shall be borne by his Administration. The replacement shall be eligible for election by the Administrative Council or by the Plenipotentiary Conference, as appropriate.
- MOD            [75] 76        4.        The members of the International Frequency Registration Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust.

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\* The location of this number has been referred to Committee 9 (see Document DT/54).

- NOC [76] 77 5. The essential duties of the International Frequency Registration Board shall be:
- NOC [77] 78 a) to effect an orderly recording and registration of frequency assignments made by the different Members in accordance with the procedure provided for in the Radio Regulations and in accordance with any decision which may be taken by competent conferences of the Union, with a view to ensuring formal international recognition thereof;
- MOD [78] 79 b) to effect, in the same conditions and for the same purpose, an orderly recording of the frequencies and associated orbital positions assigned by Members to geostationary satellites\*;
- MOD [79] 80 c) to furnish advice to Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur, and with a view to the equitable, effective and economical use of the geostationary satellite orbit, taking into account the needs of Members requiring assistance, the specific needs of developing countries, as well as the special geographical situation of particular countries; [to provide Members of the Union with information contained in the IFRB data bases in machine-readable form;]
- NOC [80] 81 d) to perform any additional duties, concerned with the assignment and utilization of frequencies and with the equitable utilization of the geostationary satellite orbit, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference of the Union, or by the Administrative Council with the consent of a majority of the Members of the Union, in preparation for or in pursuance of the decisions of such a conference;
- MOD [81] 82 e) to provide technical assistance in making preparations for radio conferences in consultation, as appropriate, with the other permanent organs of the Union, and with due regard for the relevant directives of the Administrative Council in carrying out these preparations; the Board shall also provide assistance to the developing countries in their preparations for these conferences;
- NOC [82] 83 f) to maintain such essential records as may be related to the performance of its duties.

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\* See also provision 18 a), Article 4 of the Constitution in Document 369.



CONVENTION

ARTICLE 5

NOC                    **International Frequency Registration Board**

- MOD    [310] 110        1.    (1) †The International Frequency Registration Board (IFRB) shall consist of five independent members, elected by the Plenipotentiary Conference.† The members of the International Frequency Registration Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.
- NOC    [311] 111                    (2) Moreover, for the more effective understanding of the problems coming before the Board under the relevant provisions of Article 10 of the Constitution, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.
- NOC    [312] 112        2.    The election procedure shall be established by the Plenipotentiary Conference as specified in the relevant provisions of Article 10 of the Constitution.
- NOC    [316] 113        3.    (1) The working arrangements of the Board are defined in the Radio Regulations.
- NOC    [317] 114                    (2) The members of the Board shall elect from their own numbers a Chairman and a Vice-Chairman, for a period of one year. Thereafter the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected.
- NOC    [318] 115                    (3) The Board shall be assisted by a specialized secretariat.
- NOC    [319] 116        4.    No member of the Board shall request or receive instructions relating to the exercise of his duties from any government or a member thereof, or from any public or private organization or person. Furthermore, each Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.
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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 463-E

26 June 1989

Original: Spanish

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PLENARY MEETING

Colombia

PROPOSAL RELATING TO DOCUMENT 379

DRAFT RESOLUTION NO. [PL-B/3]

In Annex 3, add the following paragraph under "resolves further":

CLM/463/1

ADD

- 1.3 to analyse the various repercussions of adopting modifications to frequency allocations in certain bands, with respect to services currently in operation, taking into account the situation of those Members that are directly affected.
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INTERNATIONAL TELECOMMUNICATION UNION

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 464-E  
26 June 1989

B.15

PLENARY MEETINGFIFTEENTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.7	437(Rev.1)	Resolution No. COM7/1

M. THUE  
Chairman of Committee 10Annex: 4 pages

## RESOLUTION No. COM7/1

**Review of the Structure and Functioning of the  
International Telecommunication Union**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

**recognizing**

a) the Report of the Administrative Council to the Plenipotentiary Conference on the activities of the Union since 1982;

b) Resolutions Nos. 21, 38, 47, 48, 66, 67 and 68 of the Plenipotentiary Conference (Nairobi, 1982);

c) Resolution No. PL/4 of the World Administrative Telegraph and Telephone Conference (Melbourne, 1988);

d) Resolutions Nos. 1, 2, 17 and 18 of the Plenary Assembly of the CCITT (Melbourne, 1988);

e) Resolutions Nos. 24, 33, 61, 82, 83 and Opinion 84 of the Plenary Assembly of the CCIR (Dubrovnik, 1986);

f) [Article 5 of the Constitution of the ITU (Nice, 1989) which provides for the establishment of the Telecommunications Development Bureau as a permanent organ for telecommunication cooperation and assistance;]

g) [Resolutions [AA], [BB], [YY] and [ZZ] of the Plenipotentiary Conference (Nice 1989)];

h) Document 388 and other documents relevant to the structure of the Union such as Documents 11, 19, 51, 55, 61, 68, 69, 71, 72, 81, 82, 86, 97, 98, 110, 114, 144, 162, 184, 194, 259 as well as the relevant minutes of the Plenary Meetings, and the relevant summary records of Committee 7, of the Plenipotentiary Conference (Nice, 1989),

**considering**

a) the continuing growth in the volume and complexity of the tasks to be performed by the Union;

b) the changing nature of the telecommunications environment;

c) the economic pressures upon the Union;

d) the need for the structure, management practices and working methods of the Union to respond to the changes resulting from the above factors and to the increase in the demands placed upon it to keep pace with the ever-accelerating progress in telecommunications,

considering also

the great services rendered to the Members of the Union by its permanent organs, elected officials and appointed staff,

resolves

1. that a high-level Committee shall be established;
2. that this Committee shall be composed, with due regard to equitable geographical representation, of fifteen to twenty-one Members which shall designate representatives enjoying the highest reputation in international telecommunications and having broad ITU experience;
3. that this Committee should call on the services of outside consultants selected by the Administrative Council within the limits of the budget agreed for this purpose;
4. that the members of the Committee shall work on a voluntary basis on the understanding that, where necessary, they shall be given financial assistance to enable them to attend Committee meetings;
5. that all expenditure shall be kept as low as possible and shall be financed from the regular budget of the ITU, under the supervision of the Administrative Council;

resolves further

that the mandate of the Committee shall be to carry out an in-depth review of the structure and functioning of the Union, in order to study and recommend, as necessary, measures to ensure greater cost-effectiveness within and between all ITU organs and activities by improving the situation as regards structure, organization, finance, staff, procedures and coordination with a view to ensuring that the Union responds effectively to the demands placed on it by the changing nature of the telecommunications environment; this review [shall] especially:

1. identify and analyse options for the structure of the Union and its permanent organs;
2. include study of the internal management of the permanent organs including organizational, financial and staffing aspects and arrive at conclusions relating to:
  - the most effective organization of the growing volume of work in the various organs;
  - cost-effective and harmonized working procedures in and between the individual organs;
  - staff requirements in the medium term (three to five years) taking account of the projects and activities of the Union;

- the establishment of improved financial management and control processes suitable to the needs of the Union and intended to improve financial transparency and accountability.
- 3. include a study of the interaction between the permanent organs including the role of the Coordination Committee with a view to ensuring greater harmonization of the activities of these organs;
- 4. examine the functioning of the organs of the Union other than the permanent organs in order to improve efficiency and management; study the question of the rotation of Members of the Administrative Council;
- 5. provide for interim reports and a final report showing clearly the advantages and disadvantages of any alternative proposals;

instructs the Administrative Council

1. at an extraordinary session to be held in November 1989 to establish the Committee on the basis of a proposal of the Secretary-General and to define precise procedures for the tasks required including general guidelines to the Committee on its activities;
2. to instruct the Committee to develop, on the basis of its terms of reference, a detailed statement of activities and tasks, taking account of the views of administrations;
3. to approve the detailed tasks of the outside consultants and to select them on the basis of a proposal of the Committee;
4. to examine periodically the Committee's reports;
5. to ensure that all Members of the Union are regularly informed in a comprehensive manner so that they can submit their comments;
6. to ensure that the final report is circulated to Members of the Union together with its comments at least one year before a Plenipotentiary Conference is to decide on the recommendations and to consider the possibility of convening regional seminars to present and explain the results;
7. after due consideration, to implement the recommendations of the Committee which fall within the Council's sphere of competence and to transmit to the Heads of the permanent organs for action any recommendations for which they are competent;
8. to decide at its session in 1991, if considered necessary, to provide for an additional Plenipotentiary Conference, as early as possible, to implement all or part of the recommendations of the study;

instructs the Secretary-General

1. after consultation of, and in cooperation with, Members of the Union, to submit proposals for the composition of the Committee to the Administrative Council, seeking as wide a representation of all interests of the Union as possible;
2. to invite all administrations to provide written comments not later than 1 November 1989 with respect to the activities and tasks to be covered by the review;
3. to support fully the Committee in its work;
4. to report to the Administrative Council on the progress of the Committee's work and the interim and final results obtained by the Committee;
5. to distribute the interim and final reports of the Committee to all Members of the Union along with the relevant decisions and comments of the Administrative Council and a summary of any action taken by the permanent organs in response to the recommendations of the Committee;
6. [if necessary,] to make the preparations required for convening and organizing the relevant Plenipotentiary Conference;

instructs the Heads of the permanent organs

1. to afford the Committee all necessary assistance and cooperation required for the successful completion of the review;
2. to take action, as appropriate, on the recommendations of the Committee transmitted by the Administrative Council.

INTERNATIONAL TELECOMMUNICATION UNION

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 465-E  
26 June 1989

B.16

PLENARY MEETINGSIXTEENTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.4	DT/67	<u>Constitution</u> : Article 15 <u>Convention</u> : Article 27
	DT/76	Article 28
	DT/67	Resolution No. COM4/6 Resolution No. COM4/8 Opinion No. COM4/I

M. THUE  
Chairman of Committee 10Annex: 10 pages



ARTICLE 15

NOC

Finances of the Union

- NOC 109 1. The expenses of the Union shall comprise the costs of:
- NOC 110 a) the Administrative Council and the permanent organs of the Union;
- NOC 111 b) Plenipotentiary Conferences and world administrative conferences;
- NOC 112 c) technical cooperation and assistance provided to the developing countries.
- (MOD) 113 2. The expenses of the Union shall be met from the contributions of its Members, each Member paying a sum proportional to the number of units in the class of contribution it has chosen from the scale in Article 27 of the Convention.
- NOC 114 3. (1) Members shall be free to choose their class of contribution for defraying Union expenses.
- (MOD) 115 (2) This choice shall be made within six months following the end of a Plenipotentiary Conference in accordance with the scale of classes of contribution in force at the time the choice is notified to the Secretary-General.
- (MOD) 116 (3) If a Plenipotentiary Conference adopts an amendment to the scale of classes of contribution in the Convention, the Secretary-General shall inform each Member of the date of the entry into force of the amendment. Each Member shall notify the Secretary-General, within six months of the date of this communication, of the class of contribution it has chosen in accordance with the amended scale in force.
- NOC 117 (4) The class of contribution chosen by each Member, in accordance with No. 115 or No. 116 of this Constitution, is applicable only as from 1 January following the expiry of the six-month period referred to in Nos. 115 or 116 of this Constitution.
- NOC 118 4. Members who have failed to make known their decision in the time specified respectively in Nos. 115 and 116 of this Constitution shall retain the class of contribution previously chosen.

- NOC 119 5. The class of contribution chosen by a Member can only be reduced in accordance with Nos. 115, 116 and 117 of this Constitution. However, under exceptional circumstances such as natural disasters necessitating international aid programmes, the Administrative Council may authorize a reduction in the number of contributory units when so requested by a Member which has established that it can no longer maintain its contribution at the class originally chosen.
- ADD 119A 5A. Likewise, Members may, subject to the approval of the Administrative Council, reduce the level of the contributory unit selected under No. 115, if their relative contributory positions are substantially worse than their previous positions from the date fixed in No. 117 for a new period of contribution.
- NOC 120 6. Expenses incurred by the regional administrative conferences referred to in No. 50 of this Constitution shall be borne in accordance with their unit classification by all the Members of the region concerned and, where appropriate, on the same basis by any Members of other regions which have participated in such conferences.
- NOC 121 7. Members shall pay in advance their annual contributory shares, calculated on the basis of the budget approved by the Administrative Council.
- NOC 122 8. A Member which is in arrear in its payments to the Union shall lose its right to vote as defined in Nos. 10 and 11 of this Constitution for so long as the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two years.
- NOC 123 9. The provisions which apply to the financial contributions by recognized private operating agencies, scientific or industrial organizations and international organizations are in the Convention.

ARTICLE 27

NOC

Finances

MOD

376

1. (1) The scale from which each Member shall choose its class of contribution, in conformity with the relevant provisions of Article 15 of the Constitution, shall be as follows:

40 unit class  
35 unit class  
30 unit class  
28 unit class  
25 unit class  
23 unit class  
20 unit class  
18 unit class  
15 unit class  
13 unit class  
10 unit class  
8 unit class  
5 unit class

4 unit class  
3 unit class  
2 unit class  
1,5 unit class  
1 unit class  
1/2 unit class  
1/4 unit class  
1/8 unit class  
1/16 unit class } for  
the least developed  
countries as listed  
by the United  
Nations and other  
Members as  
determined by the  
Administrative  
Council.

NOC

377

(2) In addition to the classes of contribution listed in No. 376 of this Convention, any Member may choose a number of contributory units over 40.

NOC

378

(3) The Secretary-General shall communicate the decision of each Member as to the unit class chosen by it to all the Members of the Union.

NOC

379

(4) Members may at any time choose a class of contribution higher than the one already adopted by them.

NOC

380

2. (1) Every new Member shall, in respect of the year of its accession, pay a contribution calculated as from the first day of the month of accession.

NOC

381

(2) Should the Constitution and this Convention be denounced by a Member, its contribution shall be paid up to the last day of the month in which such denunciation takes effect.

NOC

382

3. The amounts due shall bear interest from the beginning of each financial year of the Union at 3% (three per cent) per annum during the first six months, and at 6% (six per cent) per annum from the beginning of the seventh month.

- NOC 383 4. The following provisions shall apply to contributions by recognized private operating agencies, scientific or industrial organizations and international organizations:
- NOC 384 a) recognized private operating agencies and scientific or industrial organizations shall share in defraying the expenses of the International Consultative Committees in the work of which they have agreed to participate. Recognized private operating agencies shall likewise share in defraying the expenses of the administrative conferences in which they have agreed to participate, or have participated, in accordance with No. 154 of this Convention;
- NOC 385 b) international organizations shall also share in defraying the expenses of the conferences or meetings in which they have been allowed to participate, unless they are exempted by the Administrative Council, subject to reciprocity;
- MOD 386 c) recognized private operating agencies, scientific or industrial organizations and international organizations which share in defraying the expenses of conferences or meetings in accordance with Nos. 384 and 385 of this Convention, shall freely choose from the scale in No. 376 of this Convention their class of contribution for defraying Union expenses, with the exception of the 1/4, 1/8 and 1/16 unit classes reserved for Members of the Union, and shall inform the Secretary-General of the class chosen;
- NOC 387 d) recognized private operating agencies, scientific or industrial organizations and international organizations which share in defraying the expenses of conferences or meetings may at any time choose a class of contribution higher than the one already adopted by them;
- NOC 388 e) reduction in the number of contributory units shall only be possible in accordance with the principles stipulated in the relevant provisions of Article 15 of the Constitution;

- NOC 389 f) in the case of denunciation of participation in the work of an International Consultative Committee, the contribution shall be paid up to the last day of the month in which such denunciation takes effect;
- NOC 390 g) the amount of the contribution per unit payable by recognized private operating agencies and scientific or industrial organizations or international organizations towards the expenses of the International Consultative Committees in the work of which they have agreed to participate shall be fixed at 1/5 of the contributory unit of Members of the Union. These contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of No. 382 of this Convention;
- NOC 391 h) the amount of the contribution per unit payable towards the expenses of administrative conferences by recognized private operating agencies which participate in accordance with No. 154 of this Convention and by participating international organizations shall be fixed by dividing the total amount of the budget of the conference in question by the total number of units contributed by Members as their share of Union expenses. The contributions shall be considered as Union income. They shall bear interest from the sixtieth day following the day on which accounts are sent out, at the rates fixed in No. 382 of this Convention.
- SUP 392
- NOC 393 5. The sale price of publications sold to administrations, recognized private operating agencies or individuals shall be determined by the Secretary-General, in collaboration with the Administrative Council, bearing in mind that the cost of reproduction and distribution should, in general, be covered by the sale of the publications.
- NOC 394 6. The Union shall maintain a reserve account in order to provide working capital to meet essential expenditures and to maintain sufficient cash reserves to avoid resorting to loans as far as possible. The amount of the reserve account shall be fixed annually by the Administrative Council on the basis of expected requirements. At the end of each financial year all budget credits which have not been expended or encumbered will be placed in the reserve account. Other details of this account are described in the Financial Regulations.

ARTICLE 28

(MOD) **Financial Responsibilities of Administrative Conferences  
and Plenary Assemblies of the International Consultative Committees**

- NOC 395 1. Before adopting proposals with financial implications, administrative conferences and the Plenary Assemblies of the International Consultative Committees shall take account of all the Union's budgetary provisions with a view to ensuring that these proposals will not result in expenses beyond the credits which the Administrative Council is empowered to authorize.
- NOC 396 2. No decision of an administrative conference or of a Plenary Assembly of an International Consultative Committee shall be put into effect if it will result in a direct or indirect increase in the expenses beyond the credits that the Administrative Council is empowered to authorize.

## RESOLUTION No. COM4/6

**Contributory Shares in Union Expenditure**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

a) that No. 376 of the Convention allows the least developed countries as listed by the United Nations to contribute to Union expenditure in the 1/8 or 1/16 unit class;

b) that, under this provision, the 1/8 or 1/16 unit class may also be chosen by other countries determined by the Administrative Council;

c) that some countries with a small population and a low per capita gross national product\* may encounter financial difficulties in contributing to Union expenditure in the 1/4 unit class;

d) that it is in the interest of the Union that participation should be universal;

e) that the small countries should be encouraged to become Members of the Union,

instructs the Administrative Council

at each session to review, on their request, the situation of small countries not included in the United Nations list of the least developed countries which may encounter financial difficulties in contributing in the 1/4 unit class in order to decide which of them may be considered as being entitled to contribute to Union expenditure in the 1/8 or 1/16 unit class.

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\* For example, the following countries: Saint Kitts and Nevis, St. Lucia, Seychelles, Tuvalu.

## RESOLUTION No. COM4/8

**Contributions of Recognized Private Operating Agencies, Scientific or Industrial Organizations and International Organizations**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

noting

- a) the contribution towards the activities of the Union made by recognized private operating agencies, scientific or industrial organizations and international organizations;
- b) that the principle of voluntary contributions which applies to Members also applies to recognized private operating agencies, scientific or industrial organizations and international organizations within the limits set in the Convention;
- c) that, under the International Telecommunication Convention (Nairobi, 1982), recognized private operating agencies, scientific or industrial organizations and international organizations have never chosen a class of contribution higher than 5 units;
- d) that No. 390 of the Convention fixes the amount of the contribution per unit payable by recognized private operating agencies and scientific or industrial organizations towards the expenses of the International Consultative Committees in the work of which they have agreed to participate at 1/5 of the contributory unit of Members of the Union;
- e) that recognized private operating agencies and international organizations share likewise in defraying the expenses of the administrative conferences in which they have agreed to participate,

recognizing

- a) that recognized private operating agencies, scientific or industrial organizations and international organizations make a significant technical contribution to the deliberations of the International Consultative Committees;
- b) that recognized private operating agencies, scientific or industrial organizations and international organizations also derive substantial benefits from the deliberations of the International Consultative Committees and the standardization work of the Union,

resolves

to encourage recognized private operating agencies, scientific or industrial organizations and international organizations to choose the highest possible contributory class in the light of the benefits they derive;



resolves further

to encourage the larger private operating agencies and scientific or industrial organizations to consider the 1 unit class as minimum contribution, provided that their means are sufficient, and subject to their agreement;

instructs the Secretary-General

to inform all recognized private operating agencies, scientific or industrial organizations and international organizations of this Resolution.

## OPINION No. COM4/I

**Contributions to Defraying Union Expenses**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

considering

1. that the expenses of the Union are met from the contributions of its Members on the basis of the number of contributory units chosen freely by each Member;
2. that this system of contributions, which has been applied since the establishment of the Union, has been found fully satisfactory;
3. that, under the system, the Members of the Union are supposed to choose their class of contribution in accordance with their financial possibilities,

is of the opinion

that, when choosing the class in which they wish to contribute for the period beginning [1 January 1991], the Members of the Union should, as far as possible, avoid reducing the number of units chosen and consider the possibility of increasing their participation in defraying Union expenses.

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Corrigendum 1 to  
Document 466-E  
27 June 1989

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B.17(Corr.1)

PLENARY MEETING

SEVENTEENTH SERIES OF TEXTS SUBMITTED BY THE EDITORIAL COMMITTEE  
TO THE PLENARY MEETING

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

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.7	445	<u>Constitution</u> : Article 11A

Replace page B.17/3 by the following:

M. THUE  
Chairman of Committee 10

Annex: 1 page

- ADD 97J 3. The Telecommunications Development Bureau shall work through the medium of:
- ADD 97K a) world development conferences and regional development conferences; the draft agenda of the development conferences shall be drawn up by the [BDT] [as appropriate];
- ADD 97L b) a Director elected by the Plenipotentiary Conference for the interval between two Plenipotentiary Conferences; he shall be eligible for re-election once only.
- ADD 97M 4. If the position of Director becomes unexpectedly vacant, the Administrative Council shall appoint a new Director at its next session in accordance with the relevant provisions of Article 3 of the Convention.

INTERNATIONAL TELECOMMUNICATION UNION

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 466-E

26 June 1989

B.17

PLENARY MEETINGSEVENTEENTH SERIES OF TEXTS SUBMITTED BY THE EDITORIAL COMMITTEE  
TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.7	444	<u>Constitution</u> : Article 5
	445	Article 11A
	444	Article 12
		Article 40
COM.9	427	<u>Convention</u> : Article 25 (section 16)

M. THUE  
Chairman of Committee 10Annex: 7 pages



Constitution  
B.17/2

ADD

## ARTICLE 11A

## Telecommunications Development Bureau

- ADD 97A 1. The duties of the Telecommunications Development Bureau [(BDT)] shall be to fulfil the purposes of the Union as embodied in [Article 4] of this Constitution and to discharge within its specific competence the Union's dual responsibility as a United Nations specialized agency and executing agency for implementing projects under the United Nations development system or other funding arrangements so as to facilitate and enhance telecommunications development by offering, organizing and coordinating technical cooperation and assistance activities.
- ADD 97B 2. Within the foregoing framework, the specific functions of the Telecommunications Development Bureau shall be to:
- ADD 97C a) raise the level of awareness of decision-makers concerning the important role of telecommunications in the national socio-economic development programme, and provide information and advice on possible policy options;
- ADD 97D b) promote the development, expansion and operation of telecommunication networks and services, particularly in developing countries, taking into account the activities of other relevant bodies, by reinforcing capabilities for human resources development, planning, management, resource mobilization, and research and development;
- ADD 97E c) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions;
- ADD 97F d) encourage participation by industry in telecommunications development in developing countries, and offer advice on the choice and transfer of appropriate technology;
- ADD 97G e) offer advice, carry out or sponsor studies, as necessary, on technical, economic, financial, managerial, regulatory and policy issues, including studies of specific projects in the field of telecommunications;
- ADD 97H f) collaborate with the International Consultative Committees and other concerned bodies in developing a general plan for international and regional telecommunication networks so as to facilitate the coordination of their development with a view to the provision of telecommunication services;
- ADD 97I g) provide support in preparing for and organizing development conferences.

Constitution  
B.17/3

- ADD 97J 3. The Telecommunications Development Bureau shall work through the medium of:
- ADD 97K a) world development conferences;
- ADD 97L b) regional development conferences; the draft agenda of the development conferences shall be drawn up by the [BDT] as appropriate;
- ADD 97M c) a Director elected by the Plenipotentiary Conference for the interval between two Plenipotentiary Conferences; he shall be eligible for re-election once only.
- ADD 97N 4. If the position becomes unexpectedly vacant, the Administrative Council shall appoint a new Director at its next session in accordance with the relevant provisions of Article 3 of the Convention.





ARTICLE 40

NOC Administrative Regulations

- MOD 179 1. The Administrative Regulations, as specified in Article 36 of this Constitution, are international agreements and shall be in keeping with the provisions of this Constitution and the Convention.
- MOD 180 2. Ratification, acceptance or approval of this Constitution and the Convention, or accession to these instruments, in accordance with Articles 38 and 39 of this Constitution, shall also constitute consent to be bound by the Administrative Regulations adopted by competent world administrative conferences prior to the date of signature (29 June 1989) of this Constitution and the Convention. Such consent is subject to any reservation made at the time of signature of the Administrative Regulations or revisions thereof to the extent that the reservation is maintained at the time of deposit of the instrument of ratification, acceptance, approval or accession.
- MOD 181 3. Revisions of the Administrative Regulations, either partial or complete, adopted after the aforementioned date shall, to the extent permitted by their domestic law, apply provisionally in respect of all Members which have signed such revisions. Such provisional application shall be effective from the date or dates specified therein, and shall be subject to such reservations as may have been made at the time of signature of such revisions.
- ADD 181A 4. Such provisional application shall continue until:
- a) the Member notifies the Secretary-General of its consent to be bound by any such revision and indicates, if appropriate, the extent to which it maintains any reservation made in respect of that revision at the time of signature of that revision; or
  - b) sixty days after receipt by the Secretary-General of the Member's notification informing him that it does not consent to be bound by any such revision.

- ADD 181B 5. If no notification under a) or b) in No. 180A has been received by the Secretary-General from any Member which has signed any such revision, prior to the expiry of a period of thirty-six months from the date or dates specified therein for the commencement of provisional application, that Member shall be deemed to have consented to be bound by that revision, subject to any reservation it may have made in respect of that revision at the time of signature of that revision.
- ADD 181C 6. Any Member of the Union which has not signed any such revision of the Administrative Regulations, either partial or complete, adopted after the date stipulated in No. 180, shall endeavour to notify the Secretary-General promptly of its consent to be bound by it. If no such notification has been received by the Secretary-General from such a Member before the expiry of the period stipulated in No. 181B, that Member shall be deemed to have consented to be bound by that revision.
- ADD 181D 7. The Secretary-General shall inform Members promptly of any notification received pursuant to this Article.

Convention  
B.17/7

## [ARTICLE 25]

NOC

## 16. Reservations

NOC

349

1. As a general rule, any delegation whose views are not shared by the remaining delegations shall endeavour, as far as possible, to conform to the opinion of the majority.

MOD

350

2. However, if any decision appears to a delegation to be such as to prevent its government from consenting to be bound by amendments to the Constitution or this Convention or by the revision of the Administrative Regulations, this delegation may make reservations, final or provisional, regarding that decision; any such reservations may be made by a delegation on behalf of a non-participating Member which had given that delegation proxy powers to sign in accordance with the provisions of Article 15 of this Convention.

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 467-E  
26 June 1989  
Original: English

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COMMITTEE 10

SEVENTH SERIES OF TEXTS FROM COMMITTEE 7  
TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

Final decision on Provision No. 85 has to be taken by the Plenary Meeting.

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1

ANNEX

CONSTITUTION

ARTICLE 11

NOC International Consultative Committees

NOC [83] 84 1. (1) The duties of the International Radio Consultative Committee (CCIR) shall be to study technical and operating questions relating specifically to radiocommunication without limit of frequency range, and to issue recommendations on them; these studies shall not generally address economic questions but where they involve comparing technical alternatives, economic factors may be taken into consideration.

MOD [84] 85 (2) The duties of the International Telegraph and Telephone Consultative Committee (CCITT) shall be [to take part in fulfilling the purposes of the Union, referred to in Article 4, and in particular] to study and issue recommendations [and standards\*] on technical, operating and tariff questions relating to telecommunication services [for global application to all Member administrations], [other than technical or operating questions relating specifically to radiocommunication which, according to No. 84 of this Constitution, come within the purview of the CCIR]/[taking due account of the world-wide dynamic progress in science and technology in the field of telecommunications] technical or operating questions relating specifically to radiocommunications according to No. 84 come within the purview of the CCIR.

MOD [85] 86 (3) In the performance of its studies, ~~†each†~~ Consultative Committee shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunications in developing countries in both the regional and international fields. ~~†Each†~~ Consultative Committee shall conduct its work with due consideration for the work of national and regional standardization bodies keeping in mind the need for the ITU to maintain its pre-eminent position in the field of world-wide standardization for telecommunications.

\*Note - It was noted that the introduction of some of the new texts relating to "standards" in No. 85, may also be applicable to No. 84. The Chairman of Committee 7 made the suggestion that the phrase "... non-binding standards in the form of Recommendations ..." might serve as a basis for consensus.

- ADD [86A] (4) The technical and operating Recommendations of each Consultative Committee shall address those characteristics considered necessary for the efficient and rational use of telecommunications and of the radio-frequency spectrum [and the geostationary-satellite orbit].]
- NOC [86] 87 2. The International Consultative Committees shall have as members:
- NOC [87] 88 a) of right, the administrations of all Members of the Union;
- MOD [88] 89 b) any recognized private operating agency or any scientific or industrial organization which, with the approval of the Member which has recognized it, expresses a desire to participate in the work of these Committees.
- NOC [89] 90 3. Each International Consultative Committee shall work through the medium of:
- NOC [90] 91 a) its Plenary Assembly;
- NOC [91] 92 b) study groups set up by it;
- MOD [92] 93 c) a Director, elected by the Plenipotentiary Conference for the interval between two Plenipotentiary Conferences. He shall be eligible for re-election once only.
- MOD [323] 94 4. If the position becomes unexpectedly vacant, the Administrative Council shall appoint a new Director at its next session in accordance with the relevant provisions of Article 3 of the Convention.
- NOC [93] 95 5. There shall be a World Plan Committee, and such Regional Plan Committees as may be jointly approved by the Plenary Assemblies of the International Consultative Committees. These Plan Committees shall develop a General Plan for the international telecommunication network to facilitate coordinated development of international telecommunication services. They shall refer to the International Consultative Committees questions the study of which is of particular interest to developing countries and which are within the terms of reference of those Consultative Committees.
- NOC [94] 96 6. The Regional Plan Committees may cooperate closely with regional organizations which express a desire for such cooperation.
- NOC [95] 97 7. The working arrangements of the International Consultative Committees are defined in the Convention.

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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## PLENARY MEETING

### Note by the Chairman of Committee 9

Following Committee 9 decision to discontinue the use of Additional Protocols, the text for a draft Resolution, in order to cover appropriately therein the matter which is the subject of Additional Protocol III to the Nairobi Convention and to thus comply with the request submitted to this Conference by the Secretary-General of the United Nations (see Document 256), is hereby submitted, in the Annex to the present document, to the Plenary Meeting for consideration.

H.H. SIBLESZ  
Chairman of Committee 9



A N N E X

DRAFT RESOLUTION

**Measures to enable the United Nations  
to fully carry out any Mandate under  
Article 75 of the Charter of the United Nations**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

conscious of

the decision of the 1973 Malaga-Torremolinos Conference to abolish Associate Membership in the Union and of the Additional Protocol III to the International Telecommunication Convention, Nairobi, 1982,

mindful

of the request submitted to it by the Secretary-General of the United Nations to continue the application of the provisions contained in the Protocol referred to above,

taking into account

that it decided not to continue the use of additional protocols in future,

resolves

1. that the possibility up to now enjoyed, under the International Telecommunication Convention, Montreux, 1965, by the United Nations when carrying out any mandate in accordance with Article 75 of the Charter of the United Nations shall be continued under the Constitution and the Convention of the International Telecommunication Union, Nice, 1989, when they enter into force; and

2. that each case related to paragraph 1 above shall be considered by the Administrative Council of the Union.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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PLENARY MEETING

Algeria, Saudi Arabia, Barbados, Benin, Burkina Faso, Colombia,  
Costa Rica, Ethiopia, Greece, India, Indonesia, Jamaica,  
Malaysia, Mali, Nigeria, Pakistan, Portugal, Tanzania, Zambia, Zimbabwe.

DRAFT RESOLUTION No. ...

STRENGTHENED COOPERATION BETWEEN THE ITU AND THE  
REGIONAL PUBLIC BROADCASTING UNIONS

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

considering

that sound and television broadcasting play an important role in the promotion  
of social, cultural and economic development of all peoples of the world,

considering also

that broadcasting plays an important role in promoting international  
understanding and cooperation for the preservation of peace in all countries,

considering further

that there is an urgent need to improve and develop broadcasting infrastructure  
for enhancement of information flow nationally and internationally,

aware

that regional public (governmental) broadcasting Unions have been established in  
all regions of the world in accordance with the provision of Article 32 [Nairobi  
Convention, 1982],

recognizing

the need to strengthen the role of broadcasting as an effective vehicle for  
socio-economic and cultural change in the various sectors of development at national,  
subregional and regional levels,

taking account

of the provisions of the International Telecommunication Convention,  
[Nairobi, 1982] concerning the definition of telecommunication which encompasses sound  
and television broadcasting services,

bearing in mind

that various forms of telecommunications including broadcasting are fast becoming integrated and that the International Telecommunication Union is the most appropriate forum for the study and development of all kinds of problems connected with telecommunication,

noting with appreciation

the assistance that the ITU has been providing for the development of broadcasting in all regions,

decides

1. that ITU activities should continue to promote the development of broadcasting services of all kinds;
2. that the activities of the Union concerning telecommunication development and technical cooperation should also encompass Regional Public Broadcasting Unions;

instructs the Secretary-General

1. to continue providing, within the approved budget of the Union, the necessary means for increasing cooperation with the Regional Public Broadcasting Unions;
2. to study how the cooperation with Regional Public Broadcasting Unions can be further strengthened and submit proposals to the 1991 session of the Administrative Council for consideration;

requests the Administrative Council

to consider the proposals to be submitted by the Secretary-General and decide on appropriate measures to strengthen cooperation with the activities of the Regional Public Broadcasting Unions.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 470-E

27 June 1989

Original: English

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PLENARY MEETING

Saudi Arabia, Bahrain, United Arab Emirates, Ethiopia,  
India, Indonesia, Iraq, Kuwait, Lebanon, Qatar

DRAFT RESOLUTION ON WORLDTEL

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

recalling

the request of the Independent Commission for World-Wide Telecommunications  
Development to the Secretary-General to undertake studies on:

- a) the possibility of establishing a revolving fund the resources of which  
"could be built up by contributions by operating entities in  
industrialized countries, manufacturers of equipment, system houses and  
users with an interest in providing facilities ...";
- b) the creation of telecommunication investment trusts for individual  
developing countries or group of countries. "The trusts could tap novel  
sources of funds for investment in telecommunications.";
- c) the establishment of "an organization to coordinate the development of  
telecommunications world-wide (WORLDTEL)". The functions "could include  
managing specific development projects ... and administering necessary  
finance.",

having taken note

of Document 99 on the possible establishment of a sector specific entity, "World  
Telecommunication Development Organization (WORLDTEL)" for financing investments on  
Telecommunications in the developing world, essentially on a viable, commercial basis,  
and the deliberations thereon at the Conference,

concerned

by the inadequate availability of resources for investment from multilateral and  
bilateral sources,

convinced

of the potential benefits for developing countries which a sector specific multilateral investment financing organization could offer,

recognizing

1. the role of ITU in promoting adequate flow of investments in telecommunications;
2. that investment financing was not within the direct mandate of the Union,

requests the Secretary-General

1. to undertake a comprehensive viability study of the proposal for such an organization using extra budgetary resources;
2. to submit the findings of the study with his recommendations, to a meeting of interested Member countries and other relevant participants for decision on such follow up action as may be considered necessary;

approves

that if an organization of a commercial nature is decided to be established it should operate outside the framework of the ITU.

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INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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PLENARY MEETING

Greece

The Delegation of Greece would like Document 428, which was originally intended for Committee 7, to be considered by the Plenary Meeting as soon as possible.

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INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 472-E

27 June 1989

Original: Spanish

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## NOTE BY THE CHAIRMAN OF THE CONFERENCE

I have the honour to bring to the attention of the Conference the attached letter, which I have just received from the Director General of Telecommunications with the Ministry of Transport, Tourism and Communications of Spain.

J. GRENIER  
Chairman

Annex: 1

ANNEX

Madrid, 26 June 1989

To the Chairman of the Plenipotentiary Conference  
of the International Telecommunication Union (ITU)

Dear Sir,

On behalf of the Spanish Telecommunications Administration, I have the honour to confirm the offer for a world administrative radio conference to meet in Spain in 1992, should such a conference be included in that years' programme of conferences by the present Plenipotentiary Conference.

It is well known that 1992 is an important year for the international community in general and for the Hispanic community in particular, in view of the commemorative ceremonies to be held, including the fifth Centenary of the Discovery of America, with which the International Telecommunication Union could be associated by holding this conference in Spain.

With our request that this letter be brought to the attention of the Plenipotentiary Conference in Nice, please accept the expression of my highest consideration.

Javier Nadal Ariño



INTERNATIONAL TELECOMMUNICATION UNION

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 473-E

27 June 1989

Original: French

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NOTE BY THE SECRETARY-GENERAL

I hereby transmit to the Conference the text of a telegram I have just received from the Head of the Delegation of the Republic of Cape Verde.

R. E. BUTLER  
Secretary-General

Annex: 1

ANNEX

Praia, 26 June 1989

TO : The Secretary-General of the ITU  
FROM : Margarida Evora Sagna, Director-General of PTT, Cape Verde

On returning to my country before the end of the ITU Plenipotentiary Conference in order to deal with urgent matters, I was very happy and proud to be able to inform my Government of the high level of debate which ensured the success of the Conference.

Our country's election to the ITU Administrative Council is a great honour for us and I know that our Government will make every endeavour to prove itself worthy of the confidence shown in us by all the Member countries who voted for Cape Verde in the election of the Members of the Administrative Council.

I should like to convey to you my very best wishes for success and thank you once again for the support we received in Nice. I should also be grateful if you would transmit to the Chairman of the Conference and to all the delegates our best wishes for the successful continuation of the work of the Conference and for the progress of the International Telecommunication Union.

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INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 474-E  
27 June 1989  
Original: French

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PLENARY MEETING

France

## ARTICLE 11A

### The Telecommunications Development Bureau

3. The Telecommunications Development Bureau shall work through the medium of meetings held at the appropriate geographical levels, for which it shall draw up the draft agenda for approval by the Administrative Council.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 475-E

27 June 1989

Original: English

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COMMITTEE 10

EIGHTH SERIES OF TEXTS FROM COMMITTEE 7  
TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

The texts in annex have been approved with the following exceptions:

- CONSTITUTION, Article 8, paragraph 58 is still under consideration in Committee 7 ad hoc 5;
- CONVENTION, Article 3, paragraph 72. The proposal made by Brazil (B/59/4) has been considered as an editorial change and should be dealt with in Committee 10.

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1

ANNEX

CONSTITUTION

ARTICLE 8

NOC **Administrative Council**

- MOD 57 1. (1) The Administrative Council shall be composed of [forty-three] Members of the Union elected by the Plenipotentiary Conference with due regard to the need for equitable distribution of the seats on the Council among all regions of the world. Except in the case of vacancies arising as provided for in the Convention, the Members of the Union elected to the Administrative Council shall hold office until the date on which a new Administrative Council is elected by the Plenipotentiary Conference. They shall be eligible for re-election.
- 58 (In abeyance Committee 7 ad hoc 5.)
- NOC 59 2. The Administrative Council shall adopt its own Rules of Procedure.
- 60\* 3. In the interval between Plenipotentiary Conferences the Administrative Council shall act on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.
- NOC 61 4. (1) The Administrative Council shall take all steps to facilitate the implementation by the Members of the provisions of this Constitution, of the Convention, of the Administrative Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary Conference.
- NOC 62 (2) It shall determine each year the policy of technical assistance, in accordance with the objectives of the Union.

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\* Transmitted to COM.9 for consideration (DT/66).

- NOC 63 (3) It shall ensure the efficient coordination of the work of the Union and exercise effective financial control over its permanent organs.
- NOC 64\* (4) It shall promote international cooperation for the provision of technical cooperation to the developing countries by every means at its disposal, especially through the participation of the Union in the appropriate programmes of the United Nations, in accordance with the purposes of the Union, one of which is to promote by all possible means the development of telecommunications.

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\* From COM.6.

CONVENTION

ARTICLE 3 [55]

NOC **Administrative Council**

- MOD [231] 31 1. (1) The Administrative Council is composed of 43 Members of the Union elected by the Plenipotentiary Conference.
- NOC [232] 32 (2) If between two Plenipotentiary Conferences a seat becomes vacant on the Administrative Council, it shall pass by right to the Member of the Union from the same region as the Member whose seat is vacated, which had obtained at the previous election the largest number of votes among those not elected.
- NOC [233] 33 (3) A seat on the Administrative Council shall be considered vacant:
- NOC [234] 34 a) when a Council Member does not have a representative in attendance at two consecutive annual sessions of the Administrative Council;
- NOC [235] 35 b) when a Member of the Union resigns its membership on the Council.
- NOC [236] 36 2. The person appointed to serve on the Council by a Member of the Administrative Council shall, so far as possible, be an official serving in, or directly responsible to, or for, their telecommunication administration and qualified in the field of telecommunication services.
- NOC [237] 37 3. At the beginning of each annual session, the Administrative Council shall elect its own Chairman and Vice-Chairman from among the representatives of its Members, taking into account the principle of rotation between the regions. They shall serve until the opening of the next annual session and shall not be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.
- NOC [238] 38 4. (1) The Administrative Council shall hold an annual session at the seat of the Union.
- NOC [239] 39 (2) During this session it may decide to hold, exceptionally, an additional session.
- NOC [240] 40 (3) Between ordinary sessions, it may be convened, as a general rule at the seat of the Union, by its Chairman at the request of a majority of its Members or at the call of the Chairman under the conditions provided for in No. 67 [267] of this Convention.

- NOC [241] 41 5. The Secretary-General and the Deputy Secretary-General, the Chairman and the Vice-Chairman of the International Frequency Registration Board and the Directors of the International Consultative Committees may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to the representatives of its own Members.
- NOC [242] 42 6. The Secretary-General shall act as Secretary of the Administrative Council.
- NOC [243] 43 7. The Administrative Council shall make decisions only in session. Exceptionally, the Council in session may agree that any specific issue shall be decided by correspondence.
- NOC [244] 44 8. The representative of each Member of the Administrative Council shall have the right to attend, as an observer, all meetings of the permanent organs of the Union mentioned in the relevant provisions of Article 5 of the Constitution.
- OC [245] 45 9. Only the travelling, subsistence and insurance expenses incurred by the representative of each Member of the Administrative Council in his capacity at Council sessions shall be borne by the Union.
- NOC [246] 46 10. In the discharge of its duties prescribed in the Constitution, the Administrative Council shall in particular:
- NOC [247] 47 a) in the interval between Plenipotentiary Conferences, be responsible for effecting the coordination with all international organizations referred to in Articles 34 [39] and 35 [40] of the Constitution and to this end, shall conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 35 [40] of the Constitution, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the next Plenipotentiary Conference in accordance with the relevant provision of Article 6 of the Constitution;
- NOC [248] 48 b) decide upon the implementation of any decisions relating to future conferences or meetings which have financial implications and which have been taken by administrative conferences or Plenary Assemblies of the CCIs. In so doing the Administrative Council shall take into account the provisions of Article 28 [80] of this Convention;
- NOC [249] 49 c) decide on proposals for organizational changes within the permanent organs of the Union which are referred to it by the Secretary-General;
- NOC [250] 50 d) examine and decide on plans concerning Union posts and staff covering several years;



- NOC [251] 51 e) decide on the numbers and grading of the staff of the General Secretariat and of the specialized secretariats of the permanent organs of the Union, taking into account the general directives given by the Plenipotentiary Conference, and, bearing in mind the relevant provisions of Article 13 of the Constitution, approve a list of posts in the professional category and above, which, taking into account the constant advances made in the technology and operation of telecommunications, shall be filled by holders of fixed-term contracts which may be extended, with a view to employing the most competent specialists, whose applications are submitted through Members of the Union; this list shall be proposed by the Secretary-General in consultation with the Coordination Committee and shall be kept under constant review;
- NOC [252] 52 f) draw up such regulations as it may consider necessary for the administrative and financial activities of the Union; and also the administrative regulations to take account of current practice of the United Nations and of the specialized agencies applying the Common System of pay, allowances and pensions;
- NOC [253] 53 g) supervise the administrative functions of the Union and decide on appropriate measures for the rationalization of those functions;
- NOC [254] 54 h) review and approve the annual budget of the Union, and the budget forecast for the following year, taking account of the limits for expenditures set by the Plenipotentiary Conference and ensuring the strictest possible economy but mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible through conferences and the work programmes of the permanent organs; in so doing, the Council shall take into account the views of the Coordination Committee as reported by the Secretary-General regarding the work plans mentioned in No. 102 [302] of this Convention and the results of any cost analyses mentioned in Nos. 101 [301] and 104 [304] of this Convention;
- NOC [255] 55 i) arrange for the annual audit of the accounts of the Union prepared by the Secretary-General and approve them, if appropriate, for submission to the next Plenipotentiary Conference;
- NOC [256] 56 j) adjust as necessary:
- NOC [257] 57 1. the basic salary scales for staff in the professional categories and above, excluding the salaries for posts filled by election, to accord with any changes in the basic salary scales adopted by the United Nations for the corresponding Common System categories;

- NOC [258] 58 2. the basic salary scales for staff in the general services categories to accord with changes in the rates applied by the United Nations and the specialized agencies at the seat of the Union;
- NOC [259] 59 3. the post adjustment for professional categories and above, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union;
- NOC [260] 60 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations Common System;
- NOC [261] 61 5. the contributions payable by the Union and the staff to the United Nations Joint Staff Pension Fund, in accordance with the decisions of the United Nations Joint Staff Pension Board;
- NOC [262] 62 6. the cost-of-living allowances granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of practice in the United Nations;
- NOC [263] 63 k) arrange for the convening of Plenipotentiary and administrative conferences of the Union in accordance with Articles 1 [53] and 2 [54] of this Convention;
- NOC [264] 64 l) offer to the Plenipotentiary Conference of the Union any recommendations deemed useful;
- NOC [265] 65 m) review and coordinate the work programmes as well as their progress and the working arrangements of the permanent organs of the Union including the meeting schedules and, in particular, take such action as it deems appropriate for reducing the number and duration of conferences and meetings and curtailing expenditure for conferences and meetings;
- NOC [266] 66 n) provide, with the consent of a majority of the Members of the Union in the case of a world administrative conference or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional administrative conference, appropriate directives to the permanent organs of the Union with regard to their technical and other assistance in the preparation for and organization of administrative conferences;
- NOC [267] 67 o) subject to the relevant provisions of Article 13 of the Constitution, provide for the filling of any vacancy in the post of Secretary-General and/or Deputy Secretary-General in the situation described in the relevant provisions of Article 9 of the Constitution, at an ordinary session, if held within 90 days after a vacancy occurs, or at a session convened by the Chairman within the time periods specified in those provisions of the Constitution;

- NOC [268] 68 p) provide for the filling of any vacancy in the post of Director of either of the International Consultative Committees at the next ordinary session following the occurrence of such a vacancy. A Director so selected shall serve until the date fixed by the next Plenipotentiary Conference as provided for in the relevant provisions of Article 11 of the Constitution and shall be eligible for election to the post at the next Plenipotentiary Conference;
- NOC [269] 69 q) provide for the filling of vacancies for members of the International Frequency Registration Board in accordance with the procedure in the relevant provisions of Article 10 of the Constitution;
- NOC [270] 70 r) perform the other functions prescribed for it in the Constitution and this Convention and, within the framework of the Constitution, this Convention and the Administrative Regulations, any functions deemed necessary for the proper administration of the Union or its permanent organs taken individually;
- NOC [271] 71 s) take the necessary steps, with the agreement of a majority of the Members of the Union, provisionally to resolve questions not covered by the Constitution, this Convention, the Administrative Regulations and their annexes and which cannot await the next competent conference for settlement;
- B/59/4  
MOD\* 72 t) submit to the Plenipotentiary Conference a report on the activities of all the organs of the Union since the previous Plenipotentiary Conference;
- NOC [273] 73 u) send to Members of the Union, as soon as possible after each of its sessions, summary records on the activities of the Administrative Council and other documents deemed useful;
- NOC [274] 74 v) take decisions to ensure equitable geographical distribution of the staff of the Union and monitor the implementation of such decisions.
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\* Editorial change.

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Addendum 1 to  
Document 476-E  
27 June 1989  
Original: English

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PLENARY MEETING

Note by the Secretary-General

REVIEW OF RESOLUTIONS OF THE PLENIPOTENTIARY CONFERENCE (NAIROBI, 1982)

With reference to the review by the Administrative Council of implementation of Nairobi Plenipotentiary Conference Resolutions Nos. 1-15, and 62-75 (see sections 3.1.1 and 2.2.8.1 of the annex to Document 47), I have the honour to submit herewith for consideration draft Resolutions Nos. PL/7-14.

R. E. BUTLER  
Secretary-General

Annex: 1

RESOLUTION No. 3 [PL/7]

**Invitations to Hold Conferences or Meetings  
Away from Geneva**

The Plenipotentiary Conference of the International Telecommunication Union  
(~~Nairobi, 1982~~), (Nice, 1989),

considering

that expenditure on conferences and meetings of the Union is distinctly lower  
when they are held in Geneva,

considering, however

that there are advantages in holding certain conferences and meetings in  
countries other than the Headquarters country,

bearing in mind

that the General Assembly of the United Nations, in Resolution 1202 (XII),  
decided that meetings of organs of the United Nations should, as a general rule, be  
held at the headquarters of the organ concerned, but that a meeting could be held away  
from headquarters if an inviting government agreed to defray the additional expenditure  
involved,

recommends

that world conferences of the Union and Plenary Assemblies of the International  
Consultative Committees should normally be held at the seat of the Union;

resolves

1. that invitations to hold conferences of the Union away from Geneva should  
not be accepted unless the host government agrees to defray the additional expenditure  
involved;

2. that invitations to hold meetings of the Study Groups of the International  
Consultative Committees away from Geneva should not be accepted unless the host  
government provides at least adequate premises and the necessary furniture and  
equipment free of charge, except that in the case of developing countries equipment  
need not necessarily be provided free of charge by the host government, if the  
government so requests.

RESOLUTION No. 4 [PL/8]

**Attendance of Liberation Organizations Recognized by the  
United Nations as Observers at meetings of the  
International Telecommunication Union**

The Plenipotentiary Conference of the International Telecommunication Union  
(~~Nairobi, 1982~~), (Nice, 1989),

considering

a) Article 6 of the International Telecommunication Convention (~~Malaga-  
Torremolinos, 1973~~) (Nairobi, 1982), vesting full powers in the Plenipotentiary  
Conferences;

b) Article 39 of the Convention defining the relations of the Union with the  
United Nations;

c) Article 40 of that Convention defining the relations of the Union with the  
other international organizations,

having regard to

Relevant Resolutions ~~2395, 2396, 2426 and 2465~~ of the General Assembly of the  
United Nations dealing with the problem question of liberation movements,

resolves

that the liberation organizations recognized by the United Nations may attend at  
any time meetings of the International Telecommunication Union as observers;

instructs the Administrative Council

to take the necessary action to implement this Resolution.

RESOLUTION No. 9 [PL/9]

**Use by the Broadcasting Service of the Bands  
Additionally Allocated to This Service by WARC-79**

The Plenipotentiary Conference of the International Telecommunication Union  
(~~Nairobi, 1982~~), (Nice, 1989),

considering

a) that the bands 9 775 - 9 900 kHz, 11 650 - 11 700 kHz,  
11 975 - 12 050 kHz, 13 600 - 13 800 kHz, 15 450 - 15 600 kHz, 17 550 - 17 700 kHz and  
21 750 - 21 850 kHz are allocated to the fixed service on a primary basis subject to  
the procedure described in Resolution No. 8 of the World Administrative Radio  
Conference, Geneva, 1979;

b) that the use of these bands by the broadcasting service shall be subject to provisions to be established by the World Administrative Radio Conference for the planning of HF bands allocated to this service;

c) that within these bands broadcasting stations shall not be brought into service before the date of completion of satisfactory transfer, according to the procedures described in Resolution No. 8 of the World Administrative Radio Conference (1979), of all assignments to the stations in the fixed service operating in accordance with the Table of Frequency Allocations and other provisions of the Radio Regulations, which are recorded in the Master Register and which may be affected by broadcasting operations,

resolves

1. that administrations shall comply strictly with the provisions of No. 531 of the Radio Regulations;

2. that broadcasting stations in the bands referred to above shall not be operated until planning is completed and the conditions stipulated in No. 531 of the Radio Regulations are fulfilled;

~~instructs the International Frequency Registration Board~~

~~1. to draw the attention of all administrations to this Resolution;~~

~~2. to collaborate with all administrations in carrying out monitoring of these bands with a view to detecting any emissions from stations in the broadcasting service operating in violation of No. 531;~~

~~3. to publish the monitoring data thus collected and take appropriate follow-up action;~~

RESOLUTION No. ~~11~~ [PL/10]

Updating of Definitions (Annex 2 to the Convention)

The Plenipotentiary Conference of the International Telecommunication Union ~~(Nairobi, 1982)~~, (Nice, 1989).

considering

a) that Annex 2 to the Convention (Nairobi, 1982) contains definitions of certain terms used in the Convention and in the Administrative Regulations;

b) that as a result of technical progress and the development of operating methods, it might be desirable to revise some of these definitions;

~~having noted~~

~~that the CCIR and the CCITT have instructed the CCIR-CCITT Joint Study Group on Vocabulary to examine possible changes which it might be desirable to make in the definitions contained in the Regulations and in the Convention;~~

instructs the Administrative Council

in preparing the agenda for an administrative conference, to provide that any changes to definitions within the competence of the conference which are also in Annex 2 to the Convention shall be submitted to the Administrative Council for onward transmission to the Plenipotentiary Conference for any action the latter may deem appropriate.

RESOLUTION No. ~~64~~ [PL/11]

**Juridical Status**

The Plenipotentiary Conference of the International Telecommunication Union  
~~(Nairobi, 1982)~~, (Nice, 1989),

in view of

the agreement concluded on 22 July 1971 between the Swiss Federal Council and the International Telecommunication Union to define the legal status of this organization in Switzerland and the associated implementing arrangements,

having noted with satisfaction

the Administrative Council's remarks in section ~~2.2.9.1~~ 2.2.8 of its Report to the Plenipotentiary Conference (Document No. ~~65~~ 47) concerning Resolution No. ~~40~~ 64 of the Plenipotentiary Conference ~~(Malaga-Torremolinos, 1973)~~ (Nairobi, 1982);

instructs the Secretary-General

to keep the agreement and the manner of its application under review in order to ensure that the privileges and immunities accorded to the ITU are equivalent to those obtained by other organizations of the United Nations family with their headquarters in Switzerland and report to the Administrative Council as necessary;

requests the Administrative Council

to report as necessary on this subject to the next Plenipotentiary Conference.

RESOLUTION No. ~~66~~ [PL/12]

**Rationalization of Work**

The Plenipotentiary Conference of the International Telecommunication Union  
~~(Nairobi, 1982)~~ (Nice, 1989),

considering

a) that the workload of the Headquarters of the Union has been increasing and that this contributes to the growth of the Union's budget;



b) that accordingly optimum use needs to be made of human and financial resources and that the fullest possible application of modern technology would help to achieve this taking account of the human and financial constraints facing the Union,

recognizing

~~a) that decisions have been taken on the application of modern technology to the activities of the ITU,~~

b) that the range of commercially available products incorporating advanced technology relevant to office applications is widening and that such products could have an increasing role in the activities of other organs of the Union, especially in the secretarial and information handling areas,

instructs the Secretary-General

to review the extent to which modern office technology is currently being applied within the headquarters of the Union and the future possibilities, taking account of the need to make the most effective use of manpower and financial resources, and to recommend a course of action to the Administrative Council;

instructs the Administrative Council

to consider the recommendation submitted by the Secretary-General and to take such action as the Council judges appropriate within the budgetary resources of the Union with a view to promoting the rationalization of work.

RESOLUTION No. 67 [PL/13]

Improvement of the Union's Document and Publications Processing

The Plenipotentiary Conference of the International Telecommunication Union  
(~~Nairobi, 1982~~), (Nice, 1989),

considering

a) the broad range of Union activities and the diverse requirements of the permanent organs of the Union;

b) that the results of these various activities are disseminated and communicated through the written word to meet in an effective manner the needs of Members, especially the developing countries;

c) that relevant provisions of the Convention require the publication of various documents and deliberations of the Union;

d) that the preparation of documentation and processing of information leading to a finished product make significant demands on the Union's resources,

taking account of

a) the sustained efforts made by the General Secretary to meet these publication needs and to automate the process;

- b) the heavy workload being placed on the Union;
- c) the nature of the Union's document processing and text composition software;
- d) the need to explore opportunities for meeting the document processing and publications workload in the most cost-effective manner possible, recognizing
  - a) the diverse needs of the Union's various organs regarding document processing and publication as well as the autonomy inherent in the Union's federal structure;
  - b) that, because of these diverse needs, increased efficiency may be achieved through the development and introduction of standardized document preparation methods and formats;
  - c) the differences between administrations in their automation capacity and needs given the inadequacy in certain developing countries of facilities for accessing information published by the most modern techniques; while these techniques might well offer the most economical method of publication and are suitable for those countries which have adopted them, their implementation may exceed the capacity of such developing countries over the next five years;
  - d) that a considerable proportion of the documents and information handled by the Union currently processed by manual methods;
  - e) that the document processing and text composition equipment commercially available and the associated software are continually being improved;
  - f) that the continuing extension of automation into the document processing and text composition process might improve productivity, processing capacity and the ability to embrace increasingly complex subjects,

instructs the Administrative Council

to ~~make an in-depth~~ continue the study of text composition and document processing requirements, to review current relevant operations, equipment and software, and, ensuring that this does not reduce the flow of information to any administration, promptly to implement, wholly or in part, the findings of such a study if this would minimize the cost of distributing publications and documents to all administrations.

RESOLUTION No. 72 [PL/14]

World Telecommunication Day

The Plenipotentiary Conference of the International Telecommunication Union  
(~~Nairobi, 1982~~), (Nice, 1989),

having seen

section 2.2.8 of the Report of the Administrative Council to the Plenipotentiary Conference (Document ~~65~~ 47),

considering

the interest shown by Members in celebrating World Telecommunication Day,  
bearing in mind

Resolution No. 46 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973),  
instituting a World Telecommunication Day celebrated annually on 17 May,

invites Administrations of Members

1. to celebrate the day annually;

2. to take advantage of the occasion to make the public aware of the  
importance of telecommunications for economic, social and cultural development; to  
foster interest in telecommunications in universities and other educational  
establishments with a view to attracting new and young talents into the profession; and  
to disseminate information on a large scale concerning Union activities related to  
international cooperation,

instructs the Secretary-General

to provide telecommunication administrations with the information and assistance  
they need to coordinate preparations for holding World Telecommunication Day in Member  
countries of the Union;

invites the Administrative Council

to propose to Members a specific topic for each World Telecommunication Day.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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PLENARY MEETING

Note by the Secretary-General

REVIEW OF RESOLUTIONS OF THE PLENIPOTENTIARY CONFERENCE (NAIROBI, 1982)

The Report of the Administrative Council to the present Conference summarizes, in section 2.3.1 of the annex to Document 47, the position in regard to the implementation of Resolutions Nos. 36 to 43 of the Nairobi Conference.

Taking into account action already taken in the Committees, in respect of the review and revision of such Resolutions, I have the honour to submit herewith for consideration draft Resolutions Nos. PL/1 to PL/6 which update, as appropriate, Resolutions Nos. 36 to 38 and 40 to 43 of the Nairobi Conference.

R.E. BUTLER  
Secretary-General

Annex: 1

ANNEX

RESOLUTION No. 36 [PL/1]

Collaboration with International Organizations  
Interested in Space Radiocommunications

The Plenipotentiary Conference of the International Telecommunication Union  
(~~Nairobi, 1982~~), (Nice, 1989).

mindful

of the numerous possibilities for the use of outer space for peaceful purposes  
in the international field,

considering

the increasing importance of the role that telecommunications, and in  
consequence the Union, are necessarily playing in this sphere,

recalling

the relevant Articles of the Treaty on Principles Governing the Activities of  
States in the Exploration and Use of Outer Space, including the Moon and other  
Celestial Bodies as well as the resolutions adopted by the United Nations General  
Assembly on international collaboration in the peaceful uses of outer space,

notes with satisfaction

- a) the measures taken by the various organs of the Union with a view to  
ensuring the most effective possible use of all space radiocommunication services;
- b) the progress made in the technology and use of space radiocommunication,  
calls upon the Administrative Council and the Secretary-General  
to take the necessary steps to:

1. continue to keep the United Nations and the specialized agencies concerned  
informed of progress in space radiocommunication;
2. promote the continuance and development of collaboration between the Union  
and the specialized agencies of the United Nations and the international organizations  
interested in the use of space radiocommunication.

RESOLUTION No. 37 [PL/2]

Participation of Organizations of an International Nature  
in the Activities of the Union

The Plenipotentiary Conference of the International Telecommunication Union  
~~(Nairobi, 1982)~~, (Nice, 1989).

having noted

~~the proposal relating to the interpretation of the concept of an "international organization" (Document No. 64)~~;

the relevant section of the Report of the Administrative Council to the Plenipotentiary Conference (Nice, 1989).

considering

~~that it did not have time to give adequate consideration to the problem of international organizations~~; Resolution No. 37 of the Plenipotentiary Conference (Nairobi, 1982).

instructs the Secretary-General

1. to review the status of the international organizations which participate in the activities of the Union;

~~2. to submit to the 1983 session of the Administrative Council a proposal on the revision of the list of organizations of an international nature, apart from the United Nations, the organizations in the United Nations system and the regional telecommunication organizations, which should be considered as being covered by Article 40 and other related Articles of the Convention;~~

instructs the Administrative Council

~~1. taking into account the discussions at the present Conference, to establish the level of participation in the activities of the Union of the organizations in the list referred to in the previous paragraph and of the other organizations of an international nature not included in that list;~~

~~2.1.~~ to decide in each case which organizations of an international nature may be exempted in accordance with the provisions of Article 79 of the Convention (Nairobi, 1982);

~~2.2.~~ to provide the Secretary-General with guidelines to be followed in dealing with a request for recognition as an "international organization" with a view to arranging for the consultation provided for under Article 68 of the Convention (Nairobi, 1982);

further instructs the Administrative Council

1. with the assistance of the Secretary-General, to study international legal practice, particularly as applied in the United Nations and organizations in the United Nations system;

~~2. to submit to the next Plenipotentiary Conference a report on the participation of organizations of an international nature in the activities of the Union, giving its conclusions on the matter;~~

RESOLUTION No. 38 [PL/3]

Joint Inspection Unit

The Plenipotentiary Conference of the International Telecommunication Union  
~~(Nairobi, 1982)~~, (Nice, 1989).

recalling

Resolution No. ~~33~~ 38 of the Plenipotentiary Conference ~~(Malaga-Terremolinos, 1973)~~, (Nairobi, 1982).

having noted

a) ~~the separate report relevant sections of the Report of the Administrative Council relating to the Joint Inspection Unit (Document No. 37)~~, Plenipotentiary Conference.

b) ~~the United Nations General Assembly Resolution 31/192 of 22 December 1976~~

considering

that it is appropriate that the International Telecommunication Union continue to benefit from the useful role played by the Joint Inspection Unit as an independent inspection and evaluation unit of the United Nations system,

resolves

~~to accept the Statute of the Joint Inspection Unit (JIU) as contained in the Annex to General Assembly Resolution 31/192 on the following understanding:~~

1- ~~since the basic instrument of the Union, the International Telecommunication Convention, does not provide any mechanism for the JIU to become a subsidiary organ of the legislative organs of the Union as specified in paragraph 2 of Article 1 of the JIU Statute, the JIU shall continue to be recognized by the Union as the competent body of the United Nations system in its particular field of activity and responsibility as specified in the substantive provisions of the JIU Statute and shall continue to report, through the Secretary General of the Union, to the Administrative Council;~~

2- ~~notwithstanding the provisions contained in Articles 5 and 6 of the JIU Statute, the technical activities of the Union concerning specifically telecommunication matters of a highly specialised nature including studies, findings, opinions, decisions, resolutions, reports and instructions carried out by the permanent organs of the Union in performing their functions by virtue of the relevant provisions of the Convention, the Regulations annexed thereto, and related recommendations, resolutions and decisions adopted by the legislative organs of the Union, shall be excluded from the functions, powers and responsibilities of the JIU which, however, shall be fully empowered to deal with all general administrative and financial matters, including general management issues concerning the permanent organs of the Union;~~

~~3. with regard to the provisions contained in paragraph 4 of Article 11 of the JIU Statute, the Union agrees, as far as the time period stipulated therein for transmission and consideration of JIU reports are concerned, to observe the spirit of those provisions rather than the actual time periods stipulated therein, so as to ensure the most appropriate handling of such reports by the Union in as expeditious a manner as feasible, and decides as far as distribution of JIU reports is concerned, that JIU reports not distributed by the United Nations to Members of the Union shall be transmitted by the Secretary-General of the Union only to Members of the Administrative Council of the Union;~~

instructs the Secretary-General

~~1. to notify, in accordance with paragraph 3 of Article 1 of the JIU Statute, the Secretary-General of the United Nations of the acceptance of the JIU Statute by the Union and in so doing also to transmit the text of the present Resolution on which this acceptance is based;~~

~~2. to continue to cooperate with the JIU and to submit to the Administrative Council JIU reports having a bearing on the Union together with comments he considers appropriate;~~

instructs the Administrative Council

to consider the JIU reports submitted by the Secretary-General, and to take action thereon as it deems fit.

#### RESOLUTION No. 40 [PL/4]

#### Possible Revision of Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies

The Plenipotentiary Conference of the International Telecommunication Union  
(~~Nairobi, 1982~~), (Nice, 1989).

in view of

Resolution No. 28 of the Plenipotentiary Conference (Buenos Aires, 1952),  
Resolution No. 31 of the Plenipotentiary Conference (Geneva, 1959), Resolution No. 23  
of the Plenipotentiary Conference (Montreux, 1965), ~~and~~ Resolution No. 34 of the  
Plenipotentiary Conference (Malaga-Torremolinos, 1973), ~~and~~ Resolution No. 40 of the  
Plenipotentiary Conference (Nairobi, 1982).

bearing in mind

Resolution No. ~~36~~ 41 of the Plenipotentiary Conference (~~Malaga-  
Torremolinos, 1973~~) (Nairobi, 1982),

considering

a) the apparent conflict between the definition of Government Telegrams and  
Government Telephone Calls contained in Annex 2 of the International Telecommunication  
Convention (Nairobi, 1982) and the provisions of Article IV, Section 11, of the  
Convention on the Privileges and Immunities of the Specialized Agencies;



b) that the Convention on the Privileges and Immunities of the Specialized Agencies has not been amended in the manner requested by the Plenipotentiary Conferences of Buenos Aires (1952), Geneva (1959), Montreux (1965), and Malaga-Torremolinos (1973)† and Nairobi (1982).

resolves

to confirm the decisions of the Plenipotentiary Conferences of Buenos Aires (1952), Geneva (1959), Montreux (1965), and Malaga-Torremolinos (1973), and Nairobi (1982), not to include the Heads of the specialized agencies among the authorities listed in Annex 2 to the Convention (Nairobi, 1982) as entitled to send Government Telegrams or to request Government Telephone Calls;

expresses the hope

that the United Nations will agree to reconsider the matter and, bearing in mind the above decision, will make the necessary amendment to Article IV, Section 11, of the Convention on the Privileges and Immunities of the Specialized Agencies;

instructs the Administrative Council

to take the necessary steps with the appropriate organs of the United Nations with a view to reaching a satisfactory solution.

RESOLUTION No. 41 [PL/5]

Telegrams and Telephone Calls of the United Nations Specialized Agencies

The Plenipotentiary Conference of the International Telecommunication Union (~~Nairobi, 1982~~), (Nice, 1989).

considering

a) that the Heads of the specialized agencies are not mentioned in the definition of Government Telegrams and Government Telephone Calls, which appears in Annex 2 to the Convention (Nairobi, 1982);

b) that there may be circumstances in which the urgency or importance of the telecommunications of the specialized agencies warrants special treatment for their telegrams or telephone calls,

resolves

that if a specialized agency wishing to obtain special privileges for its telecommunications informs the Administrative Council, justifying the particular cases in which special treatment is necessary, the Administrative Council:

1. shall inform Members of the Union of any request which, in its opinion, should be accepted;

2. shall take a final decision on these requests, bearing in mind the opinion of the majority of Members;

instructs the Secretary-General

to notify Members of any decisions taken by the Council.

SUP

RESOLUTION No. 42

Electronic Mail/Message Service

RESOLUTION No. ~~42~~ [PL/6]

Request to the International Court of Justice  
for Advisory Opinions

The Plenipotentiary Conference of the International Telecommunication Union  
(~~Nairobi, 1982~~), (Nice, 1989).

in view of

a) Article VII of the Agreement between the United Nations and the International Telecommunication Union which provides that requests for advisory opinions may be addressed to the International Court of Justice by the Plenipotentiary Conference, or by the Administrative Council acting in pursuance of an authorization by the Plenipotentiary Conference;

b) the decision of the Administrative Council "to affiliate the Union to the Administrative Tribunal of the International Labour Organisation", and the declaration recognizing the jurisdiction of the Tribunal which was made by the Secretary-General pursuant to that decision;

c) the provisions in the Annex to the Statute of the Administrative Tribunal of the International Labour Organisation under which that Statute applies in its entirety to any international governmental organization which has recognized the jurisdiction of the Tribunal in accordance with paragraph 5 of Article II of the Statute of the Tribunal;

d) Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation under which, in consequence of the above-mentioned declaration, the Administrative Council of the International Telecommunication Union may submit to the International Court of Justice the question of the validity of a decision given by the Tribunal,

notes

that the Administrative Council is authorized to request advisory opinions from the International Court of Justice as provided under Article XII of the Statute of the Administrative Tribunal of the International Labour Organisation.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 477-E  
27 June 1989  
Original: French

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PLENARY MEETING

## REPORT OF COMMITTEE 3 TO THE PLENARY MEETING

The Budget Control Committee held three meetings during the Conference. Under Chapter XI, Article 77, No. 476 of the International Telecommunication Convention (Nairobi, 1982), the Committee's terms of reference were:

- a) to determine the organization and the facilities available to delegates;
- b) to examine and approve the accounts for expenditure incurred throughout the duration of the Conference.

### 1. Agreement with the host Administration

Pursuant to Administrative Council Resolution No. 83 (amended) on the organization, financing and liquidation of the accounts of conferences and meetings, the Government of France and the Secretary-General of the ITU concluded an agreement on the arrangements to be made for the organization and financing of the present Conference. This Agreement is set out in Document 76. The Budget Control Committee has examined the Agreement and proposes that the Plenary Meeting approve it.

The text of the Resolution on the subject has been transmitted directly to the Editorial Committee.

### 2. Assessment of the organization and the facilities available to delegates

The Budget Control Committee considered that the organization and the facilities available to delegates were entirely satisfactory. It also wishes to thank the host Administration for the excellent practical arrangements which have created such admirable conditions for the smooth functioning of the Conference.

### 3. Budget of the Conference

The Budget Control Committee carefully scrutinized the budget of the Conference approved by the Administrative Council at its 43rd session (1988), amounting to 2,600,000 Swiss francs.

The Committee also noted that the Conference budget did not include the cost of common service staff salaries, which are charged to a special section of the ordinary budget. The share of this special section for the Plenipotentiary Conference is estimated at 3,114,000 Swiss francs.

The Committee also noted that the budget of the Conference (2,600,000 Swiss francs) had been adjusted to take account of the changes which had taken place within the common system of the United Nations and the specialized agencies regarding the salaries and allowances of short-term staff and fluctuations in the exchange rate

between the US dollar and the Swiss franc, under Administrative Council Resolution No. 647. These adjustments have increased the total budget of the Plenipotentiary Conference to 2,839,600 Swiss francs, representing an increase of 239,600 Swiss francs.

4. Statement of Conference expenditure

Under No. 478 of the Convention, the Budget Control Committee has to submit a report to the Plenary Meeting showing, as accurately as possible, the estimated expenditure of the Conference.

Accordingly, Annex 1 contains a statement showing the budget for the Conference, together with a breakdown of credits by budget subhead and item, and actual expenditure incurred as at 24 June 1989. The statement is supplemented by an indication of the expenditure committed up to that date together with an estimate of expenditure up to the date on which the Conference accounts will be closed.

The above-mentioned statement shows that the total amount to be charged to the ordinary budget is estimated at 2,895,000 Swiss francs, i.e. 55,400 Swiss francs more than the amount allocated by the Administrative Council and adjusted pursuant to Administrative Council Resolution No. 647. Nevertheless, the margin in relation to the limit on expenditure set by the Nairobi Plenipotentiary Conference is 112,000 Swiss francs.

The amounts to be paid by the host Administration are estimated at 1,743,000 Swiss francs.

5. International organizations participating in the work of the Conference

Under Article 16 of the Financial Regulations of the Union, the Budget Control Committee's report must include a list of the international organizations which have participated in the work of the Conference. This list is given in Annex 2.

In accordance with No. 479 of the Convention, this report, together with the comments of the Plenary Meeting, will be transmitted to the Secretary-General for submission to the Administrative Council at its next annual session.

The Plenary Meeting is requested to approve this report.

Dr. M.K. RAO  
Chairman of Committee 3

Annexes: 2

Items	Titles	Budget approved by CA	Budget adjusted on 01.06.89	Expenditure as at 24 June 1989				Expenses charged to inviting Administ.	Expenses charged to PP
				actual	committed	estimated	total		
1	2	3	4	5	6	7	8	9	10
	<u>Sub.I - Staff expenditure</u>								
11-10100	Salaries & related exp.	1.669.000	1.908.600	23.675	1.395.000	11.325	1.430.000	- 300.000	1.730.000
11-10200	Travel (recruitment)	173.000	173.000	-	-	-	-	- 173.000	173.000
11-10300	Insurance	56.000	56.000	1.806	25.000	3.194	30.000	- 10.000	40.000
		1.898.000	2.137.600	25.481	1.420.000	14.519	1.460.000	- 483.000	1.943.000
	<u>Sub.II - Premises and equipment</u>								
11-10500	Premises, furnit, machines	130.000	130.000	15.066	-	14.934	30.000	- 100.000	130.000
11-10600	Document production	230.000	230.000	288.556	26.000	261.444	576.000	+ 126.000	450.000
11-10700	Off.supplies&overheads	180.000	180.000	144.221	40.715	5.064	190.000	-	190.000
11-10800	P.T.T.	70.000	70.000	48.938	-	51.062	100.000	-	100.000
11-10900	Tech. installations	10.000	10.000	-	-	-	-	-	-
11-11000	Sundry & unforeseen	10.000	10.000	3.934	-	6.066	10.000	-	10.000
		630.000	630.000	500.715	66.715	338.570	906.000	+ 26.000	880.000
	<u>Sub.III-Other expendit.</u>								
11-11100	Final Acts	72.000	72.000	-	-	72.000	72.000	-	72.000
11-11200	Travel costs prep.conf.	-	-	17.649	1.765	586	20.000	+ 20.000	-
11-11300	Staff put to the disposal of conference	-	-	-	-	-	-	- 155.000	-
		72.000	72.000	17.649	1.765	72.586	92.000	- 135.000	72.000
	<u>Sub.IV - Travel outside Geneva</u>								
11-11400	Subsistence allowances	-	-	8.647	1.897.931	23.422	1.930.000	+1.930.000	-
11-11500	Travels costs	-	-	84.612	227.677	7.711	320.000	+ 320.000	-
11-11600	Transp.& dispatch costs	-	-	24.451	3.338	32.211	60.000	+ 60.000	-
11-11700	Various expenses	-	-	12.008	-	12.992	25.000	+ 25.000	-
		-	-	129.718	2.128.946	76.336	2.335.000	+2.335.000	-
		2.600.000	2.839.600	673.563	3.617.426	502.011	4.793.000	1.743.000	2.895.000

ANNEX 2

LIST OF INTERNATIONAL ORGANIZATIONS PARTICIPATING  
IN THE WORK OF THE CONFERENCE

	<u>Number of contributory units</u>
1. United Nations (UN)	*)
United Nations Development Programme (UNDP)	*)
2. <u>United Nations specialized agencies</u>	
International Bank for Reconstruction and Development IBRD)	*)
International Maritime Organization (IMO)	*)
United Nations Educational, Scientific and Cultural Organization (UNESCO)	*)
Universal Postal Union (UPU)	*)
General Agreement on Tariffs and Trade (GATT)	*)
3. <u>Regional organizations</u>	
Conference of Postal and Telecommunications Administrations of Central Africa (CAPTAC)	*)
European Conference of Postal and Telecommunications Administrations (CEPT)	*)
Inter-American Telecommunications Conference (CITEL)	*)
Asia-Pacific Telecommunity (APT)	*)
African Postal and Telecommunications Union (UAPT)	*)
Arab Telecommunication Union (ATU)	*)
Panafrican Telecommunication Union (PATU)	*)

\*) Exempted from making any contribution by virtue of  
Administrative Council Resolution No. 925.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 478-E

27 June 1989

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PLENARY MEETING

REPORT OF WORKING GROUP PL-A TO THE PLENARY

1. In accordance with its terms of reference (Document DT/34), Working Group PL-A held four meetings to complete its work, which was "to consider Documents 37 and 90 relating to the changing telecommunication environment and to map out a programme of action together with guidelines to be set out in a draft [Resolution] for submission to the Plenary Meeting".
2. At its first meeting on 19 June, the Working Group discussed the organization of its work and heard the specific comments of delegations on the various issues raised in the report of the Secretary-General's Advisory Group on Telecommunications Policy (Document 90). The Working Group was assisted by the introductory remarks made by Mr. Poul Hansen, Chairman of the Advisory Group (Document 343).
3. After the first meeting, as authorized by the Working Group, its Chairman prepared a draft Resolution (Document DT/64) based upon specific texts submitted by delegations to the Chairman, ideas contained in the report of the Advisory Group, ideas contained in various Declarations (e.g. Arusha, Lomé, Santiago, Vancouver), and comments made by delegations during the first meeting and during earlier sessions of the Plenary. The Chairman's draft Resolution was considered in detail during the Working Group's second meeting on 23 June and third meeting on 25 June. After the third meeting, the Chairman prepared a revised draft Resolution (Document DT/64(Rev.2)), which was considered in detail during the Working Group's fourth and final meeting on 26 June.
4. Draft Resolution PL-A/1, which is attached to this report as an annex, was approved by the Working Group at its fourth and final meeting and is submitted for the consideration of the Plenary.

G.I. WARREN

Chairman of Working Group PL-A

ANNEX

DRAFT RESOLUTION No. PL-A/1

The Changing Telecommunication Environment

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

having considered

a) the Report of the Independent Commission for World-Wide Telecommunications  
Development (The Missing Link, December 1984);

b) the Arusha Declaration on World Telecommunications Development (May 1985);

c) WATTC-88 Resolution No. PL/4 on the Changing Telecommunication Environment  
(December 1988); and

d) the Report of the Secretary-General's Advisory Group on Telecommunication  
Policy (The Changing Telecommunication Environment, February 1989),

recalling

that the purposes of the Union are:

a) to maintain and extend international cooperation between all Members of  
the Union for the improvement and rational use of telecommunications of all kinds, as  
well as to promote and to offer technical assistance to developing countries in the  
field of telecommunications;

b) to promote the development of technical facilities and their most  
efficient operation with a view to improving the efficiency of telecommunication  
services, increasing their usefulness and making them, so far as possible, generally  
available to the public;

c) to harmonize the actions of nations in the attainment of those ends,

taking into account

a) the recent and continuing changes in the world telecommunication  
environment as a consequence, inter alia, of the advances in and increased convergence  
of technologies;

b) the pressures on traditional telecommunication systems and structures that  
have resulted from:

- i) the globalization and increasing information-intensive  
environment;
- ii) the greater ease of entry into both the telecommunication  
equipment and services markets;
- iii) the changing cost structure of other industries which are  
dependent on telecommunications;



iv) the development of new services and new methods of delivering traditional services;

c) that telecommunications is becoming more closely linked with international commerce and is involving a growing diversity of participants;

d) that effective domestic, regional and international telecommunication policy can not be determined in isolation by those involved in such activities;

e) that access to reliable modern telecommunications has become an economic necessity in all countries of the world,

conscious of

a) the current imbalance in the distribution of telecommunications around the world;

b) the need for developing countries to cope with the challenges of the new telecommunication environment at the same time as they are building their basic national networks;

c) the inadequate investment in developing countries in telecommunications, which has often not been given a sufficiently high priority in their economic plans;

d) the insufficiency of services and networks existing in many developing countries, which may lead, in some cases, large users to construct their own networks, which in turn may lead to a reduction of resources for the suppliers of basic telecommunication services;

e) the increasing internationalization of new information, computer and communication services, and increasing competition in international telecommunications, which adds to the complex situation faced by developing countries and brings pressure for access to the international network and services under competitive tariff conditions,

convinced

a) that effective telecommunication systems are essential to the process of development, no matter what level of development a particular country has achieved;

b) that the new technologies, and the transfer of those technologies and the associated knowledge, can help to close the gap between industrialized and developing countries,

recognizing

a) that each country has the right to choose, and the responsibility to define, the telecommunication policy that best meets the needs of its people, while keeping in mind the impact on other countries;

b) the need for the Union to adapt itself to the new circumstances in the telecommunication environment;

c) that the ITU is the only telecommunication organization in which virtually all countries of the world are Members, making it an appropriate forum for assisting in the harmonization of national, regional and international telecommunication policies,

declares

following examination of the Report of the Secretary-General's Advisory Group on Telecommunication Policy, that the changing telecommunication environment has fundamental consequences for national, regional and international policies and structures, and commends it to the attention of Members, national, regional and international development agencies, financial institutions and to all other parties with an interest in the development of telecommunications structures, systems and services;

resolves

that the International Telecommunication Union should, within the scope of the available resources and insofar as there is consistency with the decisions of this Conference, particularly with respect to the new Telecommunications Development Bureau:

1. analyse the impact and challenges of the changing telecommunication environment on the Union's rôle and continue to adapt itself to meet these challenges;
2. ensure, where appropriate, that the impact of the changing telecommunication environment on international, regional and national policies continues to be considered in policy forums, seminars and exhibitions;
3. stimulate the application of a broad multi-disciplinary perspective to telecommunication policy issues by encouraging the examination of the impact of telecommunications on other areas of activity and as an important element underlying the information economy and society;
4. encourage these newly emerging policy issues to be appropriately reflected in telecommunications training programmes and in human resources development activities;
5. assist Members to analyse the impact and challenges of the changing telecommunication environment on national telecommunication structures and policies, and encourage Members to exchange information, or sources of information, on the range of options available to enable them to adapt their telecommunication policies and structures;
6. make its role in coordinating international telecommunications even more effective by:
  - 6.1 strengthening its cooperation, on subjects of mutual interest concerning telecommunications, with other United Nations organizations such as UNESCO and UNCTAD, with other international organizations having a specific relationship with the United Nations such as the GATT, with other multilateral organizations such as the OECD, with regional and subregional telecommunications organizations and the United Nations regional economic commissions, and with the principal non-governmental international organizations and institutes and academic institutions concerned with telecommunications;
  - continuing and expanding upon initiatives to have the user communities participate, where appropriate, in the formulation of international telecommunications policies and regulations;

- 6.2 giving even greater attention to the requirements of developing countries by continuing international initiatives to close the "telecommunications gap" between developing and developed countries;
- promoting cooperation with the principal international, regional and national development and investment agencies to assess the availability of financial resources for telecommunications and to examine how telecommunications can be given a higher priority in the broader development strategies of these agencies;

invites

a) Member countries to take necessary action to implement this Resolution and, in particular, to set up appropriate national mechanisms to formulate and review telecommunication policies;

b) all concerned national, regional and international organizations to take appropriate action to achieve the purposes of this Resolution;

instructs the Secretary-General in performing his duties, including those related to the establishment of the new Telecommunications Development Bureau

to follow-up the implementation of this Resolution as required, and make periodic reports, containing recommendations as appropriate, to the Administrative Council for the fulfilment of the objectives of this Resolution;

requests the Administrative Council

a) to consider and approve, as is deemed appropriate, these reports and recommendations;

b) to review progress; and

c) to report to the next Plenipotentiary Conference.

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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PLENARY MEETING

## INFORMATION NOTE

At the request of several delegations, I enclose herewith the relevant extract from the summary record of the twenty-seventh meeting of Committee 7 on 26 June 1989 concerning the conclusion of the debate on world and regional telecommunications development conferences.

A. VARGAS-ARAYA  
Chairman of Committee 7

Attachment: 1

EXTRACT FROM THE MINUTES OF COMMITTEE 7 DEBATE ON  
WORLD AND REGIONAL DEVELOPMENT CONFERENCES  
26 JUNE 1989

... The delegate of the United States stated that his understanding of the world development conference was that this conference would be of the type as that held in Arusha in 1985 under the title of World Telecommunications Development Conference and produced the Arusha Declaration. Similarly, he understood the regional development conferences to be of the type held in Tunis in 1986 and New Delhi in 1987.

These conferences are not similar to ITU administrative conferences whose agenda and related Final Acts are provided for in the Convention. According to his understanding the proposed development conferences are to have a flexible agenda which would be formulated in accordance with the requirements of the times and the need of the participants. No Final Acts or regulations would result from these conferences. Accordingly, he requested the Chairman to confirm his understanding.

The Chairman confirmed that the understanding of the delegate of the United States was absolutely correct as to the nature and scope of the telecommunications development conferences.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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12 October 1989  
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PLENARY MEETING

MINUTES

OF THE

TWENTY-SECOND PLENARY MEETING

Thursday, 27 June 1989, at 1330 hrs and at 2110 hrs

Chairman: Mr. J. GRENIER (France)

<u>Subjects discussed:</u>	<u>Documents</u>
1. Eighth series of texts submitted by the Editorial Committee for first reading (Series B.8) (contd.)	369
2. Ninth series of texts submitted by the Editorial Committee for first reading (Series B.9)	402
3. Tenth series of texts submitted by the Editorial Committee for first reading (Series B.10)	403
4. Eleventh series of texts submitted by the Editorial Committee for first reading (Series B.11)	414 + Corr.1
5. Twelfth series of texts submitted by the Editorial Committee for first reading (Series B.12)	426
6. Statement by the delegate of Cuba	

1. Texts submitted by the Editorial Committee for first reading

1.1 Series B.8 (contd.)

Article 4 of the Constitution (Document 369)

1.1.1 The Chairman noted that Article 4 had been dealt with except for Provision No. 18 which was still in square brackets.

1.1.2 The delegate of Switzerland recalled his Delegation's question as to No. 24A which he felt would be better situated either in a Resolution or in the terms of reference of the Telecommunications Development Bureau.

1.1.3 The Chairman of Committee 8 said there had been substantial discussion on No. 24A and a majority of delegations had insisted on the inclusion of the provision in order to highlight its importance as one of the ways of implementing the purposes of the Union.

1.1.4 The Chairman, considering that the matter had been debated extensively in Committee 8, suggested that No. 24A be maintained with an editorial amendment proposed by the Chairman of the Editorial Committee.

1.1.5 The delegate of Australia, supported by the delegate of Sweden, agreed with the delegate of Switzerland and the Chairman of Committee 8 that problems had arisen in relation to the text and was in favour of reopening discussion on the matter since, from a procedural point of view, the item had been assigned to Committee 8 while other related items had been discussed elsewhere and in parallel. Committee 8 had had no opportunity to consider the relationship between Article 11A and Article 4. There were also matters of substance which had not been considered in Committee 8, since the debate there had been on whether to have a provision or not; the narrow scope of the text of No. 24A dealt with finding financial support for social projects only; it was concerned with the extension of the telephone service only and with the most isolated areas of countries, i.e. it was applicable to large countries but not to small ones with telecommunications development problems.

There was also a legal aspect: Article 4 dealt with the purposes of the Union and the inclusion of No. 24A could be understood as narrowing the effect of other provisions in the Constitution and the basic instruments of the Union, including those in Article 11A, No. 97D on the promotion, development and expansion of telecommunications networks and services, particularly in developing countries. It therefore seemed odd to have a broadly-based provision in Article 11A which had to be matched with an extremely narrow one in Article 4 on the purposes of the Union. He wondered whether Committee 9 had examined the matter in its consideration of Article 11A. Since it was too late to refer the matter to Committee 9 and a possible transfer of the provision to Article 11A would still be problematic, he concurred with the delegate of Switzerland in that the best solution was to delete the provision altogether and was confident that those who had participated in Committee 8 would have good reason to reconsider the matter in view of the events that had occurred since that debate.

1.1.6 The Chairman of the Editorial Committee read out the text that had been agreed for No. 24A:

"24A h) promote, with international financial organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects arrived at extending the telephone service to the most isolated areas in countries."

The Spanish version was pending, subject to agreement between the delegates of Colombia and Spain on the first word.

1.1.7 The delegate of Colombia said that the Chairman of Committee 8 had given a clear account of how the subject had been fully debated. A majority of delegations had agreed and consequently he was opposed to reopening the debate since that would mean repeating the work that had been accomplished in Committee 8. He supported the proposal by the Chairman to adopt the text read out by the Chairman of the Editorial Committee.

1.1.8 The Chairman of Committee 8, representing the views expressed in Committee 8, added that there had been no reservations relating to the provision; secondly, concerning procedure and the fact that another provision in Article 11A had been elaborated by Committee 7, he would have expected that Committee to examine structures in the light of decisions on the purposes of the Union. Article 11A had been decided as a result of agreement on the purposes. The text of No. 24A might require some editorial amendment but its substance could only be changed with the consent of those who had argued in Committee 8 for its retention. As to its location, the basic instrument should first contain an elaboration of the general agreement on the problems to be tackled and then the machinery for solving them. That general agreement was in Section 1 of Article 4 which contained the three purposes of the Union. No. 24A in Section 2 of that Article may have been considered too specific, but there were other specific matters in that Section which were of interest to other groups of delegates, e.g. the frequency spectrum.

1.1.9 The Chairman said he could not accept the remark by the delegate of Australia that the decision had been taken at a late hour when many delegations had been absent. He proposed the retention of No. 24A as amended and read out by the Chairman of the Editorial Committee.

It was so agreed.

1.1.10 The delegate of Morocco proposed that in the Constitution the term "telephone service" be replaced by the more general term "telecommunication services".

1.1.11 The delegate of Niger, referring to the concerns in "The Missing Link", would have preferred the more general term and believed that "telephone service" represented a minimum requirement.

1.1.12 The Chairman said it was too late to take the Moroccan proposal into account since there had already been ample discussion on the matter. Consequently, the only matter still pending was the word in square brackets in No. 18.

Articles 7 (No. 56), 14, 18 and 19 of the Constitution

Approved.



Article 20 of the Constitution

1.1.13 The delegate of Costa Rica said that he had been unable to participate in the work of Committee 8 and proposed the addition of the introductory phrase:

"Without prejudice to the related national laws ..."

1.1.14 The Legal Adviser said that, if a Member under its own national laws did not have the right to suspend international telecommunication services, Article 20 itself became inapplicable with regard to that Member. The very text thereof implied that this Article concerned precisely Members, the national legislation of which provided for such suspension of services and for which, therefore, the right was reserved to exercise such suspension in accordance with their national laws and under the conditions laid down in Article 20. He saw thus no need for the addition of the phrase proposed by the delegate of Costa Rica.

1.1.15 The delegate of Costa Rica entered a reservation on the matter to guarantee correct interpretation of the provision.

1.1.16 The delegate of Brazil said it would be useful for the proposal by the delegate of Costa Rica and the Legal Adviser's comments to be included in the minutes of the meeting.

1.1.17 The Secretary-General confirmed that the Legal Adviser's comments would duly appear. The clause was an "enabling" clause whereby the Member reserved his right to do something. It was therefore up to each Member to act as it deemed fit. The clause had also to be read in relation to the Preamble of the Convention which fully recognized the sovereign right of each country to regulate its telecommunications. It was not essential to make a reservation but a country could do so if it so wished.

With that explanation, the text of Article 20 was approved.

Articles 21, 22, 23, 24 and 25 of the Constitution

Approved.

Article 26 of the Constitution

1.1.18 The Chairman of Committee 8 said that the correct number would be inserted in place of the number in square brackets when the full list of definitions was known.

On that understanding, Article 26 was approved.

Article 27 of the Constitution

1.1.19 The Chairman of Committee 9 drew attention to the footnote concerning the square brackets and informed the Plenary that during consideration of Article 40 on the status of administrative regulations the Committee had decided to do away with the concept of regulations being annexed, or regarded as being annexed, to the Constitution and the Convention. It had found a new wording and had thus decided to delete the bracketed phrase and the second comma.

Article 27 was approved as amended with an editorial improvement to the French text.

Article 28 of the Constitution

Approved.

Article 29 of the Constitution

1.1.20 The Chairman of the Editorial Committee said that the word "space" should be deleted from the first line of the English version of No. 153 since it had been decided that the provision should refer to all radio services and thus be identical to the correction made to No. 19.

1.1.21 The delegate of the German Democratic Republic said that extending the principle of ensuring equal rights of all States to use frequencies for terrestrial services was a fundamental change to the former Article 33. However, there was no regulation to translate that principle into daily practice and the only way open was through frequency planning conferences. There were many frequency bands which were not planned and there were no coordination procedures satisfying that principle. He therefore appealed to all Members, when using or preparing to use frequencies in the hitherto unplanned frequency bands, to take into consideration the needs of the countries concerned. In frequency bands where equal rights for all States had been achieved through coordinated international frequency planning it was desirable not to press for modification or additional coordination which could disturb the basic principle of agreed frequency plans to ensure, in preparing agendas for future frequency planning conferences, that a point was included to safeguard the equal rights of all countries when formulating modifications and coordination procedures.

Articles 30, 31, 32, 33, 34 and 35 of the Constitution

Approved.

The above parts of the eighth series of texts were approved, as amended, on first reading.

2. Ninth series of texts submitted by the Editorial Committee for first-reading (Series B.9) (Document 402)

Constitution: Annex 1

2.1 The Chairman of the Editorial Committee said that Annex 1 in square brackets had been included for information only since Committee 9 had decided to delete it from the Constitution so that the list of Members of the Union would appear henceforth in a service document and not annexed to the Constitution. Consequently, Annex 2 would become Annex 1 as in Document 402. The two-thousand series numbers, which referred to old Annex 2, had been left in square brackets and it was to be expected that a one-thousand series would be used as a result of the re-numbering. With the agreement of the Plenary the final numbering would be entrusted to the Secretary-General in accordance with No. 597 of the Nairobi Convention. In addition, at the end of the document it had been considered appropriate to maintain the definition of "telephony", pending a final decision by Committee 9.

He added that the annex only concerned terms used in the Constitution, the Convention and the Administrative Regulations; the definitions of terms used in the Convention and the Administrative Regulations were listed separately.

2.2 The Chairman of Committee 9 said that the Committee still had a complex task before it and he wondered whether the term "telephony" might be deleted as a consequence of the decision on Article 26.

2.3 The delegate of Spain recalled the troubles that had preceded the WATTC with respect to the text prepared by the Preparatory Committee, which he had had the honour to chair, and the statement that certain terminology used in ITU texts, particularly with respect to service providers, was quite out of date and did not reflect the current situation. Many of the documents submitted to the Melbourne Conference had

referred to that point and as a result the Conference had adopted Recommendation No. PL/B on the need to update certain definitions appearing in the then Annex 2 to the Convention. However, apart from the terms "private operating agency" and "recognized private operating agency", which were reproduced without modification, it seemed strange that the Plenipotentiary Conference, to which the matter had been addressed as one of importance, had ignored it.

Another controversial term was that of "international organization", which had given rise to comment and ambiguity since 1982, when the Spanish Delegation had submitted a proposal. In the document just approved, however, the term appeared in the same chapter heading as the United Nations, which seemed to be contradictory. He had no specific proposal to make but wished it recorded in the minutes that the Plenipotentiary Conference had paid absolutely no attention to anomalies which the Member States in Melbourne had considered very important.

2.4 The delegate of Greece believed the term "telephony" should be maintained and proposed modifying the definition by replacing "in the form of speech" by "vocally", since the latter expression was more comprehensive and corresponded exactly to the original significance of the word "telephony".

2.5 The Chairman suggested that Annex 1 be adopted, with the deletion of No. 2021 as proposed by the Chairman of Committee 9.

2.6 The delegate of Spain said that there was a problem of substance since the definition had been in the Convention for a number of years, and thus also in various national legislations, to differentiate that form of telecommunication service from others and was considered as a national legal text, in particular with respect to issuing licences and other legal actions concerned with operations. Consequently, the term "telephony", just as "telegraphy", should appear in the current Annex 1 to the Constitution.

2.7 The delegate of Romania said that since No. 24A concerning the telephone service had just been adopted in Document 369, it seemed appropriate to keep the term "telephony" in Annex 1.

2.8 The Chairman of the Editorial Committee shared the views of the previous speaker and added, on a personal note, that he would prefer the term to be maintained since the definitions of "telegraphy" and "telegrams" had been included elsewhere.

The ninth series of texts, as submitted by Committee 8 was approved on first reading.

3. Tenth series of texts submitted by the Editorial Committee for first reading (Series B.10) (Document 403)

Articles 11, 12 and 13 of the Convention

Approved.

Article 14 of the Convention

3.1 The delegates of Spain and the United Kingdom proposed minor editorial amendments to Nos. 173A and 175.

With those amendments, Article 14 was approved.

Articles 15, 25, 26, 29 and 30 of the Convention

Approved.

Article 31 of the Convention

3.2 The Chairman of Committee 9 confirmed that the square brackets could be removed from No. 401 following the decision of Committee 9 on Articles 36 and 40 of the Constitution.

On that understanding, Article 31 was approved.

Article 32 of the Convention

Approved.

Article 33 of the Convention

3.3 The delegate of the USSR, proposed replacing "government telegrams" in No. 405 by "government telecommunications", since the meeting had just approved Article 26 of the Constitution, containing the latter term as defined in No. 2018.

3.4 The delegate of Spain said that Article 33 concerned only telegrams and if it was intended to cover other categories of correspondence then the Article would have to be completely changed.

3.5 The Chairman of Committee 8 said that the matter had been discussed at length and the decision to make no change constituted a compromise among various options.

3.6 The delegate of Kenya supported the comments by the delegate of Spain and added that under No. 2016 (of the Constitution) the word "telegram" had been defined and therefore there should not be any confusion, since a particular service was concerned which involved certain written secret language.

3.7 The delegate of Greece supported the remarks by the delegate of Spain and the Chairman of Committee 8 and added that government telecommunications would include telephone conversations, where the question of secret language did not arise.

3.8 In response to the Chairman's request, the delegate of the USSR agreed to withdraw his proposal.

Article 33 was approved.

Annex 1 of the Convention

Approved.

The tenth series of texts was approved as amended on first reading.

4. Eleventh series of texts submitted by the Editorial Committee for first reading (Series B.11) (Document 414 + Corr.1)

4.1 The Chairman of the Editorial Committee said the Corrigendum contained a version of Resolution No. COM5/1 to replace that in the main document. In respect of Article 46, Committee 9 was asked to confirm the figure "55" in No. 198. The date of signature had not yet been inserted and could be done when preparing the Final Acts.

Article 46 of the Constitution

4.2 The Chairman of Committee 9 reported that the text from the Group of Experts had contained a number of options concerning entry into force. The Committee had discussed those options at length and a third option had been put forward. The Committee had finally decided against the concept of a fixed date, as well as against that of a date following the deposit of instruments of accession of a percentage of the membership. The option that remained was the concept of a fixed number of Members that would have to deposit their instruments. The Committee felt it should present the Plenary with one option in terms of fixed numbers and that number was "55". He did not wish to describe the majority/minority situation at the time of taking that decision.

4.3 The Chairman proposed that in No. 198 the square brackets be removed and "55th" retained.

It was so agreed.

Article 46 of the Constitution was approved.

Article 2 of the Constitution

4.4 The delegate of Romania proposed deleting "shall be subject to" from No. 7 so as not to restrict the Members.

4.5 The delegate of Spain said that in No. 10 the words "conferencias de la Union" should be deleted; the Chairman of the Editorial Committee confirmed that only the Spanish text was concerned and it should be aligned with the other language versions.

4.6 The delegate of Argentina made the following statement:

"The Argentine Delegation hereby enters a reservation concerning the scope of the word "region" written with a small "r" in Article 2, Nos. 10 and 11 of the Constitution. In that connection, it interprets the term "region" as comprising only Regions 1, 2 and 3 and zones of a permanent nature as defined in the Radio Regulations and, where appropriate, such special regions of a transitory nature as may be established for a specific regional administrative conference."

4.7 The Chairman of Committee 8 said that a similar proposal to that of the delegate of Romania had been made by the delegate of Côte d'Ivoire, but that the decision of the Committee had been to make no change.

4.8 The Chairman of the Editorial Committee said the matter was a question of substance since the text as it stood gave greater importance to the obligations.

With the reservation entered by the delegate of Argentina on Nos. 10 and 11 and a correction to the Spanish version of No. 10, the Chairman suggested that Article 2 of the Constitution be approved.

4.9 The Legal Adviser, referring to No. 10, pointed out that in view of Article 11A concerning world or regional development conferences, to be dealt with later, he wondered whether such conferences should not also be mentioned in No. 10 since the right to vote applied to all conferences.

4.10 The Secretary-General said that world development conferences were not formal conferences within the framework of organs through which obligations were imposed on Members, but were conferences called for particular purposes. Various proposals made to incorporate them into the formal regulatory activity of the Union had not been adopted

by the Nice Conference. He was confident that the status of the development conferences would remain informal, as in the past.

4.11 In the light of the comments by the previous speakers and in view of a proposal by the delegate of Algeria, the Chairman suggested the matter be taken up at the second reading stage.

Resolution No. COM8/2

4.12 The delegate of the Islamic Republic of Iran, referring to resolves 3, sought the views of the IFRB as to whether the figure of two-thirds was appropriate.

4.13 The Vice-Chairman of the IFRB said that the Plenipotentiary Conference had to decide on the matter and issue instructions to the Administrative Council. The IFRB could apply the definition of a region for a planning conference as defined by the Administrative Council.

4.14 The delegate of Argentina said that at the meeting of Committee 8 at which the Resolution had been approved, his Delegation had maintained its reservation on the further resolves provision. On that basis, he proposed the deletion of that provision because the Resolution sought to define a region for special cases rather than to establish a definition applicable to the Constitution and Convention which merited more specific consideration. Furthermore, he repeated his reservation regarding the equal status given to "Regions" as defined in the Radio Regulations and which were of a permanent nature, and "regions" of a transitory nature defined for the purposes of a specific regional administrative conference. To apply the terms of further resolves to Regions as defined in the Radio Regulations would lead to complications and unnecessary delays since everything related to their preparation, convening and development was already firmly established in the Constitution and the Convention.

4.15 The delegate of Saudi Arabia drew attention to his Administration's reservation on the Resolution made in Committee 8. As he understood it, the Resolution aimed at elaborating a method which would permit the Administrative Council to define regions for the purpose of holding regional administrative conferences. That at least was what the title indicated. He noted also that the Resolution referred to regions defined in the Radio Regulations. There seemed to be some ambiguity. He considered that the regions defined in the Radio Regulations were for frequency usage purposes but for the convening of regional administrative conferences, the scope was much broader. That was why he believed that with appropriate amendments the further resolves provision could remain, because it set out the general framework although he had reservations with the manner in which references to the regions defined in the Radio Regulations had been made.

4.16 The Chairman of Committee 8 said that after long discussion on the item based on Document 44 introduced by the Secretary-General reservations had been entered by the delegates of Argentina and Saudi Arabia, as just restated. In the summary records of Committee 8 it had been noted that there was no overwhelming support for the Resolution and the Committee had agreed to take note of those reservations as indicated on the first page to respect the rights of the two Members concerned.

4.17 The delegate of Brazil said the problem was a delicate one and he supported the comments by the delegate of Argentina. He doubted whether further resolves was necessary or reflected the original intent of the Resolution, i.e. for the purpose of convening conferences, which was itself one of the functions of the Administrative Council.

- 4.18 The delegate of Cuba supported fully the comments by the delegate of Argentina and also expressed a reservation on the Resolution.
- 4.19 The delegate of Saudi Arabia proposed deleting the word "specific" in recognizing b) since there was no definition of "specific area" in the Radio Regulations. Furthermore, there was no definition of "specific regional administrative conference" as in recognizing c). If such a concept were desired, it should be included in the title.
- 4.20 The delegate of Chile endorsed those comments and would take a reservation if the Resolution were adopted.
- 4.21 The Secretary-General said that the Secretariat paper (Document 44) had been prepared as a result of discussions, and the identification of certain problems, within the Administrative Council. The intention had been to find a mechanism for establishing a region for a particular purpose when the aggregation of countries in an area was such that that aggregation did not confine itself to the specific definitions in the Radio Regulations. Regions and areas were defined in the Radio Regulations and he could agree with the representative of Saudi Arabia that there was no real need for the word "specific" because if a region was defined it was quite clear. He could therefore see no difficulty in deleting the word "specific" from recognizing b).
- 4.22 The delegate of Saudi Arabia said that what he had intended was to delete the word "specific" in recognizing b), but that it should remain in considering a).
- 4.23 The Secretary-General confirmed that there seemed to be no need for the word "specific" in either place.
- 4.24 The Chairman, in the light of the reservations expressed to further resolves suggested that the Resolution be approved with the word "specific" deleted from recognizing b) and decides and also, in response to a query by the delegate of the Islamic Republic of Iran, from considering a).
- 4.25 The delegate of Argentina did not think that the delegate of Saudi Arabia had intended to delete "specific" wherever it occurred. He would have preferred a decision on the deletion of the paragraph further resolves, which had been supported by the delegates of Brazil, Cuba and Chile and which would facilitate a decision on the word "specific".
- 4.26 The delegate of Iraq said that if "specific" were to be deleted wherever it occurred, the word "some" should also be deleted in recognizing b).
- 4.27 The delegate of Spain found the suggestion by the Secretary-General attractive and said that if it were carried, further resolves would have to be maintained.
- 4.28 The Chairman mentioned another proposal by the Chairman of Committee 8 to the effect that the word "specific" be deleted throughout and that the paragraph further resolves be deleted as well.

On that understanding, Resolution No. COM8/2 was approved.

#### Article 16 of the Constitution

- 4.29 The Chairman of the Editorial Committee drew attention to a recommendation by the Group of Experts, to align No. 126 with No. 203, i.e. to replace the word "dispute" by "discrepancy".

4.30 The delegate of Italy said that there was a discrepancy between Resolution No. COM8/3 and Article 16 with respect to the number of languages. Article 16 stipulated that the six working languages would be used for drawing up and publishing documents and texts, whereas Resolution No. COM8/3 was more restrictive.

4.31 The delegate of Venezuela said that during discussion in Committee 8 on Article 16 and the inclusion of additional working languages, his Delegation had expressed its deep concern about the financial repercussions such a decision would have on the contributions to the budget of Member States. His Delegation maintained those concerns despite the fact that certain limitations on the use of those languages were set out in a Resolution complementing the provisions of Article 16.

4.32 The delegate of France pointed out that the word "dispute" was used in the Nairobi Convention with respect to the text that prevailed. The Group of Experts had proposed "discrepancy", which implied an objective difference between two documents. "Dispute", however, implied a disagreement, possibly between the contracting parties, on the meaning to be attributed to the words themselves, which pointed to Article 50 of the Nairobi Convention which stated that Members could settle their disputes on questions relating to the interpretation of the Convention. In such a case it was the French language that prevailed. Similarly, in the Protocol on the Compulsory Settlement of Disputes the French text also prevailed in the case of dispute.

However, since the word "discrepancy" could be useful at the Editorial Committee level where it was more appropriate than "dispute", he proposed that No. 126 read "In case of discrepancy or dispute, the French text shall prevail".

4.33 The delegate of Spain, referring to No. 124A, proposed adding the word "simultaneous" so that the phrase in the third line would read "reciprocal simultaneous interpretation".

4.34 The delegate of the United States, endorsing the concerns expressed by the delegate of Venezuela and those of his own Delegation in Committee 8, sympathized with the aim of the proponents of new Article 16 that six working languages would encourage greater understanding among participants and more universality and equity among languages. His Delegation had stated in Committee 8 that its position towards the expansion of languages for the betterment of work in the ITU was not negative; it had however expressed its concern on the impact such a decision would have on the budget of the Union. He had stressed that the proper approach would be not to include a provision in the Constitution until the impact of such a proposal could be evaluated in the light of other resource requirements facing the Union. That could only be done if the matter were referred to Committee 4, at least in square brackets. Instead, Committee 8 had produced a constitutional provision to add three new working languages, without adequate financial analysis in the light of other requirements, and the Plenary had yet to hear from Committee 4 on the matter. The ITU did not have unlimited resources and adoption of the provision might impair its ability to adequately fund other requirements of the Union at present and in the future. He emphasized that his Delegation was not against expansion of languages but that it and other resource requirements should be approached as a total package and looked at within the resources available.

4.35 The delegate of Australia said that as indicated in Document 414, Australia had expressed a reservation on the proposed revised Article 16 and the associated Resolution No. COM8/3, not because it was opposed to expanding languages but because when the issue had been before Committee 8 no information on the financial implications of the proposal had been available. The issue had been passed from Committee 8 to Committees 4 and 10 for their consideration and the outcome of the discussions on the



financial implications and the priority that that item would be given vis-à-vis the many other proposals involving increased expenditure was still outstanding.

4.36 The delegate of the Netherlands shared the views expressed by the delegates of Venezuela, the United States and Australia and, while understanding the wish for expanding the number of languages, believed the serious financial consequences should be considered as well. Those consequences were still under discussion in Committee 4, which was in the process of focusing on what the Union wished to do and what it could afford to do. Until the results of such discussion were available and a decision had been taken on the priorities within the Union, his Delegation maintained its reservation on Article 16 and the connected Resolution.

4.37 The delegate of Portugal said that the question of languages had already been debated at the Nairobi 1982 Plenipotentiary Conference. Portugal had always remained prudent in respect of proposing Portuguese as an official language in view of the financial increase such a decision would constitute for the budget of the Union. As the world's fifth most widely-used language that was a question that should be addressed at a future conference. Article 16 and Resolution No. COM8/3, if approved, would constitute a compromise against which he had no objection, except the increase in expenditure which would be entailed. However, his Delegation would enter a reservation on No. 124 and make a declaration on the non-inclusion of Portuguese.

4.38 The Chairman of Committee 8 said that several days had been spent discussing the matter and a small informal group had been set up. As could be seen from the Committee's approved summary record there had been no objection to the principle of extending the use of official languages. All the reservations had been on aspects that already appeared in Nairobi Resolution No. 65 with respect to the costs, technical implications, staffing and administrative implications of the extended use of official languages. In the informal group all interventions had been analysed and it had been concluded that the principle was acceptable and that it should be embodied in the Constitution in Article 16 and in the Convention in Article 19. With respect to answering concerns on costs, the compromise had been to include Resolution No. COM8/3 which stated explicitly in its title that its purpose was to limit the new provisions introduced into the Constitution and the Convention, in view of the present difficult financial position of the Union; those provisions were to be implemented in an evolutionary manner as the financial situation was reviewed from time to time. The arguments being presented in Plenary were the same ones that had been submitted in Committee 8 and had been taken into account.

4.39 The Chairman said that since Article 16 was linked to Resolution No. COM8/3 the two texts should be considered together.

4.40 The delegate of Saudi Arabia agreed that the question was very important but he did not think it was complicated. The Chairman of Committee 8 had already explained in detail the lengthy debate on the question. Since time was now limited, he did not think that the debate should be re-opened with the same arguments already discussed at Committee and Working Group level. The question should now be discussed from the financial point of view only.

Certain speakers had rightly mentioned Resolution No. COM8/3 but he did not think that either that, or Article 16, were at all related to the financial aspect. The outcome of the discussions in Committee 8, now presented to Plenary, constituted not only a compromise but a real concession on the part of those advocating the use of Arabic, Russian and Chinese as working languages. The financial aspect was in fact no longer relevant. The figures indicated at the beginning of the Conference had been very high but they had now been revised. The sums actually involved - and many of those in Committee 4 were aware of the fact - were not considerable and had no effect on or relation with Article 16. He had no wish to dwell on the matter but nonetheless

confirmed his Administration's position, namely that it could not approve Article 16 in a form reduced from that adopted by Committee 8. He reserved the right to return to the question if the debate continued. He did not feel there was any need to transfer the issue to Committee 4: it was submitted to Plenary and he asked for a decision to be taken on it.

Resolution No. COM8/3

4.41 The Chairman of Committee 8 said the text of the draft Resolution should be taken in conjunction with the amendment to Article 16 of the Constitution and Article 19 of the Convention proposed and approved by Committee 8. Resolution No. COM8/3 was intended to address the concerns of a number of delegations which had entered reservations with respect to the cost implications of the new amendments to the two Articles. The principle in conscious a) had already been agreed in Committee 8; conscious b) and c) were reflected in Resolution No. 65 of the Nairobi Plenipotentiary Conference and had been covered in the Committee's discussion.

The text of considering met exactly the concerns of several delegations with respect to costs. The text of notwithstanding included the additional three languages.

Resolves 1 represented a restriction of the provisions made in the Constitution and the Convention. That was why the delegate of Saudi Arabia had said that the two texts taken together constituted an attempt to arrive at an acceptable compromise with respect to what was originally requested in the proposals by several countries which had felt that they tended not to benefit adequately from the work of the Union because their languages were not suitably provided for in the Constitution.

The meeting was suspended at 1630 hours and resumed at 2110 hours.

4.42 The Chairman said that the advice of Committee 4 would be needed for the pursuit of the discussions. Since that Committee was still in session, he proposed to leave Document 414 and its Corrigendum 1 in abeyance.

4.43 The delegate of Saudi Arabia repeated that the issue should not be linked to advice from Committee 4. The practice was for Committees to stop working when the Plenary was in session so he asked for examination of the subject to be pursued in view of its importance. It had been agreed that day to suspend the Plenary meeting to permit Committees to meet and he did not think that precedent should be followed in the present case.

4.44 The delegate of the USSR said that the debate on the subject of languages was opened and the Chairman of Committee 8 had reported on that Committee's work. He had heard a number of reservations on the part of certain delegations, which included those using the present three working languages, and also references to the financial problems involved. Although he had not heard the actual figures, he understood that a majority had pronounced itself in favour of allocating 3 million Swiss francs for the three extra languages, which was even less than the amount provided for in Nairobi Resolution No. 65. He failed to see, therefore, why the Plenary had to wait for completion of the work of Committee 4. Since an overwhelming majority had been in favour of Committee 8's decision, with some reservations, he considered that there was no reason to postpone a decision in Plenary.

4.45 The Chairman said that the Chairman of Committee 8 had clearly indicated that the Committee had discussed Article 16 and Resolution No. COM8/3. The delegate of Saudi Arabia in his latest intervention had said that the decision to be taken on Article 16 would have only modest expenditure implications due to the provisions of Resolution No. COM8/3.

After consultation with the Secretary-General Elect, he considered it was more appropriate to wait a little longer and proposed that the meeting proceed with the next document on its agenda.

4.46 The delegate of Morocco, on a point of order, objected to the procedures employed, which he believed were aimed at postponing a discussion of the matter under the guise of it being dependent on financial considerations; the decision to postpone discussion had been taken by the Chairman unilaterally and he proposed that the debate be continued immediately.

4.47 The Chairman said that that had certainly not been his intention and he called on the Chairman of Committee 8 to comment.

4.48 The Chairman of Committee 8 reiterated that no delegation had been opposed to the principle, and to address that principle Articles 16 of the Constitution and 19 of the Convention had to be amended. With respect to concerns about financial, administrative and staffing implications addressed by Resolution No. COM8/3, which had yet to be submitted to Committee 4, the Plenary could perhaps wait for the result. However, in respect of the principle, he felt it was a matter that could be dealt with and he urged delegations to confine themselves to principles in a variety of matters. Where it was convenient, principles were quoted, where not, they were not mentioned. He urged the Chairman to consider seriously the remarks of the delegates of Saudi Arabia and the USSR who had said that the question of principle could be finalized, but the financing aspects had to wait for consideration in Committee 4.

4.49 The Chairman understood that there had been agreement on considering Article 16 and Resolution No. COM8/3 together. Therefore, resolves 3 of Resolution No. COM8/3 concerned Additional Protocol I, which in his view was within the competence of Committee 4. Committee 4 was holding its final meeting between two Plenary Meetings and he was therefore very surprised that the meeting was not prepared to wait for the return of the Chairman of Committee 4 to discuss Article 16 and Resolution No. COM8/3. Since Committee 4 was about to conclude its work he proposed a short break.

It was so agreed.

4.50 The Chairman of Committee 4 said that enormous efforts had been made to bring down the figure of 10 million Swiss francs per year to approximately 3 million Swiss francs, in accordance with the decision taken by Committee 8. At the outset, a number of delegates from the Arab countries, supported by China, had wished to raise that figure to 5 million Swiss francs. In the interests of a general consensus Committee 4 had proposed about 3 million Swiss francs for 1990 and the same for 1991, 4 million Swiss francs for 1992, 5 million Swiss francs for 1993 and another 5 million Swiss francs for 1994. That was the conclusion of the discussion on Chapter 8 concerning languages.

4.51 The delegate of the Netherlands said that the figures just presented by the Chairman of Committee 4 had been cited in Committee 4 but as the Committee had been unable to bring in overall ceilings for the budget, it was very difficult to agree on individual items with financial implications. There had been quite a range of views on the matter and one of the problems was that when taking decisions in Plenary on items with individual price-tags, the outcome was not apparent. The end result, which was the overall ceiling, had been the main obstacle in discussions in Committee 4 and consequently, he was obliged to reserve his position until he knew the overall figure.

4.52 The Chairman of Committee 4 said that decisions had already been taken by the Plenary and there was no question of a Committee, whatever its size, opposing a Plenary decision. During the debate in Committee 4 several delegates had requested explanations from the Secretariat. In order not to prolong discussion several documents had been

submitted to the Committee and the last two documents had been discussed that very afternoon; for example, Document DT/80 submitted by the Secretary-General and its Annex 3 setting out various options. If Committee 4 was to respect its own decisions, Option 3 would have to be chosen, which in 1991 would represent a total ceiling of 118,409,000 Swiss francs and a total for the period 1990 to 1994 of 639,392,000 Swiss francs. That took all the decisions into account, based on the budget provisionally approved by the Administrative Council, including those in Document 388 approved by 80 countries. In addition, the Plenary had approved Document 379 from Working Group PL/B on future conferences. With respect to languages, Committee 8 had submitted a document referring to 10 million Swiss francs and Committee 5 had submitted a number of decisions concerning staff matters, including those of Working Group PL/C, the latter being the only ones not dealt with in Plenary. All those decisions together resulted in a sum of 118,409,000 Swiss francs for 1990 and 639 million Swiss francs for five years. Committee 4 had been able to reduce the amount for languages with the agreement of the three linguistic groups concerned, namely the Arab countries, China and the USSR. He was sure that the USSR had not wished to go beyond 3 million Swiss francs. Of the 54 countries that had expressed an opinion, 24 countries were in favour of 115 million Swiss francs for 1991, of which about 12 supported Document DL/57 submitted by Australia, the Netherlands and the Federal Republic of Germany. Of those 12, all were in favour of 115 million Swiss francs for 1990, and a total of 600 million Swiss francs over the five years, without, unfortunately, taking account of the decision taken the previous day regarding conferences. Furthermore, two or three delegations were in favour of a figure below 115 million and one delegation, Australia, wished the provisional limit set by the Administrative Council at 107 million to be revised to 109 million. Twenty-four other countries were in favour of 118 million and a majority in favour of 620 million for the next five years. Six delegations were in favour of an amount between 115 million and 118 million. In the interests of finding a general consensus he therefore proposed:

for 1990	117 million Swiss francs
for 1991	122 million Swiss francs
for 1992	130 million Swiss francs
for 1993	126 million Swiss francs
for 1994	125 million Swiss francs

totalling 620 million, a figure which had been supported by several delegates.

The figure of about 640 million had therefore been reduced to 620 million.

4.53 The delegate of Venezuela said that in his previous intervention he had expressed the concern of his Government in relation to the decision on including new working languages. The report by the Chairman of Committee 4 still gave rise to major concern. The various documents and information presented by the Chairman of the Committee showed that decisions were being taken that had serious financial consequences and he believed that many of them had been taken too lightly. Following the information given for the next five years, the ITU budget would be 620 million Swiss francs, while in accordance with previous decisions of the Administrative Council, the budget for the five years had been 416 million Swiss francs. Document DT/80 showed that an increase of 10.31% in the budget foreseen in 1990 and over the five years would rise to 20% compared with the budget approved by the Administrative Council. Current information showed that there would be a progressive evolution from the 117 million mentioned in the Committee to 125 million in 1994. He had no specific proposal to make but wished to make known the concerns of the Government of Venezuela with respect to the apparent trend to adopt decisions which had serious financial implications without such consequences being adequately studied. He therefore wished to reserve his Delegation's position.

4.54 The delegate of Qatar, on a point of order, asked for clarification of the procedure. He had heard the Chairman, before the suspension, refer to a list of 16 speakers but when the meeting resumed, the floor had been given to other speakers who went on to different points.

4.55 The Chairman said the meeting had been suspended at 1630 hours to permit Committees 4 and 9 to meet in accordance with the work plan. Article 16 dealt with a principle but its application had financial repercussions. It was no coincidence that Article 16 and Resolution No. COM8/3, which were linked, had been submitted in that order.

4.56 The delegate of Qatar said that, as the Chairman of Committee 8 had stated, there was no conflict on the principle, which was the subject of the debate when the meeting had been suspended. The principle should be agreed upon before going on to the financial aspects, which had been raised by speakers after the resumption.

4.57 The delegate of the United Kingdom did not object to the principle of additional languages but pointed out the need to be realistic about the costs. In that respect, the comments by the Chairman of Committee 4 did not, in his understanding, represent the consensus of that Committee. Apart from the financial aspects, he wished to make it clear that the United Kingdom's reservation in Committee 8 on working languages went beyond the mere financial implications. The document before the meeting contained a proposal to modify the Constitution in such a way as to significantly extend the use of working languages and then very severely restricted that modification by way of a Resolution. His Delegation had expressed concern about the legal aspects of that technique. Furthermore, in accordance with the terms of the Resolution, the Final Acts, Resolutions, Recommendations of Plenipotentiary and Administrative Conferences would be translated into six languages. At the time of discussion in Committee 8, his Delegation had asked whether the intention would be to produce those texts during a conference. If so, he had serious reservations about the practical implications for the editorial process. The final point was that in Committee 8 the principle alone had been discussed but there had been no opportunity to discuss the changes to Article 16 or the details of the Resolution, line by line, as had been done in the remaining output of Committee 8. Despite the comments made by others, the United Kingdom's reservations were not confined simply to the financial implications. He concluded by saying that his Delegation accepted the arguments in favour of additional languages but had reservations on the approach taken in the document.

4.58 The delegate of Canada said his Delegation had also reserved its position on the addition of working languages. It had no objection in principle but was concerned about the financial aspects and relative priorities. A consensus seemed close, but like a number of other countries his Delegation continued to reserve its position until the figures mentioned by the Chairman of Committee 4 for additional working languages were reduced further.

4.59 The delegate of Papua New Guinea recalled the intervention of the delegate of Portugal and believed that many delegations could make a case for their own particular language. Sharing the views of the delegate of the United Kingdom, he said the problem was that Article 16 contained an amendment to the Constitution which was severely restricted by Resolution No. COM8/3. His Delegation was not clear as to which had precedence; he presumed that it was the Constitution, in which case he wondered what effect, if any, the limitation had from a legal point of view. In addition, his Delegation was concerned about the budgetary impact of the matter, especially over a five-year period. In short, he queried the relative position of the restriction through the Resolution vis-à-vis Article 16 of the Constitution, which one had precedence and whether the Resolution had any real restricting power.

4.60 The delegate of Switzerland said that for the sake of effectiveness of work in the telecommunications field and all the work done at the ITU, it was not the financial aspect alone that mattered, although that was, of course, very important, but also a question of increasing efficiency at the source and keeping basic information in those working and official languages which were absolutely necessary for clarity of presentation. Thus there was a technical reason applicable to the telecommunications field and he regretted having to maintain his reservation in view of that difficulty.

4.61 The delegate of Brazil said that, depending on the decisions taken on the substance of the matter, his Delegation would associate itself with the intervention by the delegate of Portugal. Secondly, there were of course budgetary implications but his Delegation had no problem with the question of principle. The problem was related to the report by the Chairman of Committee 4 which had been presented very hastily with no time available to examine more carefully the Chairman's own proposal.

4.62 The delegate of the People's Republic of China said that he appreciated the work done by the Chairman of Committee 8 and thanked him for his brief description of the discussions on languages in that Committee. Article 16, as it appeared in the document before the Plenary, set forth a principle while Resolution No. COM8/3 concerned its implementation: clearly the two were correlated. The languages issue had been debated in Committee 8 and the texts had been accepted by the majority as a balanced compromise. It was widely known that languages were a sensitive question. Arabic, Chinese and Russian were spoken by one-third of the world population, mostly in developing countries. China alone had over three million people working in the telecommunication field so the greater use of their language would play a positive role in the development of telecommunications and no doubt the same applied to Arabic and Russian.

Committee 8 had discussed the ceilings on expenditure but he wished to point out that the limited use of the three languages which was being advocated represented only a small increase over past practice. And, in his view, an expenditure of 3 million Swiss francs or 1 million Swiss francs for each of the additional languages was not excessive seen against the total ITU budget.

If adopted, the proposed measures would promote telecommunication development and facilitate the participation of the countries concerned in ITU activities, while at the same time fulfilling the objectives of the Union. He trusted that all other countries would show their understanding by approving the Article and Resolution.

4.63 The delegate of Austria said that his Delegation also had reservations on Article 16 and Resolution No. COM8/3. He sympathized fully with the idea of delegates from as many countries as possible being able to communicate in their mother tongue in the work and meetings of the ITU. The financial problems linked to the use of languages were considerable but there was also a legal problem. He requested clarification on the legal status of a proposed modification in Article 16 to the effect of giving equal status to the six working languages of the Union and with respect to Resolution No. COM8/3 in which the status of three of those languages was restricted. He wondered which text had precedence in case of dispute.

4.64 The Secretary-General said that it was very clear that the provisions of the Constitution, legally speaking, would prevail over the other elements of the instrument, including the Resolution. It was therefore important that there be some direct linkage between that principle and the method of restricted application, a linkage that had to be referred to in the Constitution itself. In other words, the traditional ITU way would have to be followed for handling the issue, by providing a means of ensuring that the principle was subject to some form of restricted application referred to in a Resolution. He called on the Legal Adviser, who had been participating in the Group on the basic instrument to advise how that could be done.

4.65 The Legal Adviser said that it was clear from the outcome of the two texts from Committee 8 that the Committee intended to provide for a link between Article 16 and Resolution No. COM8/3 limiting that Article's application. The resulting legal situation was that the Resolution itself limiting the actual use of working languages would become applicable immediately after the end of the Plenipotentiary Conference, in the same manner as any other Resolution, unless any such Resolution provided that it should start to be applied already during the Conference, as had been the case for voting matters. Thus, the limiting Resolution in question remained applicable in itself by resolving and instructing the Secretary-General and the Administrative Council only up to the time of entry into force of the Constitution, because, once the latter had entered into force, its provisions would prevail due to the hierarchy of norms between the constitutional provisions, as basic instrument provisions, vis-à-vis any other decisions of any other organ or body, including the Plenipotentiary Conference. Therefore, the situation could arise that, once the Constitution had entered into force, it could be claimed, by virtue of its No. 124A, that the limiting Resolution had lost its value or applicability because of the prevailing hierarchically higher norm of that No. 124A. In actual fact, that could then mean that it could legitimately be requested on the basis of that provision that those languages be used generally for drawing up and publishing documents and texts of the Union in equivalent versions. But that had clearly not been the intention of Committee 8, because it precisely wished to establish a continuing link between that No. 124A and Resolution No. COM8/3. Consequently, if that link was intended to be maintained by the Plenary Meeting, the only legally sound solution would be to fix it clearly by inserting in the first line of No. 124A the words:

"These languages shall be used, in accordance with the relevant decisions by the Plenipotentiary Conference, ....".

That would establish and maintain the link desired by Committee 8, should the Plenary Meeting wish to keep that balance.

4.66 The delegate of Qatar said that the question was a delicate one which had been debated for several days in Committee 8. As the Chairman of that Committee had said, justification of the costs and priorities had been the theme of various negative attitudes on the part of those who had made reservations on the subject. The substance of those justifications would not change during the current meeting and there was no need to repeat Committee 8 discussions since those who had attended the meetings of that Committee and taken part in the work had already presented all their arguments.

Committee 8's report was now before the Plenary and set out the point of view of the majority. All he asked of the Chairman, and the delegations too, was that the principle be adopted - a principle to which no opposition had been expressed and on which all were agreed. The principle should be adopted because the Resolution, as it stood, was the outcome of unceasing efforts, consultations and careful deliberation and constituted a modest compromise, considerably less than had been hoped for.

As for the financial aspects, no-one had opposed the principle of setting credits aside for the use of additional languages and various opinions were reflected in the proposals. The Chairman of Committee 4, in the time available had made a laudable effort to describe the general opinion. As for priorities, of course everyone had his own order of priorities and opinions varied between the developed and the developing countries. In view of the shortage of time and in appreciation of the efforts made, all that was being asked was adoption of a principle on a delicate subject. That was the least that could be expected from a conference as important as the Plenipotentiary Conference and was indeed one of its responsibilities and obligations.

4.67 The delegate of New Zealand said that his Delegation's reservation did not challenge the principle of the extended use of those languages. He was sympathetic towards other delegations not having the use of their mother tongue available to them. His Delegation had made a reservation on the point of principle that the Constitution should be the instrument under which the Union operated. It was not satisfactory to have such a Constitution limited by a Resolution. His Delegation had difficulty with limiting and linking the Constitution by a reference to a Resolution and it was not clear how the Resolution would be amended by future Plenipotentiary Conferences. The problem was the method by which those additional languages were to become a greater part of the functioning of the Union. Looking at precedents, it was evident that the Nairobi Plenipotentiaries had considered the issue carefully by leaving the Convention alone and extending the use of languages beyond that provided for in the Convention by a Resolution. They had thus been limited only by funding, whereby 1.5 million was already being spent pursuant to Nairobi Resolution No. 65. He had some concern that the limitations placed on it by the Nice Conference would not greatly extend the use of languages. His main concern, however, was with the legal issue and the desire that whatever was done had to be effective. The languages decided upon would have to be used effectively with adequate resources which, as could be seen from the report of Committee 4, would be a difficult matter.

4.68 The delegate of Kuwait said that what was submitted was the summary of the conclusions of Committee 8 and the outcome of many nights' work during which numerous interventions were made on the six working or official languages of the Union. He would not go into the detail of the arguments in favour of the introduction of Arabic, Chinese and Russian because they had already been presented in the Committee. Some administrations referred to the principle and there was agreement on that. Others spoke of the financial implications or made reservations. Yet others objected to the financial repercussions of modifying Article 16 of the Constitution and implementing Resolution No. COM8/3. Unfortunately they had not had the courage to attend the meetings of Committee 4 which dealt with the budget of the Union, arguing that their delegations were very small. He wondered what were the main motivations behind those reservations, whether there were hidden reasons or reasons that he failed to understand. Financial implications and other motives had been evoked but he stressed that the compromise before the meeting was modification of Article 16 of the Constitution and the Resolution presented by Committee 8 concerning the limitation of the use of the remaining three languages or setting of limits on their use. If the Legal Adviser had found a relation with the modification of No. 124A, he was in favour if it constituted a compromise that satisfied everybody. Everyone knew that the Kuwaiti Administration had requested the introduction of Arabic alone as a working language in every respect, not as set out in the Resolution but for use in all sectors after the current Conference. But the desire had been for a consensus in association with Chinese and Russian. The compromise that had been found was the very minimum that could be accepted.

4.69 The delegate of Morocco expressed his surprise at the discussion, i.e. the insistence on financial repercussions when the Plenary had already adopted several Resolutions without anyone alluding to such repercussions. All, or the greater part, of the Resolutions that had been adopted had financial repercussions. He had the impression that the subject had been debated as if new languages were being introduced. Looking carefully at the documents, it was clear that the request was very simple. In No. 124, the Conference was being asked to adopt six official and working languages. It was logical that three of those languages be raised from official language to working language status. It had been said that Resolution No. COM8/3 might contradict the provisions of the Constitution being adopted but there was no contradiction between the draft Resolution and the draft Constitution. The Resolution merely constituted practical guidance for the work of the Union with a view to reducing the expenses - mentioned by many speakers as the main problem of the Conference.



It could be seen from Resolution No. COM8/3 that what was requested for the added languages would cost much less than what was included in Resolution No. 65. That Resolution of the Convention was still valid and it called for 50% of the documents of the CCIs to be translated into the official languages. In 1982 that had represented 5,261 pages but in 1989 more than twice as many i.e. 14,500. In other words, under Document 40 submitted to the Plenipotentiary Conference, the ITU had to spend 3,600,000 Swiss francs for that task. Nonetheless, that sum had been reduced, through agreement in Committee 4, to a figure of 3 million Swiss francs, fully aware of the financial repercussions which had been referred to. He repeated that it was not a question of new languages but of languages already used in the work of the Union, moving from one stage to another. He therefore associated himself with the Chairman of Committee 8 who asked for those items which had not been opposed to be accepted. He also joined the delegate of Saudi Arabia who said that it was an important and sensitive question - not a complicated one as had been claimed. He reserved his Delegation's right to intervene again if necessary.

In response to a query by the Chairman, he replied that 3.6 million Swiss francs was the figure in Document 40 corresponding to 40% of the volume of CCI documents. The sum asked for the additional languages was 3 million for 1990, a figure which had been confirmed by the Chairman of Committee 4.

4.70 The delegate of Finland had also entered a reservation in Committee 8 pending an answer to two questions left unanswered. At the same time his Delegation had expressed concern on the financial implications. The first question was of a legal nature and had been posed by the delegates of the United Kingdom and Austria, and highlighted further by the Legal Adviser, namely how a provision of a lower status could overrule one of a higher status. That was possible under his national legislation if a reference to the provision of lower status was included in that of higher status. Consequently, the Finnish Delegation supported the amendment suggested by the Legal Adviser. The financial question still gave rise to concern as it did not seem to be settled. He concurred with the remarks by the delegate of the United Kingdom in that the texts of Article 16 and Resolution No. COM8/3 had not been considered in detail at all in Committee 8, but had been presented as a package.

4.71 The delegate of India supported the retention of the provision with the amendment suggested by the Legal Adviser.

4.72 The delegate of Iraq shared the surprise expressed by the delegate of Morocco at the way in which the debate was proceeding, namely discussion of the financial aspects before that of the principle itself. All other Resolutions had been approached first from the point of view of principle before being forwarded to the Finance Committee.

It would seem that most of those who opposed the proposal had not paid Resolution No. COM8/3 enough attention. The text of resolves 3 made it clear that the authors were perfectly aware that the financial aspects were not to be discussed and that implementation would depend on the availability of funds. All opinions could be discussed during the debate on the budget but financial aspects did not enter into the debate on the principle. He repeated that those opposing Article 16 and draft Resolution No. COM8/3 would not have raised objections if they had read the texts carefully. The wording was in fact similar to that of Resolution No. 65 of the Nairobi Convention and the delegate of Morocco had explained that that Resolution had been implemented to a much lesser extent than it should have been. The provisions of Resolution No. COM8/3 did not go much further than those of the previous one.

The legal problem was the same as had been raised in 1982 since the Convention set out the official languages and their usage was established in a Resolution. The two had not been linked because of the evident goodwill shown and that was why there had been no problem between 1982 and 1989. Nevertheless, a link between new Article 16 and

modification of Resolution No. COM8/3, as proposed by the Legal Adviser, appeared acceptable to his Delegation. He did not wish to dwell on the detail of the principles because they had been discussed in Committee 8 and its Chairman had presented them. The difficulties of implementation arising from a multitude of languages, to which one of the speakers had referred, would not arise because the work of the Union was no more sensitive than that of the United Nations whose work dealt with political issues far more complex and sensitive than those of the ITU. Despite that, the United Nations used the six working languages mentioned in the new modification and there was no problem with the text of its resolutions or the use of those working languages.

Finally, he pointed out that the modification served the interests of the Union both in general and specifically, the three purposes of the ITU, namely, regulation, standardization and development: in other words, not one aspect of the work but the work of the Union as a whole.

4.73 The delegate of Saudi Arabia congratulated the Chairman on his conduct of the debate on a question as important as that of languages. He felt obliged to take the floor again in response to the implication that the question was one of the introduction of new languages. That was not so: the use of Arabic, Chinese and Russian was already included in the Nairobi Convention. In response to a further point about the extent of the use of certain languages, he observed that, at the present Conference, 21 Arab countries and one Observer, i.e. 22 delegations in all, had Arabic as their sole official and working language. Contrary to the remark by the delegate of Switzerland, he believed that use of Arabic, Chinese and Russian as working languages would facilitate rather than complicate the work of the ITU.

He wished to point out that the budgetary argument was unfounded: the status of the languages in question, as embodied in the Nairobi Convention, would continue up to 1994, or at least until another Plenipotentiary Conference was held. The legal problem, mentioned by certain speakers, was in his opinion resolved and he would like to thank the Legal Adviser for his contribution on the subject.

Finally, the financial aspect was secondary. To facilitate the proceedings of the Plenary, and subject to the agreement of the other Arab Delegations, he would support the proposal by the Delegations of China and the USSR to enter an amount of 3 million Swiss francs in the budget. In that respect, and while not wishing to stress the point unduly, he recalled the announcement by the Kingdom of Saudi Arabia at the 1982 Plenipotentiary Conference to the effect that it would raise its class of contribution from 1 to 10 units, the increase to be used to help the ITU to introduce the use of Arabic.

In short, he supported the adoption of Article 16 as it appeared in Document 414.

4.74 The delegate of Bulgaria referred to three aspects of the question. First of all, the Union was based on the application of generally accepted principles such as those of universality, collaboration and harmonization: the new principle of the equality of all six languages had been advanced and agreed upon by all that had expressed their views, the concrete terms were those set out in draft Resolution No. COM8/3.

Secondly, from the legal angle, there were precedents for departures from provisions of the basic instrument, through Resolutions, such as Resolution No. 65 of the Nairobi Conference with its paragraph headed "notwithstanding" referring to Nos. 126, 418, 432 and 607 of the Nairobi Convention and Resolution No. 2 of the same Conference which begins with "in view of No. 34 of the Convention" - a provision under which the Plenipotentiary Conference was to be convened every five years. In any case, the Legal Adviser had found an excellent solution for that aspect of the problem.

Thirdly, with regard to the financial implications, much stress had been laid on the heavy expenditure involved, without taking any account of the advantages to the Union such as acceleration of the work of the various organs, more active participation by all Members and more effective technical cooperation, which - translated into tangible terms - might even result in income exceeding 3 million Swiss francs.

4.75 The delegate of the USSR, also referring to the point of view of principle, noted that the text before the Plenary contained nothing that would place the ITU above other agencies of the United Nations system; it merely served to bring Article 16 to the appropriate level. He could add to the precedents cited by the previous speaker with respect to derogation from certain provisions of the Union's basic instrument, but he had no objection to the Legal Adviser's proposed addition which would solve that problem. Finally, in reply to the delegates using English and Spanish who had emphasized the heavy financial implications, he submitted that the amounts involved were not all that great and a possible approach might be to reduce expenditure on the use of English and Spanish. But it would probably not be necessary to go to such extremes since his Delegation's original proposal in Committee 4 to provide 3 million Swiss francs per year for the three extra languages had now received wide support and would eliminate all the main problems raised during the debate.

4.76 The delegate of the Federal Republic of Germany, said that because he was fully aware of the sensitivities involved, he had refrained from participating in the discussion. He recalled that in relevant Resolutions, even, for example those from the 1973 Plenipotentiary Conference in Malaga-Torremolinos, the possible use of German had also been mentioned. The solution found for Plenipotentiary Conferences was for the countries involved to support the costs. With respect to the financial considerations as presented at the meeting and in the light of the comments of the delegate of the USSR, certain amounts would have to be taken into account within the total ceiling, but also at issue was the discrepancy between Article 16 and Resolution No. COM8/3, as could be seen from the texts submitted by Committee 8. That difficulty had been pointed out by the Legal Adviser whose suggestion had been taken up for inclusion in the text by several delegations, such as Finland, India and Saudi Arabia so that the ITU would have the necessary flexibility to achieve a balance between the justified desire of certain countries and the limitations set by the financial situation. Therefore, he supported the proposals made by the delegates of those countries.

4.77 The Chairman observed, in respect of Article 16, that there had been no opposition to the principle of No. 124A, but it was the means of implementing it that had led to Resolution No. COM8/3. A large majority could apparently agree to the suggestion by the Legal Adviser to insert in No. 124A the phrase:

".... in accordance with the relevant decisions by the Plenipotentiary Conference ...".

Practically speaking, Resolution No. COM8/3 would also be adopted with respect to the financial implications. There had been interventions by three language groups, Chinese, Arabic and Russian, to the effect that an amount of 3 million Swiss francs per year in Chapter 8 was an acceptable compromise. He therefore suggested the adoption of Article 16, with the modification suggested by the Legal Adviser in respect of No. 124A, as well as the proposal by the Spanish Delegation to add "simultaneous" in No. 124A after "interpretation", and in No. 126, a French proposal to insert "in case of discrepancy or dispute".

4.78 The Secretary-General was of the opinion that, to avoid any future misunderstanding with respect to the suggestion made by the delegate of Spain, the words in No. 127 of the Nairobi Convention should be used, instead of the word "simultaneous", i.e. "an efficient system of reciprocal interpretation". Strictly

speaking, it was not simultaneous interpretation but an efficient system of reciprocal interpretation, and he hoped the delegate of Spain would agree to use the words in the existing Convention.

4.79 The delegate of Spain said that interpretation was indeed reciprocal and simultaneous and that effects produced by working on relay were technical aspects.

4.80 The Secretary-General said that wisdom had prevailed in the Convention because the question of staffing of booths arose from time to time. Full simultaneous interpretation would demand more staff. It was therefore more than a subtlety and the words used in the Convention had stood the test of time and had been understood.

4.81 The Chairman said that the words in No. 127 of the Nairobi Convention could, at the Secretary-General's suggestion, be included in No. 124A.

4.82 The delegate of Spain reiterated that a relay system was a technical aspect but interpretation itself was indeed simultaneous. However, he did not insist on his intervention at such a late stage.

4.83 The Legal Adviser pointed out that in the English version of No. 124A "assemblies and meeting of the Union" should read "Plenary Assemblies and meetings of the Union".

4.84 The Chairman proposed the approval of Article 16 with No. 124 unchanged; No. 124A with the additions suggested by the Legal Adviser, i.e. after "shall be used", in the first line of the English text, to insert "in accordance with the decisions of the Plenipotentiary Conference"; in the fourth line, to insert "Plenary" before "Assemblies" and read "meetings" in the plural; in No. 126, the square brackets would be removed and the words "discrepancy or" inserted before "dispute".

4.85 The delegate of New Zealand recalled his question as to how future Plenipotentiary Conferences would amend the text. Before such a text was adopted, he requested clarification on whether a specific Plenipotentiary Conference or every Plenipotentiary Conference was meant and in respect of the perception of the relevant amendments of a Resolution taking force at a different time from constitutional changes which might or might not be adopted at any Plenipotentiary Conference. He wondered whether a constitutional provision was being introduced to modify the Constitution by less than the required two-thirds majority. Those issues were still of great concern and further advice would be needed before proceeding along the course suggested.

4.86 The Legal Adviser said that the Constitution and its new No. 124A were subject to the amendment procedures just adopted by Committee 9 in Article 43 of the draft Constitution which was already before the Plenary for first reading. Thus No. 124A could only be amended by a qualified majority. Resolution No. COM8/3, however, was, just like any other Resolution, amendable by each and every Plenipotentiary Conference according to the normal majority rule consisting of more than half of the delegations present and voting and not by the qualified or special majority which applied respectively only to the provisions of the Constitution and the Convention.

4.87 The delegate of Japan said it seemed legitimate for everyone to express himself in his mother tongue but every international organization had to have a limited number of official or working languages for the sake of efficiency and the effective use of the limited resources in each organization. Therefore, the choice of official or working languages in each organization should be made in a form of contract among the Members of the various organizations. He had some concern about the finances and efficiency of the Union itself and, as some previous delegations had mentioned, about the legal issues, which the amendment suggested by the Legal Adviser had only

heightened. After the entry into force of the Constitution and the Convention the Constitution would be restricted as in some cases the Constitution entrusted some minor matters to a lower hierarchy of texts.

4.88 The delegate of the Netherlands said he sympathized with those sentiments. It was indeed the legitimate wish of all delegates to express themselves in their mother tongue but there were practical and financial constraints in any international organization. His Delegation could go along with the Chairman's proposal, as amended by the Legal Adviser, but maintained that, for the reasons mentioned at the beginning of the debate an insight into the practical and financial constraints valid for everyone was necessary and he therefore wished to enter a reservation on the Article until the financial issue was cleared.

4.89 The Chairman enquired whether there was any opposition to approval of Article 16 on first reading, without modification to No. 124, with two modifications to No. 124A by the Legal Adviser and with No. 126 as modified by the delegate of France.

Article 16 was approved, on that understanding.

4.90 The delegate of Spain said that he wished it to be made quite clear and noted in the minutes that the type of interpretation being referred to was simultaneous interpretation and not consecutive interpretation as used in small meetings.

4.91 The delegate of New Zealand wished to have recorded in the minutes that New Zealand fully supported the principle of extending the languages of the Union, but because of the legal implications reserved its position at that point in time.

#### Article 19 of the Convention

Approved.

#### Resolution No. COM8/3

4.92 The Chairman of the Editorial Committee said that the square brackets in the last paragraph of resolves 1, in instructs the Secretary-General 1 and in instructs the Administrative Council 2 could be removed, if agreed by Committee 9. In resolves 3 there were square brackets around "in Additional Protocol I" and since Committee 9 had decided to replace the Additional Protocols by Resolutions it was appropriate to read "in Resolution No. COM4/7".

4.93 The delegate of Canada noted that Resolution No. COM8/3 had a "notwithstanding" clause referring to No. 124A of the Constitution. However, in view of the amendment just made, he wondered whether it would not be better to say "Pursuant to ...".

4.94 The Legal Adviser said that the Chairman of Committee 9 could agree to deleting the square brackets in the last paragraph of resolves 1, but not to using the term "country" which should be replaced by "Member" or "Group of Members" in that indent as well as in instructs the Secretary-General 1 and instructs the Administrative Council 2. The problem had been discussed extensively in Committee 9 and, like in a similar case coming from Committee 8, the solution of using "Members", wherever appropriate or necessary, had been found. Only in a small number of cases had Committee 9 agreed to retain the term "country", for instance countries with a specific geographical situation, etc. Regarding resolves 3 and the reference to an "Additional Protocol", Committee 9 had proposed, in the case of No. 101 of the new Convention, that the reference to the limits on the budget should be "any limit fixed by the Plenipotentiary Conference", which would be the one made in the Committee 4 Resolution.

He thanked the delegate of Canada for his intervention and said that, after the change and insertion in No. 124A, the relevant text should indeed read "pursuant to the provisions of No. 124A of the Constitution".

Finally, he recommended that no reference be made to the Nice Constitution and the Convention, because there could be a problem depending on what Committee 8 had actually wanted. He had had to raise the issue here, because the Secretariat and the Secretary-General, in particular, would have difficulties with regard to that Resolution, if reference were made to Article 16 of the Constitution and Article 27 of the Convention of the Union, Nice, 1989, and then further on the text were changed to "pursuant to the provisions of No. 124A of the Constitution". In the latter case, the text could be interpreted as meaning that the Resolution would become effective only together with the Constitution and the Convention, as those were the only instruments referred to in that Resolution. If that was the wish, the text could remain as it was, but he supposed that this was precisely not the intention. If the Resolution, as he assumed, was to be applicable immediately after the Nice Conference, appropriate reference would also have to be made to the Nairobi Convention in force, since the two new instruments of Nice would not enter into force immediately after the Conference and would only form the legal basis of the Union once they had entered into force. On that assumption, a change to the present text of Resolution No. COM8/3 would be needed.

4.95 The Secretary-General said that there were two points in the Resolution on which he wished to comment. Firstly, it was correct that there was a vacuum pending the entry into force of the Nice Convention. He suggested that a third instructs the Secretary-General paragraph be added: "pending the entry into force of the Nice Convention, to apply the provisions of this Resolution on a provisional basis from 1 January 1990." because he assumed that from that date budgetary provision would have been made.

4.96 The Chairman of Committee 8, thanking the Legal Adviser, confirmed that the intention had been to apply the Resolution immediately, but the Committee had been unable to accommodate that intention. He added that the arguments put forward that night were not new but he believed that in the interest of an appropriate final text all interventions had to be heard.

4.97 The delegate of Spain had some difficulty in reconciling the present Plenipotentiary Conference and the entry into force of the Constitution and the Convention. He believed that the suggestion by the Secretary-General to add a third paragraph did not solve the problem completely. He was still somewhat concerned and hoped that that solution would not give rise to any ambiguity. Although his Delegation firmly supported it there should be no doubt as to its scope and implementation. He hoped that before the text was submitted for second reading any legal shortcomings in respect of its implementation between the date of adoption of the Resolution and the entry into force of the Constitution and the Convention would be settled.

4.98 The Secretary-General said he had understood the point raised by the delegate of Spain but as one who had administered Resolution No. 65 of the Nairobi Plenipotentiary Conference rather successfully with the three language groups concerned, some points had to be made clear. One of the important issues was that of the financial consequences and in that respect financial provision was being made with effect from 1 January 1990. He therefore wished to ensure that the Secretary-General had the necessary authority to proceed along those lines pending the entry into force of the Nice Convention. A second point for clarification, which he had discussed with the three groups, concerned the Circular-letters to be published in six languages, i.e. those relating to regulatory and standardization matters and conferences as they affected the four permanent organs: regulatory matters, including the General

Secretariat and the IFRB; conferences involving possibly all the organs and also those of the Consultative Committees relating to their relevant activities. That should be recorded in the minutes since there were numerous other Circular-letters of a general character which it had been understood would only be produced in French, English and Spanish.

4.99 The Chairman proposed that Resolution No. COM8/3 be approved on first reading with the modification proposed by Canada, where in French "non obstant" was to be replaced by "en vertu de"; three sets of square brackets were to be removed and the word "country" within them replaced by "Member" in resolves 1, instructs the Secretary-General 1 and in instructs the Administrative Council 2; the square brackets were to be removed and the text within it deleted in resolves 3 and "in Resolution No. COM4/7" inserted in its place; finally, in square brackets a new instructs the Secretary-General 3: "pending the entry into force of the Nice Convention to apply the provisions of this Resolution on a provisional basis from 1 January 1990.

4.100 The delegate of Spain said it was important to bear in mind that while the Resolution was covered by the provisions of Article 16 of the Constitution, and consequently was applicable from the date of entry into force of the Constitution, to invoke Resolution No. 65 of the Nairobi Conference was not sufficient for the period up to that entry into force, since there was no similar provision in the Nairobi Convention. That idea should be taken into account when revising the phrase dictated by the Secretary-General. Secondly, in the Spanish version at least, "having regard" should refer to Article 26 and not Article 27. Thirdly, the wording in the first indent of resolves 1 could give the impression that Final Acts, Protocols, Resolutions, Recommendations and Opinions were not prepared in French, English and Spanish. Consequently, a sentence should be added to the effect that those texts were governed by the provisions of Article 16 of the Constitution. Similar phrases should be included for the second indent and inserted in resolves 2 to avoid any misunderstanding of the languages concerned.

4.101 The Legal Adviser thought it should be possible to review the beginning of the Resolution to ensure that the correct wording was used and to adapt it, as proposed by the delegate of Spain, to the post-Nice Conference situation up to entry into force of the Nice Constitution and Convention. To avoid any conflict with the Nairobi Convention, he would prepare a draft and transmit it to the Editorial Committee.

4.102 The Chairman suggested that square brackets be placed around "having regard" to indicate that Resolution No. COM8/3 was not completely acceptable; however, he suggested that it be approved at present and then be reconsidered at the second reading stage.

It was so agreed.

#### Resolution No. COM5/1 (Adjustment of Pensions)

4.103 The Chairman of the Editorial Committee said the text in the corrigendum was submitted to Plenary as a formality since it had been accepted in Plenary and the Editorial Committee had made only minor editorial amendments.

Approved.

The eleventh series of texts submitted by the Editorial Committee was approved as amended, at first reading.

5. Twelfth series of texts submitted by the Editorial Committee for first reading (Series B.12) (Document 426)

Article 42 of the Constitution

- 5.1 The delegate of Spain said that the words "Optional Protocol to this Constitution" in No. 185A made little sense.
- 5.2 The Chairman of Committee 10 referred the meeting to the text of the Optional Protocol and suggested "Optional Protocol associated with the Convention", which seemed appropriate in the three languages; that change might be approved immediately to cover both texts.
- 5.3 The delegate of Spain said he could accept the word "asociada" in Spanish.
- 5.4 The Chairman proposed placing the word "associé" in square brackets in the French text and seeking a juridically acceptable expression. The delegate of Algeria was not clear on the reason for changing the original text.
- 5.5 The Chairman of Committee 9 explained that in the Nairobi Convention the Protocol was entitled "Optional Additional Protocol to the ITU Convention". It had been decided to do away with the word "Additional" so the term remaining would be "Optional Protocol" which was in force for certain Members only. With respect to the English version, "Optional Protocol to" would seem perfectly acceptable.
- 5.6 The delegate of Indonesia said that Article 42 of the Constitution and other Articles concerning the settlement of disputes were very important. Article 42 should be read in conjunction with the Convention, as well as the Optional Protocol, because it was a process that had to be seen in its totality. He welcomed the addition of No. 185A in Article 42 but had some difficulty with No. 185 itself because it seemed somewhat inconsistent with Article 1 of the Optional Protocol. No. 185 stated that the settlement method to be used if all else failed was for any Member party to a dispute to be able to submit the dispute to arbitration, in accordance with the procedures defined in the Convention. However, the procedure defined in the Convention (Article 34) gave rise to concern since the settlement method which might be a last resort could be initiated by any Member party to a dispute. In fact, Article 1 of the Optional Protocol stated that all the methods of settlement listed in Article 42 should have common agreement. No. 185 was one of those methods, but on reading the draft there was no mention of common agreement because any Member party to a dispute could submit it to arbitration. He had attempted to put that idea forward in the Committee and proposed to the Plenary that the words "any Member party" in No. 185 be replaced by "Member parties to a dispute may by mutual agreement or common agreement ...".
- 5.7 The Chairman of Committee 9 said that the question of the settlement of disputes as it appeared in Article 42 of the draft Constitution and Article 34 of the draft Convention, as well as the Optional Protocol, had been dealt with after spending considerable time on the questions in a Working Party. That Working Party had presented to the Committee the text now before the Plenary. As far as substance was concerned, it contained no changes compared to either the text from the Group of Experts or that in the Nairobi Convention. The only change in Article 42 was a splitting of No. 189 of the Nairobi Convention into Nos. 185 and 185A. Committee 9 had heard an intervention by the delegation of Indonesia similar to that just made and the response from some members of the Committee had seemed to satisfy that Delegation. Taking into account that the statement would appear in the summary record of that meeting, the Delegation had seemed content to leave the matter as it stood. As Chairman of Committee 9, he had drawn the conclusion that the matter was not a contentious one and had been settled.



5.8 The Chairman, suggesting that the meeting take note of the position of the Delegation of Indonesia, thought it would be difficult to amend No. 185 at that stage, since the text reflected the view of the majority. The French version of No. 185A was not acceptable and the word "associé" could be added, in that version at least.

5.9 The delegate of India suggested that the meeting be asked whether any delegation was opposed to the amendment proposed by the delegate of Indonesia since it appeared to him to be unobjectionable.

5.10 The delegate of Indonesia said that the adoption in Committee 9 of the words "by common agreement" in Article 1 of the Additional Protocol justified review of No. 185 in Plenary.

5.11 The Chairman of Committee 9 said he had taken no position on the amendment proposed and was not in a position to do so.

5.12 The delegate of Australia, speaking as a participant in the Working Party of Committee 9 which had addressed the question of settlement of disputes at some length, said that the Working Party had not changed the substance of the contents of the Nairobi provision which contained a very careful balance between the inputs of those countries, such as Indonesia, which, as a matter of national policy were unable to accept compulsory arbitration, and those which as a matter of national policy did not object to such compulsory arbitration, including Australia and others. The balance had been maintained, noting the concerns expressed on the need for mutual agreement and moving forward to arbitration. It had been pointed out that unless both parties to a dispute were Members, or parties also to the Optional Protocol, compulsory arbitration could not take place. As long as a country was not a party to the Optional Protocol, its interests, if it did not accept compulsory arbitration, were protected. He could not agree with the delegate of India that the proposal by the delegate of Indonesia on the change in No. 185 relating to the question of Members parties to a dispute was innocuous since it did alter the balance. The purpose in allowing a party to the dispute to proceed at least to the initial steps of arbitration, as envisaged in Article 34 of the Convention, served a useful purpose that had been brought out by the Working Party and reflected in discussions in Committee 9, i.e. it went along the road to arbitration without forcing a final decision unless the parties agreed to that course, or indeed unless both parties were Members and parties to the Optional Protocol. In Article 1 of the Optional Protocol the operative provision amplified a provision of Article 34 relating to the appointment of arbitrators by the Secretary-General if one of the parties refused to do so and that was where the compulsory element lay. A Member not party to the Optional Protocol was not required to submit to that amplified paragraph as set out in the Optional Protocol.

5.13 The Legal Adviser said that, if the Plenary Meeting accepted the notion in No. 185 of Members parties to a dispute submitting the dispute to arbitration "by mutual agreement" etc., then the whole arbitration procedure which had existed in the Union for decades would lose its real meaning. It would mean that, only if the parties mutually agreed to choose arbitration, the whole of Article 34 of the Convention would become applicable. Without mutual agreement even No. 408 of the Convention would then not become applicable, as the latter was a norm hierarchically lower than that in No. 185 of the Constitution. Furthermore, if in that No. 185 the phrase "by mutual agreement" were added and if that mutual agreement were not given and therefore did not exist, no arbitration procedure could even be initiated and, in accordance with No. 412 in Article 34 of the Convention, an arbitrator could not be nominated. It was true that the arbitration provided for in the Convention had its limitation consisting in the second party not being obliged to nominate itself an arbitrator. It was for that reason that the arbitration procedure was non-obligatory, according to the provisions in the Convention itself, and was made obligatory only by virtue of Article 1 of the Optional Protocol. The argument referring to "by common

agreement" in Article 1 of the Optional Protocol was not valid, because the latter term concerned the stage prior to any arbitration. If one of the methods of settlement listed in Article 42 of the Constitution, i.e. the methods mentioned in No. 184 therein, i.e. "by negotiation, through diplomatic channels, or according to procedures established by bilateral or multilateral agreements concluded between them for the settlement of international disputes", were not chosen by common agreement, disputes could be submitted under the Optional Protocol by Member parties thereto. He was fully aware that such cases rarely came up in the Union and there had not been any arbitration to his knowledge, but the system should, in his view, not be changed, as the introduction of the term "by mutual agreement" would render the whole arbitration procedure ineffective and almost impossible to initiate.

5.14 The Chairman understood those comments as signifying that the text of No. 185 meant that it was sufficient for one party to request arbitration for it to be initiated. If the Indonesian proposal were adopted, both parties would have to be in agreement in order to initiate the arbitration procedure.

5.15 The delegate of Kenya did not entirely agree with the Legal Adviser that the concept of mutual agreement in effect made arbitration impossible and that parties could not even appoint their own arbitrators. The introduction of the concept of mutual agreement meant that all actions thereafter, i.e. after No. 408, depended on that mutual agreement. He could appreciate the Indonesian delegate's problem but believed that his concern was already met by No. 184 because the element of common agreement had been assumed in that provision in that parties would elect to choose and use one of the procedures of settlement of dispute stipulated therein. If that interpretation was correct he suggested that No. 185 assumed an element of equity in a situation where parties were involved in a dispute. But if, as a matter of common agreement, the methods in Nos. 185 and 184 could not be chosen, one of the parties agreeing would have to have an escape route and that route was to opt for arbitration. It would therefore be inequitable to suggest that, having failed to agree on a common ground in No. 184, the parties to a dispute or the aggrieved party should be forced again to wait for common agreement under No. 185. He therefore appealed to the delegate of Indonesia to appreciate the equitable nature of No. 184 as related to No. 185 and accept the text as it stood.

5.16 The delegate of Paraguay, invoking Nos. 522, 523 and 524 of the Nairobi Convention, also considered that the text should be left as it stood.

5.17 The delegate of Indonesia maintained his reservations on the text.

5.18 The Chairman noted that reservation and invited the meeting to approve Article 42 on the settlement of disputes with the text as submitted in Nos. 184 and 185.

5.19 The delegate of Algeria asked whether No. 185 meant that a Member involuntarily made party to a dispute and in the absence of mutual agreement would be implicated in the settlement of that dispute and in the arbitration of the dispute itself, with all the consequences involved, such as legal fees, etc. The Legal Adviser had cited No. 408 but that provision concerned obligatory arbitration; it mentioned mutual agreement only on the choice of arbitrators - persons, administrations or governments.

5.20 The Legal Adviser said that that understanding could not be confirmed in the sense that No. 408 of the Convention would result in a compulsory arbitration. The whole procedure foreseen in Article 34 of the Convention was non-compulsory. Therefore, none of the Members could be involved in the consequences of an arbitration initiated by another Member, with consequences such as lawyers' fees, etc. In the hypothetical

event where one party nominated an arbitrator and the other party did not, the whole arbitration procedure, under the Convention's provisions alone would come to a halt. Arbitration became compulsory only by virtue of the Optional Protocol and thus only between Members parties to the latter, as Article 1 thereof amplified paragraph 5 (No. 412) of Article 34 of the Convention by adding thereto a second sentence stipulating: "If one of the parties has not appointed an arbitrator within this time-limit, this appointment shall be made, at the request of the other party, by the Secretary-General who shall act in accordance with Nos. 410 and 411 of the Convention". Only in the case of such a compulsory arbitration all the consequences referred to by the delegate of Algeria would indeed apply.

5.21 The delegate of Algeria said that he did not wish to hold up the work at the present stage but his Delegation would enter reservations if and when necessary.

Article 42 was approved, as amended, on first reading.

#### Article 34 of the Convention

Approved.

#### Optional Protocol

5.22 The Chairman invited comments on the Optional Protocol to which the word "associated" was to be added.

5.23 The delegate of Spain said that to avoid the Protocol being regarded as an addition or an annex, the Spanish version should be amended slightly.

5.24 The Chairman of the Editorial Committee said that the French and English versions would then have to be aligned, to incorporate the same changes, i.e. "Optional Protocol on the Compulsory Settlement of Disputes in relation to the Constitution ... and the Convention ...".

5.25 The delegate of Kenya thought that the English version should remain as it was. The delegate of the United Kingdom considered the existing text in the English version elegant but also found the term "Optional Protocol relating to" satisfactory.

5.26 The Chairman proposed placing the title in square brackets and requesting the Editorial Committee to agree on an appropriate text with the delegates of Spain, France, the United Kingdom and Kenya.

5.27 The delegate of Benin, on a point of order, believed that square brackets should be used for substantial matters. The Plenary had agreed that the text be translated and there was no need to leave square brackets for the Editorial Committee, which would do its work within its terms of reference.

5.28 The delegate of Senegal also had difficulty in agreeing to the text being sent back to the Editorial Committee. The delegate of Spain's proposal in Spanish had not received any support. The French text seemed correct and if anything had to be changed by the Editorial Committee, it would have to be the Spanish version.

5.29 The delegate of Paraguay said that the Spanish proposal was elegant in that language.

5.30 The Chairman said the text should be returned to the Editorial Committee whose task was to align the three versions and render the texts elegant in all the languages.

5.31 The delegate of Kenya added that if there was difficulty in aligning the French and Spanish texts, No. 121 of the Nairobi Convention should apply. The delegate of Belgium said that since there had been agreement on the substance the text should be returned to the Editorial Committee; any delegation wishing to object to that procedure should do so.

5.32 The Secretary-General said that under No. 122 of the Convention it was important for the versions to be equivalent in form and content. Having heard the discussions, he suggested that it was correct to return the text to the Editorial Committee which should seek to achieve the objective of No. 122.

It was so agreed.

#### Article 43 of the Constitution

5.33 The delegate of Colombia, explaining his Delegation's reservation on No. 191, recalled that when studying Nos. 173 to 176 in Document 280(Rev.1) the manner in which the Constitution was to be ratified, accepted or approved had been quite clear and it had been confirmed that a State was bound by an international treaty through its specific consent thereto and could not be bound by an international treaty, thus ceding its sovereignty, through tacit or presumed consent which was covered by No. 177. He also referred to Document 466 containing Nos. 340 and 350, in which reference was made to Article 25 on reservations. However, the last three lines of No. 191 were in contradiction in that modifications would become binding for those not having signed them and even for those having entered reservations on them, and that was a premise he could not accept. Moreover, the paragraph excluded the possibility of accepting, approving or ratifying a modification partially so that every modification had to be accepted, approved or ratified in its entirety, thus denying the right to enter reservations, that was inconsistent with provisions yet to be dealt with in Document 466. He therefore believed that the last three lines of No. 191 should be deleted; the same comments applied to No. 425 of the Convention.

5.34 The Chairman said that he understood that whereas No. 350 permitted reservations on the Constitution, the delegate of Colombia contested No. 191 for not having foreseen the possibility of making reservations when amendments were adopted by a Plenipotentiary Conference.

5.35 The Chairman of Committee 9 wondered whether the delegate of Colombia merely wished to have his statement appear in the minutes or whether he wished to reopen the discussion that had been conducted in Committee 9 prior to adoption of the provision by an overwhelming majority.

5.36 The Chairman repeated the Colombian proposal to delete the last three lines of No. 191 and to make the same amendment to No. 425 of Article 35 of the Convention. It was his understanding that Committee 9 had already discussed that deletion.

5.37 The Chairman of Committee 9 confirmed that the question had been discussed and that the delegate of Colombia had made a statement in Committee 9 similar to the one just heard. The question was a fundamental one and would bring the Union, in respect of its basic instrument, into line with the many other constituent instruments of international organizations which had the same system, i.e. where amendments, once adopted by a qualified majority, entered into force for all Members and thus the entire

organization. In the overall consideration of the Committee the issue had not been disputed and there had been no written proposals from Member States objecting to the approach suggested by the Group of Experts. The Committee had discussed at some length the adoption of proposals for No. 189 and other matters but in relation to No. 191 it had dealt basically with the refinement of the text. With respect to a Member being bound against its wishes, he said that once a Member had ratified the Constitution and accepted that particular provision, it was then, through that acceptance, bound by that provision under which certain circumstances might imply that Members not in agreement with a certain amendment would be thus bound. It was not unusual to have the same kind of provisions applied to all Members at the same time.

The question of reservations had also been raised in the Committee and he wished to correct the understanding that because the provisions of the Nairobi Convention on reservations had been redrafted and somewhat modified in Nos. 349 and 350 of the draft Convention, they had not been maintained. In other words, the rights of Members as expressed in those provisions to make reservations were upheld insofar as amendments to the Constitution and the Convention or provisions of administrative regulations were concerned. He concluded by repeating that the principle had not been a contentious one in Committee 9 and had in fact been adopted almost unanimously.

5.38 Following that clarification, the Chairman asked the delegate of Colombia whether he could agree to his reservations being recorded in the minutes while maintaining the text.

5.39 The delegate of Colombia said that his Government would enter reservations if provisions such as the ones under consideration were adopted.

5.40 The delegate of the Islamic Republic of Iran also entered a reservation with respect to No. 191.

5.41 The delegate of Cameroon, on a point of order, said that where there were no reservations in the Committee the debate should not be brought back to Plenary.

Article 43 was approved on first reading.

#### Article 35 of the Convention

Article 35 was approved, noting the reservations by the delegates of Colombia and the Islamic Republic of Iran.

#### Resolution No. PLEN/2

5.42 The Chairman of the Editorial Committee explained that the Resolution had already been adopted at an earlier Plenary Meeting and only minor editorial amendments had been made by the Editorial Committee.

Resolution No. PLEN/2 was approved.

The twelfth series of texts submitted by the Editorial Committee, as amended and with the exceptions mentioned, was approved on first reading.

6. Statement by the delegate of Cuba

6.1 The delegate of Cuba noted that the minutes of the twelfth Plenary Meeting contained a statement by the delegate of the United States of America, alluding to the intervention by the First Deputy-Minister of Communications of Cuba on 30 May. The delegate had then submitted Document 335, which he assumed was to be part of the record. The statement by the Cuban Deputy-Minister had been perfectly clear and referred to irrefutable facts. Without wishing to re-open the debate, he was nevertheless obliged to submit a document in response, and requested the Secretariat to process the said document as rapidly as possible.

The meeting rose at 0300 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 481-E  
5 September 1989  
Original: French

COMMITTEE 4

SUMMARY RECORD  
OF THE  
FOURTEENTH AND LAST MEETING OF COMMITTEE 4  
(FINANCES OF THE UNION)

Tuesday, 27 June 1989, at 1655 hours

Chairman: Mr. M.H. GHAZAL (Lebanon)

Subject discussed:

1. Limits on Union expenditure for the period  
1990-1994 (continued)

Documents

DT/6, DT/68, DT/71,  
DT/72, DT/77, DT/80,  
388 (para. 4.2),  
DL/57

1. Limits on Union expenditure for the period 1990-1994 (continued)  
(Documents DT/6, DT/68, DT/71, DT/72, DT/77, DT/80, 388 (para. 4.2), DL/57)
  - 1.1 At the request of the delegate of Senegal, the Chairman explained that Document DT/80 recapitulated and supplemented several of the options originally set out in Document DT/77. Furthermore, a new document entitled "Budget option-Ceilings" was submitted to the Committee in English. It would be introduced by its three co-authors, namely, the Federal Republic of Germany, Australia and the Netherlands.
  - 1.2 At the request of the delegate of the German Democratic Republic, the Chairman said that, for Annex 3 to Document DT/80, the amount of the contributory unit corresponding to each alternative proposed would be announced by the Secretariat in the meeting.
  - 1.3 In reply to the delegate of the United Kingdom, who asked why five alternatives were proposed in Annex 3 whereas delegations at the previous meeting had called for only two, the Chairman explained the various factors taken into account for establishing the five alternatives. The Secretariat had endeavoured to produce a comprehensive table reflecting as accurately as possible the discussion held at the previous meeting.
  - 1.4 The delegate of Iraq, referring to the comments by the delegate of the United Kingdom, observed that three alternatives, not two, had been considered at the previous meeting. Document DT/80 did not take up the third alternative, which had been accepted by many delegations.
  - 1.5 The Chairman said it was true that that alternative did not appear in Annex 3; however, the delegate of Iraq, whose proposal had indeed been supported at the previous meeting, could at the present meeting submit an alternative IV for inclusion in Annex 3 to the document.
  - 1.6 The Secretary-General observed that decisions had been taken at the twentieth Plenary Meeting on the final report of Working Group PL-B and that a draft Resolution was being prepared which would provide a detailed schedule of planned conferences and meetings. If a Plenipotentiary Conference had to be held earlier than expected, for instance in 1991, the 1994 Conference would be moved to a later date. Document DT/80 also took into account the questions concerning the future of the frequency management system, information exchange services, remote access and Computer Department resources referred to Committee 4 by Working Group PL-C. Annex 1 to the document contained a recapitulation of the decisions and conclusions of the Conference, taking into account the following modifications: transfer of the cost of activities classified under Technical Cooperation Bureau (Section 7), i.e. three posts charged to the operational budget (Sections 0 to 6), together with seminars organized by Members of the Union under Resolution No. 28 of the Nairobi Convention and charged to conferences and meetings (Sections 11 to 18). It also allowed for the cost of reviewing the Union's structure, spread over two years (1990 and 1991). Annex 2 gave a breakdown of the budget of 83,320,000 Swiss francs between Sections 0 to 6, as approved by the 44th session of the Administrative Council. Annex 3 set out three alternatives for expenditure in 1990 to 1994, without any indication of priority, and should be read together with Annex 1 (status of Conference decisions and conclusions). As had been announced, the Secretary of the Committee would give the contributory unit corresponding to each alternative.
  - 1.7 The delegate of Australia introduced Document DL/57, which was intended to supplement the information and options set out in Document DT/80. Annex 1 presented some budgetary options for 1990 to 1994 based on zero growth. Annex 2, assumed a ceiling of 575 million Swiss francs and Annex 3 one of 600 million Swiss francs. In Annex 1, the total for Sections 0 to 6 was 387,700,000 Swiss francs (instead of



388,200,000 Swiss francs) and the total for Section 8 was not 10,000,000 Swiss francs but 10,500,000 Swiss francs. The amount in Section 7 for 1994 should be 21,500,000 rather than 21,000,000 Swiss francs. It had been said on numerous occasions that an order of priority should be established for the Union without overstepping the budgetary constraints, but the fact remained that many administrations found it difficult to contribute to the budget while at the same time participating in the Union's activities. Some of the proposals considered in the Plenary Meeting did not take sufficient account of budgetary constraints, and Annex 1 to Document DL/57 sought to reconcile the sweeping changes decided during the Conference with the required financial discipline. Thus, the total amounts for Sections 11 and 18 were based on the need to review the Conference's decisions in terms of the limits on available resources. In view of that need and recognizing the importance of the decision to increase resources for technical cooperation, no credit had been provided for either WARC-HFBC or for the Frequency Allocation WARC until the next Plenipotentiary Conference. That option, however unpopular it might be, would have to be considered if a budget was to be drawn up which was reasonable and acceptable to national authorities. Major reductions had been made in Sections 0 to 6, by means of transfers to Section 7 and savings which the review of the structure of the Union could be expected to produce.

1.8 The delegate of the Netherlands said that the Committee should have been provided two weeks earlier with precise figures and alternatives upon which to reflect; it was regrettable that that had not been done. It was also to be deplored that, due to lack of time, the Committee could not examine the different sections in detail. He noted that the table in Annex 2 to Document DL/57, which was based on 2% annual growth, showed a ceiling of 118 million Swiss francs for 1994.

1.9 The delegate of the Federal Republic of Germany said that the key figures in the table in Annex 3 to Document DL/57 were 115 million Swiss francs for 1990 and the total of 600 million Swiss francs for the period 1990 to 1994. The figures for CCITT meetings were based on those of Document DT/72, reduced by 5%.

1.10 The Chairman observed that several developments had taken place since the last meeting, namely, the decision of the Plenary Meeting concerning Working Group PL-B, Iraq's proposal on languages and the submission of several alternatives for the budget.

1.11 The delegate of the USSR, referring to Annex 1 to Document DT/80, asked whether the figure of 118,409,000 Swiss francs, which was rather different from the one proposed by his Delegation, was to be taken as a basis.

1.12 The Chairman, drawing attention to page 10 of Document DT/80, explained that alternative IA was based on a budget of 115 million Swiss francs for 1990, but provided only 15 million Swiss francs for technical cooperation and limited the amount allocated for languages to 1,500,000 Swiss francs. Alternative IB added to the base figure of 115 million Swiss francs the technical cooperation expenditure arising from Document 388 adopted by the Plenary Meeting as well as 1,500,000 Swiss francs for languages, but did not take account of Document 379 adopted the previous day by the Plenary Meeting. Alternative II was based on 115 million Swiss francs and allowed for the proposals in Documents 388 and 379 by allocating 1,500,000 Swiss francs to languages. Alternative III, which also started with 115 million Swiss francs, took into account the decisions of Committee 5 and Working Group PL-C, and allocated 3 million Swiss francs to languages. The new alternative proposed by the delegate of Iraq and supported by the delegate of Qatar tallied with alternative III in which 5 million instead of 3 million Swiss francs would be included for languages, producing a total of 649,392,000 Swiss francs.

Annex 1 to Document DL/57 corresponded to alternative IA of Document DT/80, Annex 2 to Document DL/57 was fairly similar to alternative IB, and Annex 3 to Document DL/57 fell somewhere between alternative IB and III.

1.13 The delegate of the USSR reserved the right of his Delegation to return to revert to the matter.

1.14 The delegate of Morocco said that his Administration was always concerned about increases in the contributory unit and considered that the budget must be used as effectively as possible. He noted with satisfaction the considerable efforts made by the General Secretariat to lower the ceilings of the 1990 budget but pointed out that the cuts had not been evenly distributed among the various sections of the budget and that not all the items within each section had received the same treatment. For instance, the IFRB seminar fellowship item had disappeared - although it was common knowledge that seminars served no purpose if the developing countries were unable to attend - and Section 8 had been cut by almost two-thirds. On the question of languages, he could support Iraq's proposal.

He was in favour of a ceiling of 118 million Swiss francs for 1990, bearing in mind that several decisions of Committees had not yet been budgeted. The Conference should also give the new Secretary-General some latitude to act, pending the outcome of the study on the evolution of the Union's structures.

1.15 The delegate of Syria said that he was in favour of a ceiling of 118 million Swiss francs. He recalled the Plenary Meeting's decision concerning the three working languages and supported Iraq's proposal to allocate 3 million Swiss francs to languages for 1990 and 5 million Swiss francs from 1992 onwards.

1.16 The delegate of Yugoslavia thanked the Secretary-General, the Secretary of the Committee and the Chairman for trying to keep the budget proposals within realistic limits. He would be in favour of a ceiling of approximately 116.5 million Swiss francs, in other words halfway between the figures of 115 and the 118 million Swiss francs already mentioned.

1.17 The delegate of Cameroon said that he would have difficulty in accepting a substantial increase in the budget, particularly since his country had been applying a zero growth rate for the previous three years. Nevertheless, the Union must be given the means to function properly. He was anxious for Document 388 to be implemented and, having regard to the decisions of the Plenary Meeting, he considered that a ceiling of 118 million Swiss francs should be contemplated. He could not give an opinion on a figure for the period 1990-1994, as he did not know what growth rate should be used for the calculations.

1.18 The delegate of Mexico said that the figures submitted had to be scrutinized very closely, and he drew the Committee's attention in particular to the amounts provided for seminars and for Sections 0 to 6. It would also be interesting to know how the decisions of Working Group PL-C could be reflected in the budget document.

1.19 The delegate of Algeria observed that some of the budget credits had not been spent during the period 1983-1989. The Administrative Council and the Secretary-General could therefore be relied upon to try to make savings on the budget established for the coming period.

Committee 4 should not reopen discussion on decisions taken by the Plenary Meeting. He was in favour of a ceiling of 118 million Swiss francs for 1990 and considered that a total of 620 million Swiss francs should not be exceeded for the

coming period. As for languages, not only Arabic but also Russian and Chinese should be taken into account. He noted that Nairobi Resolution No. 80 had not been fully implemented and supported the proposal by the delegate of Iraq.

1.20 The delegate of Ethiopia said that his country, like all developing countries, was worried about the increase in the budget, since any increase meant an additional outlay of foreign currency. Nevertheless, he was ready to accept the minimum figure arising from the decisions of the Plenary Meeting. He considered that the terms of Documents 388 and DT/30 should be complied with.

1.21 The delegate of Burkina Faso expressed the view that it was precisely those countries with most resources which were the most reluctant when it came to paying. In relative terms, however, the contributory unit was the same for all. The Secretary-General elect and the Secretariat should be provided with the ways and means of performing their work, and the decisions which had been taken in the Plenary Meeting should not be called in question. The total of 118 million Swiss francs seemed to be a sound basis for discussion, even though it raised the problem of an increase. Certain delegations were suggesting other figures. He therefore proposed that the figure of 118,409,000 Swiss francs given in Annex 1 to Document DT/80 should be retained, on the understanding that at its meeting in 1991 the Administrative Council would take decisions aimed at reducing expenditure on the basis of the study to be carried out. A credit transfer could then be made for languages.

1.22 The delegate of Saudi Arabia supported the Algerian proposal and said he favoured the adoption of a minimum amount. With regard to languages, he observed that not only Arabic was involved, but also Chinese and Russian. Resolution No. 65 of the Nairobi Convention should be implemented.

1.23 The delegate of New Zealand observed that the "alternatives" in Annex 3 to Document DT/80 were not really alternatives at all. Alternative IA made provision for technical cooperation and assistance expenditure but none for languages, conferences or meetings. The budget increases should be applied to all the Union's purposes and correspond to all its functions. A greater amount should be allocated to languages. The proposal to increase Section 8 in 1992 must be taken into consideration. All in all, it seemed that Annex 3 to Document DL/57 offered a satisfactory solution.

1.24 The delegate of the German Democratic Republic advocated 115 million Swiss francs for the year 1990, with a growth rate of 2%.

1.25 The delegate of Iraq confirmed the statement he had made the previous day. The budget was extremely important for it was the reflection of the Union's activities. In his view, 118 million Swiss francs was the minimum acceptable figure. Furthermore, it was the Secretary-General who should establish priorities. As far as working languages were concerned, the suggested figure of 5 million was perhaps too high to begin with but it could probably be reached gradually, starting from a basis of 3 million Swiss francs which was certainly inadequate but could be accepted at the initial stage.

1.26 The delegate of Guinea welcomed the fact that Document 388 had been supported by numerous delegations and considered that under no circumstances should the figures it contained be decreased. He accepted the figure of 115 million Swiss francs for 1990 and a general total of 600 million for the period up to 1994.

1.27 The delegate of Benin supported the views of Algeria and Burkina Faso. According to Annex 3 to Document DL/57, the Nice Plenipotentiary Conference would have to make substantial reductions in the expenditure of Sections 0 to 8 if it wished both to implement its main decision concerning technical cooperation and to make savings. It was unrealistic to drop from 91 to 87 million Swiss francs in one year. Staff costs were involved, and the Secretary-General had stated that productivity had been high in

that area in spite of the constraints imposed by the decisions of the Nairobi Conference. It would not be realistic to make large cuts in Sections 0 to 6 for 1990 and 1991. The amounts for the above-mentioned years should be 118 million and 125 million Swiss francs respectively. It seemed that there would be opportunities to make savings in subsequent years, since the results of the study to be carried out would be known at the end of that two-year period. For 1990, Annex 1 to Document DT/80 mentioned an increase of 10% which should be acceptable. The overall ceiling would then be 640 million Swiss francs.

1.28 The delegate of Mali supported the proposals in Document DT/80 which were an accurate reflection of the decisions taken by the Conference. The Committee should be concerned with making savings, but it should not lose sight of the essential need for efficiency in the work of the Union. He was willing to go along with the majority view. He supported Annex 1 to Document DT/80 which took into account all the decisions taken by the Plenary Meeting, including the one on languages.

1.29 The delegate of France said that the establishment of a ceiling would clearly have repercussions on the budget, even though a ceiling was not a budget, and it was his hope that the Administrative Council would succeed in keeping expenditure below the ceiling adopted. However, expenditure had to be covered by the contributory units. If the majority of delegates at the Conference were to accept a ceiling 10% higher than the amount acceptable to a minority accounting for one quarter of the contributory units, that minority would have no option but to reduce its share of contributory units. The number of contributory units fell regularly by 4 to 5% after each conference, and the Union might find itself in a situation where, after a majority had agreed to a ceiling, the number of contributory units would drop by 5 to 8%. In the interests of the Union, the Committee should take care not to set ceilings that were too high, thereby entailing an increase in the contributory unit for those who intended to pay. Many countries supported a ceiling of 115 million Swiss francs while many others would prefer 118 million Swiss francs, thus making it necessary to seek a compromise between the two figures, which were in fact quite close. He was more concerned about the total budget figure for the five-year period, having regard to the conference programme which had been adopted. In his opinion, the conference budget was small compared with that for the following years. The figure for the five years was high and would have to be taken into consideration; it was to be hoped that the Union could improve its operation, make savings and keep budget growth within reasonable limits until 1994. In the view of his Delegation, it would be impossible to run the Union properly in the next five years if the total amount were less than 600 million Swiss francs.

1.30 The delegate of Qatar supported the position of Algeria, Cameroon and Morocco, subject to the decisions to be taken by the Plenary Meeting. He acknowledged that savings had to be made. Document 388 met the concerns of delegations as a whole. He was in favour of the 118 million figure, with no order of priority.

1.31 The delegate of Romania said that it would be easier to take decisions on ceilings if the Committee considered Sections 1 to 9 as a whole. The Conference had already adopted important decisions on the Union's future and a choice now had to be made between various options. Considerations had to be given to the major current and future changes within the Union. His Delegation, like that of Algeria, thought that an overall approach should be taken and global ceilings set, and he also agreed with the delegate of France that too sharp an increase which might prompt countries to reassess their level of contribution should be avoided. He was sure that the new Administrative Council would be able to find appropriate solutions. Unfortunately, he could not accept the second option in Document DL/57.

1.32 The delegate of Gabon said that his Delegation, like others, was very concerned about any increase in the Union's budget which would entail the adjustment of the contributory unit. It would be best to follow the approach taken in Document 388 on the future activity of the Union, an approach which was in tune with the world technological environment in the field of telecommunications. It should, however, be borne in mind that the Committee was not examining accounts but budget estimates which would be refined at a later stage by the Administrative Council. His Delegation, in a spirit of compromise, could accept a figure somewhere between the 115 million of Document 388 and the first option in Document DL/57, perhaps with a maximum growth rate of 2%.

1.33 The delegate of the United Kingdom said he trusted that the Committee would continue to be guided by the realistic point of view expressed by the delegate of France. He drew little comfort from the hope that there might be a large margin between the ceilings and actual expenditure; the reverse was more likely to happen. Whether the alternatives in Annex 3 to Document DT/80 were genuine or not, they had to be expressed in terms of the hard cash which each government would have to find in its till. In considering the five alternatives proposed, it should be borne in mind that the contributory unit was almost 232,000 Swiss francs in 1989 and that, with the ceilings quoted, it would reach almost 300,000 Swiss francs. The Secretary-General had recalled that after each Plenipotentiary Conference, there was a drop of approximately 5% in the number of contributory units. If administrations reduced the number of units even further, the Union would face major problems. The United Kingdom's point of view had been clearly expressed in Document 401 which proposed that any increase in the 1990 budget should go to the Telecommunications Development Bureau and that the ordinary budget should be set at 115 million Swiss francs. His Delegation maintained its position on that point. It had not yet given enough thought to the question of a global figure for 1990 to 1994 since that was an entirely new concept, but it could accept the estimated annual growth of some 2 million Swiss francs in Section 7, since that figure represented the growth factor of the budget within the ceilings laid down. The overall growth rate for the whole period would be zero.

1.34 The delegate of Byelorussia emphasized the need to find compromise solutions. The developed countries and other contributors agreed on zero growth. The problem was one of choosing between the 115 and 118 million Swiss franc option. He failed to see what benefit an increase of 3 million Swiss francs would bring the Union. He was familiar enough with the translation services to know that savings could be made on languages. He was surprised that the developing countries did not agree to reduce the budget by 3 million Swiss francs, since they would derive no substantial benefit from those funds. All the difficulties would be removed if the Committee stood by the figure of 115 million Swiss francs. It was essential to reach a compromise on the matter.

1.35 The delegate of Senegal referring to Document DT/80, noted that improvements had been achieved by removing or reducing the allocations for IFRB seminars, fellowships and languages, and by keeping certain posts. Basically, his Delegation could agree to zero growth and even to a reduction of the budget, but it could not fail to note that in spite of appeals by a number of speakers, the most costly activities had not been touched. Document DT/57 fell down in proposing cuts in Sections 0 to 18 without giving any indication of how the related savings would be made. Furthermore, according to Note 1 of Annex 1, the totals took into account the need to review individual decisions of the Conference, without mentioning which decisions were concerned. It was to be hoped that they were not the ones set out in Documents 388 and 379 which had already been adopted in the Plenary Meeting. Finally, with regard to WARC-HFBC and the frequency allocation WARC, he took exception to the fact that an amount of 1.4 million was unprovided for whereas a team costing exactly the same amount was being renewed for one year.

1.36 The delegate of Pakistan, referring to the choice between 115 and 118 million Swiss francs, said that the argument adduced in favour of the 115 million figure could be turned round: since the difference was not great, it would be just as well to opt for 118 million if that would produce some advantage. Another approach, based on Document DT/72, might have consisted in starting with 129 million, discussing the ceiling and then coming back to 118 million by means of an overall cut in all the estimates made for the different organs. The various items naturally absorbed a greater or smaller volume of resources, but activities should also be weighted according to their importance. For instance, the importance of the IFRB seminars was such that they should not be almost completely eliminated by slashing the related funds. It was no use creating a development organ without giving it the means to get off the ground. In conclusion, his Delegation agreed to a figure of 118 million and a growth rate of 2%.

1.37 The delegate of the United States agreed with those delegations which were concerned about the contribution that Members would have to pay if the figures submitted were accepted. The conclusion he drew from those figures was quite different, for he considered that the difference of 3 million between 115 and 118 million was not negligible. Document DT/80 was disappointing since Annex 3 contained priorities rather than alternatives, as they were called. The discussion could not be conducted on that basis. The only realistic method of presenting the various alternatives was that used in Document DL/57, which showed different levels of total expenditure together with possible ways of providing for them. His Delegation had hoped that Document DL/57 would serve as a basis for examining the total level of all expenditure and for reaching a consensus. It had imagined that the Nairobi experience of waiting until the very last moment to make overall cuts and leaving the Secretariat with a 700-million programme which there were not enough funds to implement would not be repeated. It, for one, would have to continue to take Document DL/57 as the basis. Perhaps certain decisions which had already been taken, together with their financial implications should be reviewed by the Plenary Meeting. In any case, it should no longer be assumed that a matter was settled once and for all because it has been discussed in the Committee.

1.38 The delegate of Papua New Guinea found the present discussion difficult to follow. In his country, the telecommunication organization operated on a commercial basis and had to remit to the Government a set share of the income derived from the funds allocated to it. Its operations had to be both efficient and profitable. It did not take decisions and then look round for the money to carry them out. Too sharp an increase in the contributory unit might draw the Union into a dangerous downward spiral. It was currently in the throes of a financial crisis which had to be tackled realistically. A great deal had been said about the changing telecommunications environment, but the changing nature of the world economy also had to be taken into account. If governments were in difficulty, the Union would be in even greater difficulty and the small countries would suffer most. The figures of 115 million and 600 million for the whole period in Document DT/57 provided a realistic basis on which to plan for the future.

1.39 The delegate of India pointed out that the ITU was being asked to play a leading role but was at the same time being turned into a second- or third-rate organization which could be replaced by other agencies. It must be given the means to perform the functions expected of it. The figures in Document DT/80 seemed to be realistic, in view of the opportunities they afforded to make cuts. Trust must be placed in the Administrative Council, the Secretariat and the ITU in general, and a ceiling set that was not too low.

1.40 The delegate of Japan remarked that the contributory unit for different periods was not given in Document DT/80. Ways and means should be sought of drawing up a budget based on a contributory unit which each country could afford. His Delegation could accept the figure given in the document for 1990 as well as a total of 600 million Swiss francs for the whole period.

1.41 The delegate of Kuwait considered that the Conference did not have the right to impose budgetary restrictions and excessively strict limits. In order to be able to choose between a budget of 115 million and one of 118 million Swiss francs, more specific information would have to be provided; the studies which had been carried out were not quite clear enough. However, if Document DT/80 reflected the implementation of the decisions taken by the Conference, including those to be taken in the coming days, his Delegation could support the analysis it contained. It was for the Committee to place emphasis on the Union's priorities and the functions it should perform.

1.42 The delegate of the People's Republic of China said that his Delegation was in favour of a ceiling of no more than 118 million Swiss francs and no less than 115 million Swiss francs for 1990. As for the question of languages, which was a complex and sensitive issue, the commitments to expenditure ought not to be less than 3 million Swiss francs.

1.43 The delegate of the Federal Republic of Germany considered that the annual increase could be 7% for 1990 and 2% in subsequent years. That should enable a compromise to be reached.

1.44 The delegate of Brazil endorsed the comments by the delegate of the Federal Republic of Germany. His Delegation was quite unable to accept a ceiling of 118 million Swiss francs for 1990, but considered that the limit could be slightly higher than 115 million Swiss francs. As far as the five-year ceiling was concerned, he could accept an increase of not more than 2% per annum.

1.45 The delegate of the Philippines said that his Delegation wished to avoid an increase in the contributory unit. It could support a maximum ceiling of 115 million Swiss francs for 1990 and one of 600 million Swiss francs for the five-year period.

1.46 The delegate of Chile said that his Delegation could accept a ceiling of 115 million Swiss francs for 1990, an increase of 5% per annum and a ceiling of 608 million Swiss francs for the five-year period.

1.47 The delegate of Burundi said that his country, which was one of the least developed countries, would be particularly vulnerable to an increase in the contributory unit and that no such increase could be accepted unless it was shown to be fully justified.

1.48 The Secretary-General made the following statement:

"Again I think we have gone from generality to principle and then into detail and again I must say that I regret some of the comments made or I should have said incorrect information to be more correctly understood, that has been transpiring in one or two things. Let us take as a reference point the question of translation. It so happens that the Joint Inspection Unit of the UN system, the independent inspectors did regard the English, French and Spanish translation service of the ITU as being in the top bracket of the UN family and their productivity figures are much higher and it is used for budgeting purposes, than the figures that are given here by one representative with some experience in the UN. Well, we do not happen to be the United Nations, we happen to be the ITU. We have been very alive to the issue of cost effectiveness in an area where there has been tremendous growth in activity brought about of course by the high technology and rapid changes that are occurring. The situation of the other language services is not the same. I am a little disappointed in this debate, first of all, and it was the Chairman of Working Group PL-C speaking as a representative of Mexico, who reminded us that PL-C did in fact ask Committee 4, because of the time factor and maybe other factors, to have a look at the suggestions that came from PL-C.

Now that has not been done. There has been reference to the question of the very minimum requirements for the FMS, there was a question of the remote access and a question of the computer resources, although I did notice that a number of representatives in fact stress the need to look very closely at this area and it will be done. Secondly there has been a reference to fine tuning. Now if we look at 1990, whilst it may be a ceiling, we are in effect laying out the 1990 budget and we are doing it for two reasons. First of all the Administrative Council in the knowledge of the tasks being performed at the time, adopted a budget for 1990 but it used the word "provisional" budget, realizing that there would be other things coming along, and I can assure the Committee that that Group led by the Council, was no less durable than the preceding sessions of the Council where the whole question of zero growth has been fully tested and explored from year to year. So what have we done here? A number of decisions have been taken, some definitive, some conclusions, and now we are saying that it is a "wishing" list. In some ways one can look at that point of view, but if you look at the elements of decisions in Document 80, where they are all detailed, some are unavoidable, like step increases in the staff increments and payments of the interest on the building. All these add up. They may be detail, but they lead to the question I posed yesterday. What do you want the Union to do? What function do you wish us to cut out? I find it fascinating looking at some of these documents. Are we prepared to put off the two world conferences? What is the view of the house? It is an interesting option. If I look at Annex 2 of Document DL/57, giving up the consultants, which was regarded as one of the packages, to get an objective study as part of the compromised, are we going to have this high level team now working for four years and no conference, which would have been a low cost Plenipotentiary Conference, possibly within the time frame decided by the Administrative Council of 1991. It has disappeared too, so the areas of that part of the packet seems to be putting off.

Or are we going to have a conference, as Document DT/80 reflects, in the knowledge of the decision taken last night, that would be in some time frame after 1991, which would then avoid a rather huge Plenipotentiary Conference in 1994. There would have been savings over the period, and two types of savings. A not so expensive Plenipotentiary Conference but one that could bring about economies at a point in time when money had been spent on consultants and that sort of thing. So that is one area that has not been touched. Another area is high frequency broadcasting, which has also been referred to in this debate. First of all, putting it off is one issue but there is also the question of the team, made up of numbers of personnel, and I think internally we would have to look at the right time to maybe scale down the team, but we need to know precisely when this Conference will take place, if there are suggestions of putting it off.

It is clear that we are in a changing environment and we are also in a situation of changing difficult financial conditions. That is something I will not have to worry about from the viewpoint of Union activity in the next few months, but I have been aware ever since 1983 that this is an issue of constant concern. Speaking to the Secretary-General Elect in Melbourne, it seemed that we were always talking budgets and and in my period of service as Secretary-General that has been the whole process, how to make ends meet and how to avoid the referenda which perhaps now in hindsight should have been launched in the earlier period.

I would like to come now to Appendix 3 (Annex 3 in Document DL/57), and put it in perspective. First of all the starting-point of 115 million, which seems to have become a sacrosanct figure that's the starting point. When that figure was being drawn up and discussed in Document 388, at that stage I do not think there were any real estimates of costs being announced for the extraordinary session of the Administrative Council, costs of consultants, or the cost of the review panel. If you add those up you arrive at something over 1.3 million. Let me now go to the breakdown. I find it rather interesting because it often comes from particular sources that one can recognize and I touched a little on this yesterday when I asked the question what is the life blood of



the Union? The life blood of the Union is in fact all the functional provisions in the Convention that assign responsibilities, but this breakdown of 0.6 is in an area where major economies and global cuts have been imposed and continue to be imposed, i.e. on the staff, I think it is shown in Annex 2 to DT/80 that there is in fact a continuing global cut at the moment of 1.5 million on establishment that was approved by and large in 1983, except for the additions that have been granted as a result of conferences in a particular area of the Union. There is a global cut which continues to operate, and now in the very same area in Annex 3 you are introducing first of all, in the overall figures a further global cut of 4%, as I interpret the figures in 1990; 9% I think (it may be 8%) in 1991 9%; in 1992 else 11% I think in 1993 and 12%, but it just does not stop there. If you look at the fixed service costs (I am coming back now to DT/80) premises, repayment of the building, computer facilities, miscellaneous expenses, PTT - and I think members of the Council are well aware of the extent to which these sort of expenses have been kept down - and so on, these budget cuts in this particular area involving the continuing and operating of the Secretariat services of the Union, are in fact more likely to be up to the order of 5% in 1990 on top of the global cut issues of 1982, rising to something like 12-15% in 1994. Yet I do not see in these figures the holding of the special Plenipotentiary Conference which could lead the way to savings after the objective study of the consultants and presumably having sifted through the proposals of Member States. Frankly speaking, DL/57 is not very fair to the institution.

If I look now to the question of finding a middle course, it is obvious given the sensitivity of the concept of their choice of unit value and the voluntary system, that it necessitates cooperation and to the greatest degree practical cooperation by all, without going to the extent of veto or the lowest common denominator, which is something associated from time to time in the search for consensus environment. Mr. Chairman, at this stage I do not think you can report any conclusive discussion from your meeting but this dialogue needs to go on in order to find a path, I emphasize again, towards reaching the greatest degree of consensus possible without going to the question of the lowest common denominator or veto by one or another. Certainly I fully share the perception by the distinguished representative of the Netherlands which I think was also mentioned at least informally by the Federal Republic of Germany and certainly by France, it is not an issue of putting this question to the vote, because a vote will not solve this issue in a practical way, irrespective of what one side or the other may feel."

1.49 The delegate of Byelorussia observed that several delegates had referred to disinformation with regard to the use of working and official languages at the ITU. He referred delegates to Document 40 which gave an accurate account of the costs entailed by the addition of one further working language; the ITU average for translation was five pages a day, whereas the UN average was five and a half pages. An increase in output of half a page a day would represent a saving.

1.50 The Chairman, summing up the discussions of the two previous meetings, said that of the 54 administrations and delegations which had taken the floor, 24 had been in favour of taking 115 million Swiss francs as the basis for the 1990 budget, 12 had supported Annex 3 to Document DL/57 and the remaining 12 had expressed a preference for Annex 2.

Twenty-four other delegations were in favour of 18 million Swiss francs, and all the delegations had supported the Algerian Delegation's proposal not to exceed 120 million Swiss francs for the period 1990-1994.

Six delegations had supported the proposal by the French Delegation for a sum of between 115 and 118 million Swiss francs, without however specifying whether the total for the five-year period was to be 600 million or 620 million.

As the delegate of Algeria had said, a decision taken by the Plenary Meeting could not be altered by the Committee, short of submitting the outcome of subsequent deliberations to another Plenary Meeting. Accordingly, if the Committee could accept the decisions of the twentieth Plenary Meeting (Document DT/80), reference should nonetheless be made to alternative III i.e., approximately 639 million, an amount which had not been supported. On the other hand, almost all the delegations had endorsed a figure of 620 million Swiss francs.

He suggested that the Secretary-General, the Secretary-General Elect and the Committee Secretary should meet with the Vice-Chairman and himself to seek a compromise, since the Committee was unable to decide on a final figure. What had to be found was a figure somewhere between the two amounts; even if Annex 3 to DL/57 commanded support, an endeavour might be made to persuade the Conference to accept, as a compromise, 117 million for 1990, 122 million for 1991, 130 million for 1992, 126 million for 1993 and 125 million for 1994, i.e., a total of 620 million Swiss francs. As far as working languages (Section 8) were concerned, he suggested that 3 million Swiss francs be proposed for 1990, 3 million for 1991, 4 million for 1992, 5 million for 1993 and 5 million for 1994.

Section 7 could not be amended. As for Sections 11 to 18 (conferences and meetings), the Committee stood by the decisions of the Plenary Meeting (see Document 379). For Sections 0 to 6, there were certain limits to be respected.

His summing up should enable the Secretary-General, Secretary-General Elect, the Committee Secretary, the Vice-Chairman and the Chairman himself to draft a report for submission to the Plenary Meeting so that a decision could be taken.

The meeting rose at 2145 hours.

The Secretary:

R. PRELAZ

The Chairman:

M.H. GHAZAL

# PLENIPOTENTIARY CONFERENCE

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COMMITTEE 9

SUMMARY RECORD

OF THE

TWENTY-SECOND MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Monday, 26 June 1989, at 0905 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

1. Consideration of proposals (continued)
2. Notes by the Chairmen of Committees 4, 7 and 8

Documents

DT/12 + Corr.1  
+ Add.1 + Add.2,  
Documents A + B,  
GE-BIU 50(Rev.),

DT/66, DT/67  
266, 366, 392

1. Consideration of proposals (Documents DT/12 + Corr.1 + Add.1 + Add.2, Documents A and B, GE-BIU 50(Rev.))

1.1 The Chairman announced that since Committee 7 had not yet come to any decision on the new organ for telecommunications development, Committee 9 would be obliged to defer its discussion on that item.

The representative of the Secretary-General had expressed the wish to address the Committee.

Statement by the representative of the Secretary-General

1.2 The representative of the Secretary-General said that, during a meeting of Committee 9 the previous day, a question appeared to have arisen concerning the legitimate role of the Secretariat in advising the Committee on its work. Although the Secretary-General had not been in a position to examine all the details of how that question had arisen, he had directed that Committee 9 be informed that members of the Conference Secretariat in no way wished to place themselves on the same footing as the Plenipotentiaries participating in meetings. At the same time, however, the Secretariat recognized that it was often called upon to give advice to meetings on various matters, including juridical matters, and on those occasions when the Secretary-General was not himself in a position to perform such a function, he delegated his advisers in financial, personnel, juridical or other matters to do so, while accepting the overall responsibility for the advice given. That having been said, if the Secretariat had in any way given the Plenipotentiaries the impression that it was trying to impose its views on the meeting, it would like to make it very clear that there had certainly been no intention of doing so; if the wrong impression had been created by any action, the Secretariat wished to convey its most sincere apologies to the Plenipotentiaries.

1.3 The Chairman said that it was his feeling that, at least as far as Committee 9 was concerned, the functions of the Secretary-General had been very well performed by members of his Secretariat, in such a way as to satisfy the requirements of the Committee. A very clear exposé of the legal background was an essential aspect of the work of Committee 9, which had to have a clear picture of the legal situation and the rules and practices of the Union: in that respect, he believed that the Legal Adviser, also acting as Secretary of the Committee, had played an extremely useful role in Committee 9. (Applause)

He took that applause to indicate that he had correctly expressed the feelings of the Committee.

Additional Protocol III (Document DT/12 + Add.2)

1.4 The Legal Adviser drew attention to the message from the Secretary-General of the United Nations which was reproduced on page 17 of Addendum 2 to Document DT/12, urging the Plenipotentiary Conference to give favourable consideration to the continuation of the provisions of Additional Protocol III to the Nairobi Convention. That Protocol dealt with measures to enable the United Nations to continue to apply the International Telecommunication Convention (Montreux, 1965), to cases covered by Article 75 of the United Nations Charter, following the decision of the 1973 Malaga-Torremolinos Conference to abolish Associate Membership. Those cases, which related to non-self-governing territories, were to be considered individually by the ITU Administrative Council. If the Committee so agreed, the Secretariat would prepare a draft Resolution whereby the procedure would be continued.

It was so decided.

1.5 The delegate of the United States said that although he had no objection to the preparation of a draft Resolution, his Delegation would like to have some information on the territories to which the procedure was applicable, now and in the future. The Legal Adviser said that he would try to obtain that information from United Nations Headquarters as soon as possible.

Title for second instrument ("Convention") (continued)

1.6 The delegate of Spain recalled his earlier comments. The title "General Regulations" would underline the subordinate nature of the secondary instrument but would not affect its status as an international treaty. He was, however, prepared to go along with the majority.

1.7 The delegate of France said that, while the title "General Regulations" would avoid confusion with the Nairobi Convention, there was a risk of confusion with the Administrative Regulations. The choice of title was not of great importance and he would go along with the general consensus.

1.8 The delegate of Greece supported the Spanish proposal to entitle the second instrument "General Regulations", both to avoid confusion with the Nairobi Convention and because the respective provisions in the Nairobi Convention had been so entitled.

1.9 The Legal Adviser, speaking as Secretary of the Committee and on behalf of the General Secretariat as a whole, pointed out that changing the title of the second instrument at that late stage of the Conference, together with all the necessary consequential changes, might delay the preparation of documents needed for the final days of the Conference. Of course, if the Committee were to decide on such a change, the Secretariat would make every effort to implement that decision. Speaking as Legal Adviser of the Union, he pointed out that the second document not only contained provisions that were, strictly speaking, general regulations, but also contained substantive provisions, in particular in its Chapter 6.

1.10 The delegate of Spain, speaking on a point of order, rejected the first part of the Legal Adviser's comments as an attempt to influence the Committee. The Chairman said that the Committee was entirely free to decide upon the title of the second instrument but that it was in the Committee's interests to have a clear explanation of the technical and legal aspects. The delegate of Norway said that the Legal Adviser had been correct in warning the Committee about the technical consequences of a decision, but had in no way attempted to influence the Committee.

1.11 The delegate of Mexico supported by the delegate of Norway, preferred the title "Convention" for the practical reason that it distinguished the instrument from the various other regulations. Members were obviously free to choose whichever title they wished.

1.12 The delegate of Kenya felt that the title "Convention" should be retained, both because of the content of the provisions and in order to avoid confusion with other regulations.

1.13 The Chairman called for a show of hands on whether the title of the second instrument should be "Convention" or "General Regulations".

The result of the show of hands was 47 in favour of "Convention" and 2 in favour of "General Regulations".

It was therefore decided that the title of the second instrument should be "Convention".

1.14 In reply to the delegate of the Netherlands who felt that the text drawn up by the Group of Experts should be followed unless there was good reason not to do so, the Chairman said that, while the opinion of the Group of Experts was a useful guide, it should be recalled that the Group of Experts had had a limited mandate under Resolution No. 62 of the Nairobi Conference, whereas the present Conference was empowered to make substantial changes to the text.

2. Notes by the Chairmen of Committees 4, 7 and 8 (Documents 266, 366, 392, DT/66, and DT/67) (continued)

Articles 4 of the Constitution and 14 of the Convention (Terminology)  
(Document 366)

Article 4 of the Constitution

2.1 The Legal Adviser drew attention to the fact that a similar issue had been dealt with previously in connection with Article 29 on access to the geostationary-satellite orbit, and that Committee 9 had not followed Committee 8's suggestion that the word "countries" should be replaced by "Members", because the scope of the provision exceeded that of mere membership. The case of Article 4, ("Purposes of the Union") was somewhat different, and the Group of Experts which had studied the replacement of the word "countries" by "Members" on a case-by-case basis had decided to retain the word "nations" in No. 16, although that was the only place in the instrument where that term was used. On the other hand, the Group of Experts had decided to retain the word "countries" in No. 18, because harmful interference could occur between the radio stations of non-Members as well as those of Members.

2.2 The Chairman said that, since Article 41 on harmful interference referred to "countries" and not to "Members", it would be advisable to retain that word in No. 18.

2.3 The delegate of Spain agreed that the replacement of the word "countries" by "Members" should not be automatic and considered that, although the word "nations" should be replaced by "Members" in No. 16, which stated one of the three main purposes of the Union, the word "countries" should be retained in No. 18, by analogy with the Articles cited by the Chairman and the Legal Adviser.

2.4 The delegate of Greece, speaking as Vice-Chairman of Committee 8 and as Acting Chairman of that Committee when the decision in question had been taken, said that the proposal had been based on the principle that the non-legal terms in the Nairobi Convention should be replaced by the legally recognized terms "Members" or "States". Committee 8 had further expressed some doubts concerning the competence of Committees 8 and 9 to take final decisions on those formulations.

Speaking as the delegate of Greece he reaffirmed his Delegation's view, expressed at the Nairobi Conference and in the Group of Experts, that since only sovereign States recognized by international law and by the international community could participate in international organizations, the word "countries", which had no legal meaning, should be replaced by "Members" or "States" throughout the basic instrument. His Delegation thus considered that the word "nations" should be replaced by "Members" in No. 16 and the word "countries" by "States" or "Members" in No. 18. If the Committee decided to retain the word "countries" in the latter provision, his Delegation would reserve the right to raise the question in Plenary.

2.5 The delegate of France, while agreeing that the word "State" had a legal meaning whereas "country" carried a more geographical and economic connotation, pointed out that the stations referred to in No. 18 might be situated in geographical areas which could not be described as States. It was therefore only logical to use the word "countries" in that provision, as had been done in Articles 29 and 41. The delegate of

Kenya endorsed those views, which he had put forward in the Group of Experts. The delegates of Australia and New Zealand also endorsed those views, adding that a number of radio stations in the South Pacific were situated in entities which could not be qualified as States; moreover, the Radio Regulations contained call signs and country symbols identifying entities other than Member States. The delegate of Spain, pointing out that a non-Member geographical area existed in Europe as well, also supported the use of the word "countries" in No. 18, as did the delegates of Cameroon and the Federal Republic of Germany. The delegate of Mexico said that, although her Delegation was in favour of using the word "States" in the interests of legal clarity, it could support the use of the word "countries" in No. 18 for consistency with Article 41.

2.6 The delegate of the Ukrainian Soviet Socialist Republic said that the word "State" was a more modern legal term than "country", which belonged to past practice. In addition, the interests of the territories and entities referred to in the debate were protected by States. Generally speaking, it was more convenient to use the word "Members" when dealing with the relationship between the Members of the Union, but the term "States" was preferable in the broader context of relations between Members and non-Members. In any case, he had not been convinced by the arguments in favour of using the word "countries".

2.7 The Chairman noted that the majority of the Committee was in favour of using the word "Members" in No. 16 and retaining the word "countries" in No. 18.

It was so decided.

2.8 The delegate of Greece said that the fact that the term "country" reflected the political background of the nineteenth century or the colonial era when some 30 States had represented most of the non-independent world, served as a moral reason for not retaining that term in the ITU basic instrument. The entities mentioned during the debate might indeed not themselves have any legal international responsibility, but they were certainly represented by some State in their telecommunication activities. Finally, the so called mini-States of Europe - Liechtenstein, Andorra, San Marino, Monaco and the Vatican City State - were not entities, but sovereign States under international law, and it was to be hoped that the entities referred to would soon find freedom and national independence and would be welcomed into the family of sovereign States.

2.9 The Chairman observed that No. 18 dealt, not with State responsibility under international law, but with orbital positions in the geostationary-satellite orbit and the need to avoid harmful interference between radio stations of different countries.

#### Article 14 of the Convention - Time limits and conditions for submission of proposals and reports to conferences

2.10 The Legal Adviser said that the new No. 172A concerning the submission of proposals, approved by Committee 8, clearly related to Members only, and that the only action required of the Committee was to remove the square brackets around the word "Members".

It was so agreed.

#### Article 16 of the Constitution - Languages (Documents 266, 392, DT/12(Add.2))

2.11 The Legal Adviser drew attention to Document 392, containing the decisions reached by Committee 8 on Nos. 124 et seq. after long discussions. In view of the extensive changes to Article 16 entailed by those decisions, proposal NIG/74/8 in Addendum 2 to Document DT/12, to transfer No. 124 to the Convention, might be regarded as having been overtaken by events.

2.12 The Chairman suggested that Committee 9 should merely take note of the decisions of Committee 8.

It was so agreed.

Article 15 of the Constitution - Finances of the Union (Document DT/67)

2.13 The Legal Adviser drew attention to the draft sixth report of Committee 4 to the Plenary, which confirmed the view of the Group of Experts that the scale of contributory units should be placed in the Convention rather than the Constitution because of the frequency of changes therein as demonstrated by those introduced into that scale at both the Nairobi and the Nice Conferences. The consequential changes to Article 15 of the Constitution and Article 27 of the Convention recommended by the Group of Experts had been confirmed by Committee 4, and none of those changes called for any action by Committee 9.

The Committee took note of Document DT/67.

Additional Protocol II

2.14 In reply to the delegate of the United States, who asked for confirmation that, despite the earlier decision not to have Additional Protocols, Members would nevertheless choose their class of contribution from the table of classes, including the three new ones, within six months of the end of the Conference, the Legal Adviser said that a draft decision to that effect would be prepared for submission to the Plenary meeting and that that decision as adopted would then replace the former Additional Protocol II.

Article 8 of the Constitution - Administrative Council  
No. 60

2.15 The Chairman invited the Committee to consider the proposal by Canada, CAN/72/6, transmitted by the Chairman of Committee 7 in Document DT/66.

2.16 In presenting the above proposal, the delegate of Canada noted that present practice was for the Administrative Council to act on behalf of the Plenipotentiary Conference only within the limits of specifically delegated powers. The telecommunication environment was changing rapidly and the Plenipotentiary Conference, which met only every six or seven years, might not be able to deal with all eventualities. It was thus important for the second most important organ, the Administrative Council, to have the necessary flexibility to work efficiently and effectively during the inter-sessional period, in particular in dealing with unforeseen circumstances. The proposal therefore sought to give the Administrative Council full authority in all matters not specifically excluded or vested elsewhere. As the Administrative Council would still act on behalf of the Plenipotentiary Conference, the proposal did not intend to alter the status of Council.

2.17 The delegate of the United States said that, although the proposal appeared to deal with the structure of the Union and the inter-relationship between its permanent organs, it could well be dealt with by Committee 9, on the assumption that Committee 7 had transferred it for lack of time to discuss it. The proposal was worthy of support.

2.18 The delegate of Kenya considered that the proposal sought to change the status of the Administrative Council from that of acting under powers delegated by the Plenipotentiary Conference and the instruments of the Union, to that of having residual powers. The proposal in fact gave the Administrative Council powers that would enable it to usurp the position of the Plenipotentiary Conference. Because it dealt with the



structure of the Union, the proposal evidently was outside the competence of Committee 9; it should rather be dealt with by Committee 7 where a related proposal by Kenya was under examination.

2.19 The delegate of Argentina pointed out that No. 71 of the draft Convention (Document B) provided a way for the Administrative Council to deal with questions not covered by the instruments of the Union that could not await the next competent conference for settlement. The proposal should, however, be returned to Committee 7 for consideration.

2.20 In reply to the delegate of Cameroon, the Legal Adviser said that the proposal would imply a change from a specific mandate to a general mandate subject to certain restrictions. Although No. 71 of the draft Convention went some way towards extending the powers of the Administrative Council, any steps taken by the Administrative Council under that provision were subject to the agreement of a majority of the Members of the Union. No. 70 of the draft Convention should also be taken into account in considering the Canadian proposals.

2.21 The Chairman pointed out that it would take the Committee a long time to decide whether or not the proposal would alter the structure of the Union. He therefore suggested that the Committee not take any action on the proposal but report back to Committee 7 or to the Plenary that it had not taken any action because of the possible implications for the structure of the Union, a subject that was in any case to be entertained by a Study Group.

It was so agreed.

The meeting rose at 1210 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 483-E  
6 September 1989  
Original: English

COMMITTEE 9

SUMMARY RECORD

OF THE

TWENTY-THIRD MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Monday, 26 June 1989, at 2050 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

1. Further matters for consideration by  
Committee 9 (continued)

Documents

DT/54, DT/67,  
262, 266, 310,  
340, 344, 355,  
363, 366, 367,  
368, 375, 378,  
388(Rev.1), 392,  
393, 408(Rev.1),  
444, 445

1. Further matters for consideration by Committee 9 (continued) (Documents DT/54, DT/67, 262, 266, 310, 340, 344, 355, 363, 366, 367, 368, 375, 378, 388(Rev.1), 392, 393, 408(Rev.1), 444, 445)

Texts transmitted by Committee 7 (Documents 444, 445)

Articles 5 and 12

1.1 The Chairman said that Articles 5 and 12 (Document 444) contained a consequential change to the Articles on the structure of the Union and the Coordination Committee which reflected Committee 7's decision to have a separate Article (11A) on a new permanent organ.

1.2 The Legal Adviser said that, so far as Article 5 was concerned, from the legal point of view there was no problem with the placing of "ADD 423 e)" as indicated by Committee 7.

The decision by Committee 7 on "ADD 423 e)" was noted.

After a brief discussion, the decision by Committee 7 regarding Article 12 was also noted.

Article 11A - Telecommunications Development Bureau (Documents 388(Rev.1), 445)

1.3 The Chairman invited the Committee to consider the draft text of Article 11A, as contained in Document 445.

1.4 The delegate of Cameroon raised the question of the drafting of paragraph 4 of Article 11A. The Legal Adviser said that it was not evident, either from the text transmitted by Committee 7 or from the guidelines set out in Document 388(Rev.1), how Article 11A should be worded. Given the fact that the Telecommunications Development Bureau (TDB) was to have the same status as the other permanent organs of the Union, it was not clear whether its structure and membership was to be similar to that of the IFRB, the General Secretariat or the International Consultative Committees (CCIs). In the latter case, provisions analogous to Nos. 87 to 93 of the draft Constitution (Document A) would have to be considered. Such provisions were of a substantive nature and were thus outside the mandate of Committee 9. In particular, for the TDB to function properly, its Director would have to be assisted by a secretariat. The election of the Director should, more properly, be made the subject of a provision in Article 6 of the draft Constitution, e.g. as a new No. "44 bis".

The delegate of Colombia drew attention to the provisions contained in Article 58 of the Nairobi Convention and to the consequential changes that would be needed throughout the text of the draft Constitution and draft Convention.

1.5 The delegate of France recognized that the text required clarification but stressed that Committee 9 should not exceed its mandate by entering into substantive discussion of issues dealt with by Committee 7. Document 445 was perfectly clear; Committee 9 was to decide where Article 11A was to be placed. On the basis of paragraph 3 of Document 388(Rev.1), it would seem that Article 11A should be placed in the Constitution. It was also evident from that document that the Director of the TDB was to be assisted by the present Technical Cooperation Department.

1.6 The delegate of Kenya said that it was clear, from the discussion in Committee 7 and from Document 388(Rev.1), that TDB was a permanent organ and thus that Article 11A should be placed in the Constitution. It was moreover opportune for Committee 9 to express an opinion on the completeness of the text. In particular, clarification was

needed on the nature of the conferences referred to in paragraph 3 of the draft text of Article 11A, as well as on the status of decisions taken by such conferences. Furthermore, as part of the operational structure of TDB, the Director should be mentioned in paragraph 3, rather than paragraph 4 as at present. Provisions similar to those in Article 54 of the Nairobi Convention would also be required.

1.7 The delegate of the United States shared the concern expressed by the delegate of Kenya regarding the completeness of the text. Participation in world and regional development conferences was not specified; presumably all Members of the Union would be entitled to attend. The formulation of the draft agenda of such conferences by the TDB was not in alignment with the corresponding provision for administrative conferences, set out in Article 54 of the Nairobi Convention. Paragraph 4 of Article 11A was badly drafted, as well as being incomplete. It was not for Committee 9, however, to fill in the missing provisions which would not necessarily be exactly analogous to those of the Nairobi Convention. In addition, some implementing instrument, possibly a Resolution, would be required to ensure the staffing of TDB, as envisaged in paragraph 5.1 of Document 388(Rev.1).

1.8 The Chairman of Committee 7 said that Article 11A, as contained in Document 445, was a compromise draft reached after lengthy discussion. Committee 7 had been confident that Committee 9 could complete the missing provisions concerning the Director of the TDB by inserting a text aligned with similar provisions for the CCI Directors. Members of the Union would participate in world and regional development conferences; it did not seem necessary to spell out that evident understanding. Those conferences would not, however, be like the administrative conferences provided for in Article 54 of the Nairobi Convention; they would rather be development conferences such as the Arusha Conference, at a world level, or the Tunis and New Delhi Conferences, at a regional level, producing policy declarations and guidelines on telecommunications development, not Final Acts or Regulations. The agendas of such development conferences would need to be flexible to respond to the circumstances and needs of participants with respect to the objective outlined in paragraph 2a of Article 11A. While draft agendas would be formulated by the TDB, they would be finalized and approved by Members of the Union. The guidance presented in Document 388(Rev.1) had been supported by a large majority. The implementation of the guidelines for the transitional phase would have to be ensured by means of a Resolution.

1.9 The delegate of Argentina considered that further clarification would be needed if Committee 9 were to draw up a complete text.

1.10 The delegate of the Ukrainian Soviet Socialist Republic said that Article 11A should clearly be placed in the Constitution. Its precise wording was, however, a matter to be decided in Plenary.

1.11 The delegate of Ethiopia agreed that Article 11A should be placed in the Constitution, since the TDB was to have the same status as the other permanent organs of the Union. The provisions relating to the TDB Director would be analogous to those for the CCI Directors, but the provisions dealing with conferences would be a departure from the Nairobi Convention.

1.12 The delegate of Cameroon suggested that, to save time, the Committee should work on the text of Article 11A, leaving the Legal Adviser to ensure that all the consequential changes were made. In particular, it would be logical to include the election of the Director of the TDB in Article 6 of the Constitution.

1.13 The delegate of Kenya stressed his country's staunch support for the TDB but said that various aspects remained to be clarified through the work of the Group to study the overall structure and operation of the permanent organs of the Union. It would thus be premature to attempt to draft provisions and might well be a disservice

to the embryo organ. Committee 9 did, however, have a duty to signal any textual omissions or deficiencies to ensure that they were dealt with at a later stage.

1.14 The delegate of the United States said that it did not seem as if a clear decision had yet been reached on how the TDB was to function. It would have to be left to a later Plenipotentiary Conference, taking into account the results of the proposed study on the structure and operation of the permanent organs of the Union, to specify the operational aspects of the TDB. The outcome of the study would be interesting. If the TDB were to have a status equal to that of other permanent organs of the Union, then its description would have to be placed in the Constitution.

1.15 The delegate of the Philippines agreed that, if the TDB were to be on the same level as other permanent organs, Article 11A would have to be placed in the Constitution. Her country was enthusiastic both about the establishment of the TDB and about telecommunications development in general. The interim phase of the TDB's operation could be covered by a Resolution, leaving the next Plenipotentiary Conference to act on the results of the study. While Committee 9 was not competent to decide on the methods of functioning of the TDB, it could usefully comment on the text of Article 11A. In particular, reading paragraphs 2 and 3 together, the question arose of whether it was necessary to hold more conferences merely to provide advice on policy options. Paragraph 2d called on the TDB to encourage the participation of industry, so she wondered if it might not be useful to allow representatives of industry to participate in such conferences. Lastly, there was no need to mention the draft agenda of development conferences in the Constitution, since it was obvious that a draft agenda would have to be prepared.

1.16 The delegate of Canada accepted that the TDB should be a permanent organ of the Union and that Article 11A should thus be placed in the Constitution. Provisions concerning its working arrangements should be placed in the Convention. A number of questions remained to be resolved. Although they might eventually be settled by the study, the Administrative Council would have to interpret provisions in the interim. In particular, the matter of development conferences would have to be seen in the context of No. 248 of the Nairobi Convention. The delegate of Algeria recalled a suggestion to integrate development conferences with CCI meetings in order to save money.

1.17 The delegates of Colombia, the United Kingdom, Mexico, Australia, Algeria and Japan agreed that Article 11A should be placed in the Constitution. The delegate of the United Kingdom pointed out that the wording of Article 11A was provisional and should not be accepted as a "legal hostage to fortune", while the delegate of Algeria considered that the text could, in any event, be revised by the next Plenipotentiary Conference. The delegates of Australia, Japan, Mexico and Algeria noted that Committee 9 had neither the time nor the jurisdiction to interpret the decisions of Committee 7 in appropriate provisions, while the two latter said that the interim period could be covered by a Resolution.

1.18 The Chairman of Committee 7 recognized that the text was flawed but said that the general agreement reflected in Documents 388(Rev.1) and 445 was clear enough. The TDB was a new organ and it would be difficult to establish its entire operational structure without the benefit of some experience. The overall study should be carried out in parallel with the entry into operation of the TDB. Precedents existed within the Union's practice for establishing a new organ on the basis of incomplete provisions. The text adopted at Nice could be improved at the next Plenipotentiary Conference. The TDB was being established to meet the needs and aspirations of developing countries; the steps required to bring about its entry into operation should be taken with confidence.

1.19 The delegate of France informed the Committee that the Editorial Committee, to which the text of Article 11A had also been submitted by Committee 7, had just prepared a draft of that Article for submission to Plenary for first reading. There seemed to be general agreement that Article 11A belonged in the Constitution; it would also be useful for the comments on the text to be transmitted to Plenary.

It was decided that Article 11A should be placed in the Constitution and that the various comments made in relation to it should be transmitted to Plenary.

Article 27 - Transitional provisions (draft Constitution)  
(Documents 388(Rev.1) and 408(Rev.1))

1.20 The Chairman invited the Committee to consider the following text as a possible way of reflecting the guidance of paragraph 7 of Document 388(Rev.1) as well as Resolution No. COM7/1 of Committee 7:

"If the Administrative Council at its 1991 meeting considers that an additional Plenipotentiary Conference, prior to the Plenipotentiary Conference to be held normally in 1994, is required to implement, on the basis of proposals from Members, all or part of the Recommendations contained in the Final Report to be drawn up by the Group charged with a general and exhaustive study concerning the structure and mode of operation of the permanent organs of the Union, that Plenipotentiary Conference shall, in derogation of Article 6 of the Constitution, only consider and adopt, if appropriate, proposals for amendments to Articles (...) of this Constitution and related Articles of the Convention, in accordance with Articles 43 of this Constitution and Article 35 of the Convention respectively."

1.21 The delegate of the United States, without having had time to consider all the implications of the text, considered that it was on the right lines.

1.22 The delegate of Kenya questioned whether the Administrative Council at its 1991 session would be able to convene such an additional Plenipotentiary Conference if the Nice Constitution and thus, presumably, the Article on transitional provisions had not yet entered into force.

1.23 The Chairman confirmed that the Article on transitional provisions would enter into force with the Nice Constitution. If the Nice Constitution were not in force, the Administrative Council could convene an early Plenipotentiary Conference under the provisions of the Nairobi Convention, the instrument still in force. He agreed with the delegate of Kenya that the agenda of such a Plenipotentiary Conference would then be governed by Article 6 of the Nairobi Convention and would cover the ground intended to be covered by the 1994 Plenipotentiary Conference.

1.24 The delegate of the Ukrainian Soviet Socialist Republic thought that the text was generally acceptable but asked whether it would remain valid for posterity. The Chairman replied that the provision would only operate once, in connection with an additional Plenipotentiary Conference prior to the Plenipotentiary Conference scheduled for 1994. The text could be further clarified by adding a specific time limit.

1.25 In response to the delegate of Japan, the Chairman said that the text attempted to interpret the spirit of paragraph 7 of Document 388(Rev.1) by confining the business of an additional Plenipotentiary Conference to consideration of issues related to structural changes, and leaving the usual work of Plenipotentiary Conferences, such as consideration of the Union's budget, to the subsequent regular session of the Plenipotentiary Conference.

Following requests by the delegates of Costa Rica and Spain for a written text, it was decided to defer discussion of Article 47 until the following meeting of the Committee.

Order of placement of Articles in the draft Constitution (continued)

1.26 The Chairman invited the Committee to comment on the re-ordering of Articles, as previously suggested by the Legal Adviser.

1.27 The delegates of the United Kingdom and the Ukrainian Soviet Socialist Republic supported the suggestion of the Legal Adviser.

1.28 In reply to the delegate of Australia, the Legal Adviser said that it was common, in the constitutions of international organizations, for the text to start with a statement of the purpose, objectives or basic principles of the organization concerned. In the suggested ordering, Article 4 - Purpose of the Union - had thus been moved to first place. It had further been thought logical to place Article 41 - Execution of the instruments of the Union - close to the Articles on the rights and obligations of Members and on the instruments of the Union, since those Articles were all inter-related. The delegate of Australia supported that approach.

In response to the delegate of Kenya, the Legal Adviser confirmed that, unlike the hierarchical difference between the provisions in the First Part (Basic provisions) and those in the Second Part (General regulations) of the Nairobi Convention (see No. 169 thereof), there was no hierarchy among the Articles in the Nice Constitution. Similarly, there was no hierarchy among the Articles in the Nice Convention. Under No. 597 of the Nairobi Convention, the "final numbering" of chapters, Articles and paragraphs was normally to be entrusted to the Editorial Committee but could, by a Decision of the Plenary meeting, also be entrusted to the Secretary-General; the structure of the two new instruments and thus the sequence of the various Articles therein, however, had to be decided by this Conference itself.

The meeting rose at 0040 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 484-E  
13 October 1989  
Original: English

PLENARY MEETING

MINUTES

OF THE

TWENTY-THIRD PLENARY MEETING

Wednesday, 28 June 1989, at 0915 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- |    |   |                          |
|----|---|--------------------------|
| 1. | Thirteenth series of texts submitted by the Editorial Committee for first reading (B.13)  | 430                      |
| 2. | Fourteenth series of texts submitted by the Editorial Committee for first reading (B.14)  | 432                      |
| 3. | Fifteenth series of texts submitted by the Editorial Committee for first reading (B.15)   | 464                      |
| 4. | Sixteenth series of texts submitted by the Editorial Committee for first reading (B.16)   | 465                      |
| 5. | Seventeenth series of texts submitted by the Editorial Committee for first reading (B.17) | 466 + Corr.1<br>474, 479 |



1. Thirteenth series of texts submitted by the Editorial Committee for first reading (B.13) (Document 430)

Article 6 of the Convention - International Consultative Committees

Approved.

Article 16 of the Convention - Conditions for Participation

- 1.1 The Chairman of the Editorial Committee said that the first sentence of No. 193 should be amended to end with the words "by the Member concerned".

Article 16 was approved with that amendment.

Article 17 of the Convention - Duties of the Plenary Assembly

- 1.2 The Chairman of Drafting Group C-7 ad hoc 1 said that following discussion in Committee 7, the square brackets remaining in paragraphs h) and i) (Nos. 208 and 209) should be deleted.

- 1.3 The representative of the CCITT suggested an editorial improvement to the French text of paragraph a), line 5, (No. 201), substituting "qui auraient été" for "susceptibles d'avoir été".

Article 17 was approved with those amendments.

Article 18 of the Convention - Meetings of the Plenary Assembly

Approved.

Articles 20-23 of the Convention

Approved.

Article 24 of the Convention

- 1.4 The Chairman of the Editorial Committee, drawing attention to the note in square brackets that No. 245 had still to be discussed by Committee 7 when Document 430 was compiled, said that its text would be the subject of a further document (see Document 493).

Article 24 was approved with the exception of No. 245.

The thirteenth series of texts submitted by the Editorial Committee to the Plenary Meeting (B.13) was approved, as amended, on first reading, with the exception of No. 245.

2. Fourteenth series of texts submitted by the Editorial Committee for first reading (B.14) (Document 432)

Resolution No. COM5/6 - Human Resources Development

Approved.

The fourteenth series of texts submitted by the Editorial Committee to the Plenary Meeting (B.14) was approved on first reading.

3. Fifteenth series of texts submitted by the Editorial Committee for first reading (B.15) (Document 464)

Resolution No. COM7/1 - Review of the Structure and Functioning of the International Telecommunication Union

3.1 The Chairman of the Editorial Committee pointed out that it had added the words "if necessary" in square brackets at the beginning of instructs the Secretary-General 6, and asked for a decision on the words remaining in square brackets in recognizing f) and g) and in resolves further.

3.2 The Chairman of Committee 7 said that the document was one of the Committee's main achievements and very important for the future of the Union.

recognizing

3.3 The Legal Adviser recommended that the square brackets in recognizing f) be retained until the Resolution was submitted for second reading, because the text's reference to Article 5 of the Constitution alone was insufficient. It would be more important to refer to Article 11A of the Constitution and possibly to a corresponding provision in the Convention.

3.4 The delegate of Algeria questioned the description of the Telecommunications Development Bureau in the French text of recognizing f), suggesting that "d'aide" be replaced by "d'assistance technique".

3.5 The Chairman said that since the paragraph was to remain in square brackets, that point could be taken later. Recognizing g) would also remain in square brackets pending finalization of its references to conference Resolutions.

3.6 With regard to recognizing h), the Chairman of Committee 7 said that the Committee had agreed that priority should be given to Document 388 in the list of documents because it had the explicit support of 96 delegations. Some delegations wished to add other documents to the list, which could also include references to Committee 7 summary records and Plenary minutes.

3.7 The delegate of Switzerland said that the documents to be included in recognizing h) dealt with functional aspects as well as the structure of the Union. He therefore proposed to delete the qualification "relevant to the structure of the Union". The delegate of Ethiopia thought that the qualification should not be deleted. He proposed, rather, that the documents should be described as "relevant to the structure and functioning of the Union". The delegate of Switzerland accepted that alternative amendment and it was so agreed.

3.8 The delegate of Spain said that it had been agreed in Committee 7 that documents could be added to the list contained in recognizing h). He wished to include Document 443 submitted by his Delegation.

3.9 The delegate of Chile said that the reference in the list to Document 19 ought to read 19(Rev.1) and that his Administration's Document 199 should also be added.

3.10 The delegate of Guinea requested that his Administration's Document 145, containing proposals to improve elections to the Administrative Council, should also be added to the list.

3.11 The delegate of the German Democratic Republic, responding to an enquiry from the Chairman, said that he had no clear idea how his Administration's proposals to review the activities of administrative radio conferences, as set out in Document 6 and

incorporated in Annex 4 to the second and final report by the Chairman of Working Group PL-B (Document 379), were to be handled.

3.12 The delegate of Canada suggested that the easiest solution was to add Document 6 to the list of documents in recognizing h).

3.13 The delegate of the German Democratic Republic agreed with that suggestion, but proposed additionally that a reference based on his Administration's ideas be inserted between resolves further 4 and 5, to read:

"initiate a careful review of the preparatory and regulatory system of administrative radio conferences and their post-conference activities".

3.14 The delegate of Indonesia, supporting that proposal, suggested that the reference be appended to resolves further 4 rather than entered as a separate point.

considering

3.15 The delegate of Pakistan said that the wording of considering c) was too strong. He suggested that "the economic pressures upon the Union" be replaced by "the need for economy and efficiency".

3.16 The delegate of the United States said that the existing text represented a consensus reached after lengthy debate. The economic pressures upon the Union due to its limited resources had to be taken into account. As a compromise, he proposed that considering c) should read:

"the need for economy and efficiency, recognizing the economic pressures upon the Union".

3.17 The delegate of Chile, endorsing that proposal, cautioned that its rendering into Spanish would require care.

resolves further

3.18 The Legal Adviser said that the square brackets in resolves further should be deleted because the word "shall" which they contained was correct.

instructs the Administrative Council

3.19 The Chairman of Committee 7 clarified that the instruction that the Council examine periodically the Committee's reports referred only to the period covered by the annual Council sessions in 1990 and 1991.

3.20 The delegate of France said that instructs the Administrative Council 5 did not adequately reflect the contents of Document 388. He proposed its amendment to include the statement in paragraph 2.4 of that document that the Administrative Council should send Members a global and exhaustive interim report on the work of the Review Committee, so that they could send in their comments.

3.21 The delegates of the United Kingdom and Switzerland supported that proposal.

instructs the Secretary-General

3.22 The delegate of Indonesia proposed that the words in square brackets inserted by the Editorial Committee in instructs the Secretary-General 6 be deleted because they were unnecessary. The delegate of Australia added that the point was already covered by

the phrase "if considered necessary" included in instructs the Administrative Council 8.

3.23 The delegate of the Islamic Republic of Iran supported that proposal.

Resolution No. COM7/1 was approved, as amended.

The fifteenth series of texts submitted by the Editorial Committee to the Plenary Meeting (B.15) was approved, as amended, on first reading, subject to the removal of remaining square brackets on second reading.

3.24 The delegate of Finland said that as a result of the numerous amendments made he was not clear what had actually been approved. He would however agree to seeing the proposals at the second reading stage.

4. Sixteenth series of texts submitted by the Editorial Committee for first reading (B.16) (Document 465)

#### Article 15 of the Constitution - Finances of the Union

4.1 The delegate of Algeria, supported by the delegate of France, said that since the technical cooperation and assistance provided to the developing countries was to be channelled through the new Telecommunications Development Bureau, No. 112 was redundant because its substance was covered by the mention of the permanent organs of the Union in No. 110.

4.2 The Legal Adviser explained that the costs of the Administrative Council and the permanent organs of the Union would include the Telecommunications Development Bureau, but only for administrative and financial operations, including personnel. Deletion of No. 112 would incur the risk of not covering the expenses of all the other components of the programmes, especially those for which the ITU was an executing agency of UNDP and to which it contributed as a partner. He believed that No. 112 should be retained to obviate the risk of a legal interpretation which eliminated that aspect of technical cooperation and assistance.

4.3 The Secretary-General added that it was his understanding that Article 15 dealt with the expenses that came under the regular budget of the Union, on which the contributory unit was based. The Article did not cover the other part of the Union's budget (Section 21); but provided that the definitive text of Article 11 ensured that the partnership responsibility with UNDP was covered as a function of the new permanent organ, he did not see much difficulty with the proposal to delete No. 112.

To meet the Legal Adviser's concern, however, he suggested that No. 112 be retained in square brackets for reconsideration on second reading.

4.4 The Chairman having asked if there were any objections to that course, the delegate of Morocco said that he preferred to retain No. 112 since deleting it would limit the Union's cooperation activities.

4.5 The delegate of the Islamic Republic of Iran did not object to the Chairman's suggestion but drew attention to the fact that the cost of development conferences was not envisaged in the text.

4.6 The Secretary-General believed that that aspect was covered in the functions of the new permanent organ and therefore did not have to be specifically reflected in No. 112.

4.7 The delegate of Spain, referring to No. 115 concerning the choice of class of contribution, stressed that the provision referred to future Plenipotentiary Conferences. The decision to abolish Additional Protocol II gave rise to a difficulty concerning the establishment of the new scale of contributions before the Constitution entered into force. A procedure was therefore needed to ensure that from a given date before the entry into force of the Constitution the classes of contribution could be adjusted to the new scales adopted at the present Conference.

4.8 The Secretary-General said that he too had been concerned by that problem. It was important to have a provision to cover the period from the end of the Conference up to the entry into force of the Constitution, in particular to provide for the Administrative Council's preparation of the budget for 1991 and perhaps for 1992. The delegate of Spain might perhaps make a suggestion on how to deal with the matter.

4.9 The delegate of Spain considered that the tendency to abandon Additional Protocols to the Constitution and Convention and to replace them in some cases by Resolutions was not a correct procedure and might not be acceptable to Parliaments ratifying the instruments. The Plenary had already decided, in the case of Article 6, to refer to a Resolution. In the present case it could either amend the paragraph to include a reference to a Resolution containing the relevant transitional provisions or return to the additional protocol technique. He preferred the latter course.

4.10 The delegate of France considered that a Resolution was even less necessary in Article 15, which dealt with the payment of contributions, than in other cases. If governments decided to pay according to a lower class of contribution it might be considered that their debt to the Union was written off when the Constitution came into force. The problem should be solved by accounting procedures rather than by complex legal instruments.

4.11 The Legal Adviser, speaking as Secretary of Committee 9, drew attention to the fact that in preparing the draft Constitution and Convention the Group of Experts had itself recommended that use of Additional Protocols be discontinued. There had been no written objection whatsoever from governments to that course of action, neither had there been any objection in Committee 9, which had unanimously decided to abandon such use.

The view of the Group of Experts and of Committee 9 was that all the issues involved could be solved by other means, as the delegate of France had suggested. To avoid confusion, No. 115 could be reformulated as follows: "This choice shall be made within six months following the end of a Plenipotentiary Conference in accordance with the table of classes of contribution fixed by the Conference." That would imply that, at the end of the Resolution establishing the expenses of the Union during the period 1990 to 1994, one paragraph would be added reproducing the table of classes of contribution which also figured in the respective Article of the Nice Convention.

The former Additional Protocol dealing with classes of contribution had almost always had to be implemented a few months after signature of the Final Acts containing it, without any ratification thereof whatsoever, because of the deadline involved. That inter alia, was why Committee 9 had agreed to discontinue the "additional protocol system".

4.12 The Chairman suggested that Nos. 112 and 115 should be left in square brackets pending the second reading and that the rest of Article 15 be approved.

It was so agreed.

Article 27 of the Convention - Finances

4.13 The Chairman of the Editorial Committee drew attention to a typing error in No. 386 of the French text where "1/10" should read "1/16".

Article 27 was approved.

Article 28 of the Convention - Financial Responsibilities of Administrative Conferences and Plenary Assemblies of the International Consultative Committees

Approved.

Resolution No. COM4/6 - Contributory Shares in Union Expenditure

Approved.

Resolution No. COM4/8 - Contributions of Recognized Private Operating Agencies, Scientific or Industrial Organizations and International Organizations

4.14 The delegate of Spain suggested that the references to the numbers of the Convention should specify whether they were to the Nice or to the Nairobi Convention.

The Chairman of the Editorial Committee said that that would be done.

4.15 The delegate of Argentina said that Resolution No. COM4/8 had been approved by Committee 4 after discussion of the Argentine proposal in Document 116 to increase the contribution of recognized private operating agencies (RPOA), scientific or industrial organizations (SIO) and international organizations (IO) taking part in the activities of the CCITT and the CCIR. Under that proposal the system of free choice would be maintained with the floor level of one unit (excluding the half unit class), thus generating additional income of 24,000 Swiss francs from each RPOA, SIO or IO currently contributing in the half-unit class. The total amount of extra income that the proposal could be expected to produce was estimated at 6,450,000 Swiss francs.

In view of the fact that only 40 to 50 delegations had attended the meetings of Committee 4, he wished to re-open the discussion in order to see whether other delegations were interested in that possibility of obtaining more funds for the Union. However his Delegation would not insist on its proposal if there were no interest.

4.16 The Chairman of Committee 4 pointed out that the consensus in that Committee had been in favour of the solution put forward in the sixth report of Committee 4 to the Plenary Meeting (Document 455).

4.17 After further discussion, the delegate of the Federal Republic of Germany speaking on a point of order, quoted the following paragraph from that sixth report:

"On the other hand, a significant number of delegations considered that doubling the minimum contribution of the RPOAs and SIOs would probably lead to many withdrawals and that part of the standardization work might be removed from the Union, to the latter's detriment."

Resolution No. COM4/8 was approved as it stood.

4.18 The Chairman said that the position of the delegate of Argentina would be noted in the minutes.

Opinion No. COM4/I - Contribution to Defraying Union Expenses

4.19 The Chairman of the Editorial Committee proposed to delete the square brackets round the date 1 January 1991 in the last paragraph.

Approved, as amended.

The sixteenth series of texts submitted by the Editorial Committee was approved, as amended, on first reading.

5. Seventeenth series of texts submitted by the Editorial Committee for first reading (B.17) (Document 466 + Corr.1)

Article 5 of the Constitution - Structure of the Union

5.1 The Chairman of the Editorial Committee said that the Plenary had to decide whether to use the English, French and Spanish initials of the Telecommunications Development Bureau at all times or the French initials only (as proposed by the Editorial Committee) since the decision to establish the Bureau had been taken at Nice.

5.2 The Chairman of Committee 7 said that no preference had been expressed in Committee 7.

5.3 The delegate of Burkina Faso endorsed the proposal of the Editorial Committee as did the delegate of Algeria, who pointed out that the name of the Bureau in French should be "Bureau de développement des télécommunications" as in Resolution No. COM7/1, not "Bureau pour le développement des télécommunications" as in Document 466.

On the above understanding, Article 5 was approved.

Article 11A of the Constitution - Telecommunications Development Bureau

5.4 The Chairman of the Editorial Committee drew attention to the square brackets in No. 97A round the term "BDT" and the reference to Article 4. The point to be decided with regard to BDT was the adoption of a single acronym for all three language versions. An alternative text to paragraph 3 (Nos. 97J-L) was proposed by the Delegation of France in Document 474.

5.5 The Chairman of Committee 9 said that Committee 9, in studying the text of Article 11A submitted by Committee 7 in Document 445, had taken a wider view of its mandate in the sense that it had considered whether the Article itself would need any alignment. Committee 9 felt that the provisions relating to the new permanent organ should appear in the Constitution, and many questions had been raised, during Committee 9's deliberations relating to the Article itself and to implementation procedures which might need to appear in the Convention. Although Committee 9 had been made aware of Committee 7's intentions when considering matters such as the status of decisions taken by world development conferences and their financial implications, it had ~~been~~ unable to find any relevant provisions, and had concluded that such matters would have to be taken up as part of the studies to be carried out by the Committee of Experts prior to a subsequent Plenipotentiary Conference. Having been informed, at that point, that the Editorial Committee had already dealt with the text of Article 11A, Committee 9 had discontinued consideration of that Article.

5.6 The Chairman of Committee 7 said that Articles 5 and 11A were two of the most important texts to emanate from Committee 7. Doubtless the text of Article 11A was imperfect but those relating to the other permanent organs could be seen to have evolved during those organs' lifetimes. With regard to No. 97A, the Secretary-General

had proposed the incorporation of a sentence to the effect that the duties of the Telecommunications Development Bureau were to fulfill the purpose of the Union as embodied in Article 4 of the Constitution and to discharge, within its sphere of competence, the Union's dual responsibility. Since, however, differing interpretations seemed to be arising from the various language versions, he proposed a return to the original wording, namely "within its specific sphere of competence", which had been adopted by consensus in Committee 7. With regard to No. 97K, in paragraph 3, Committee 7 had clearly expressed the view that the text relating to the draft agenda of development conferences should conform to the corresponding text relating to other permanent organs, by bearing a reference to the Administrative Council. In this context, he also referred to the extract from the summary record of Committee 7's twenty-seventh meeting, annexed to Document 479, to the effect that, as stated by the delegate of the United States at that meeting, development conferences were not similar to ITU administrative conferences, whose agenda and related Final Acts were provided for in the Convention, but would have a flexible agenda, and produce no Final Acts or regulations. With regard to paragraph 3 of Article 11A, the text proposed in Document 474 had been rejected in Committee 7 after a vote.

5.7 The Chairman of Committee 9 said that since the Chairman of Committee 7 had also alluded to Committee 9 having been requested to consider only whether the text in question should appear in the Constitution or the Convention, he wished to correct any impression that Committee 9 had exceeded its mandate, which had been established by the Plenary, not by Committee 7. He reiterated that Committee 9 had been unable to find any relevant provisions in the Convention.

5.8 The delegate of Venezuela said that the text produced by Committee 7 was perhaps the current Conference's most important achievement; the inclusion of Article 11A in the Constitution would provide the Union with an instrument it had previously lacked in the efforts to provide requisite assistance to the developing countries. In that connection sub-paragraph 2 d) (No. 97F) was extremely important, since increased participation by industry in telecommunications development in developing countries would result in greater benefits all round. The creation of the new organ should enhance the rational use of resources, ensure adequate project priority and cut down bureaucracy. But, the proposal contained in Document 474 relating to paragraph 3 caused his Delegation some misgivings since the reference to appropriate geographical levels might lead to some restriction of context and inhibit north-south cooperation. In that connection, when the Plenary came to consider the draft Resolution in Document 469, his Delegation would like to be added to the list of sponsors.

5.9 The delegate of Chile said that during Committee 7's deliberations on Article 11A his Delegation had said that the text seemed much too long, and that paragraphs 1 and 2 seemed to assign differing duties to the Telecommunications Development Bureau. In particular, it seemed incorrect to allocate to the Bureau the same functions as to the Union itself and to imply that the Bureau, too, had a dual responsibility. Seemingly the Secretary-General would have to be responsible for the Bureau's operation pending the appointment of a Director by the next Plenipotentiary Conference. Therefore, although it seemed that the text of Article 11A was to be accepted as it stood, his Delegation wished to record that it could not agree with the text or the underlying philosophy.

5.10 The delegate of Saudi Arabia thanked the Chairman of Committee 7 for his explanation. With regard to sub-paragraph 3 a) (No. 97K), he recalled that Committee 7 had been asked by its Chairman to approve wording to the effect that the draft agenda of development conferences should be approved by the Administrative Council. In that connection, his Delegation took the United States Delegation's point, as recorded in the text annexed to Document 479. On that understanding, it thought that the text



submitted in Document 466 + Corr.1 should be adopted immediately; the proposal contained in Document 474, which in any case was not on the current meeting's agenda, should not be discussed.

5.11 The delegate of France said that his Delegation had no problem with the text of paragraph 1 of Article 11A, as it appeared in Document 466. It could accept the text of paragraph 2, although it shared the view that the wording could have been sounder and more constitutional. Paragraphs 3 and 4, as worded constituted a case of faulty presentation. The text of indent 3 b) (No. 97L) should be combined with paragraph 4 (No. 97N), so as to group together all the references to a Director. To that end, the text of 3 b) should be made the first part of paragraph 4, the words "a Director elected" being replaced by "A Director shall be elected". With regard to the remainder of paragraph 3, it was clear from previous discussions - for example, those relating to the possibility of including in Article 11A of the Constitution a reference to a world development conference - that the general consensus was that development conferences were not conferences within the meaning of Article 5. In order to avoid misinterpretation, therefore, his Delegation proposed that the text of paragraph 3 should be replaced by that in Document 474, in which "conferences" was replaced by "meetings". The text proposed in Document 474 would also have the merit of permitting due flexibility with regard to agendas and participation eligibility for development conferences, avoiding the imposition of undue restriction on the Bureau and retaining the degree of pragmatism essential to the initial phases of the new permanent organ's existence, as well as avoiding possible budgetary constraints.

5.12 The delegate of Ethiopia pointed out that the text of Article 11A, as set forth in Document 466 + Corr.1, had been supported by consensus. He failed to understand the contention by some delegations that the text was too long and detailed, since it was no more so than the corresponding text relating to the CCIs. Consideration of the text submitted by the Delegation of France in Document 474 would lead to an unwelcome resumption of a discussion concluded in committee. Committee 9 had surely made it clear that development conferences were not administrative conferences within the meaning of Article 5, whose provisions could not be invoked to apply any binding force of such conferences' findings. The type of forum concerned, however, would unquestionably have the status of a conference. With regard to the post of Director, it would have been better to combine the texts of 3 b) and 4.

5.13 The delegate of Brazil said that the approval of the agendas of development conferences referred to in 3 b) was a task for the Administrative Council, as reflected in Resolution No. COM6/9 which had already been adopted; perhaps the Editorial Committee should amend the text to that effect.

5.14 The delegate of the Netherlands said that his Delegation could accept in general the text of Article 11A as submitted for first reading, although he shared the view that it had a number of shortcomings. He agreed with the Chairman of Committee 7 that, in paragraph 1, the words "within its specific competence" should read "within the sphere of its specific competence". His Delegation supported the French Delegation's proposal contained in Document 474. The term conference, as defined in the Convention, bore specific implications as to procedures, records and the nature of the findings. If, therefore, development conferences were deemed different from administrative conferences of the sort defined in the Convention, they, too, had to be defined.

5.15 The Chairman of the Editorial Committee said that the text of Article 11A in Document 466 + Corr.1 was based on the text submitted to it by Committee 9 as annexed to Document 445. According to the footnote in that annex relating to paragraph 4, the provisions relating to the Director were to be aligned with those relating to Directors of the CCIs.

5.16 The Secretary-General suggested that to avoid losing any more time, the Plenary should begin with the text in Document 466 for paragraph 1 of Article 11A. In order to avoid any unfortunate differences of interpretation in the various language versions, he suggested that the words "within its specific competence" should be amended to read "within its specific sphere of competence". He found it disquieting that the meeting was dwelling on matters relating to the status of conferences and meetings. Administrative conferences had specific terms of reference and regulatory issues to deal with. The notion of a development conference was something quite different, as had been made quite clear in the Plenary, and in any case had been used extensively in relation to technical cooperation activities. He had responded in that sense to a question raised on that matter by the Legal Adviser the previous day.

5.17 The Chairman suggested that the Plenary adopt the text of Article 11A as it appeared in Document 466 + Corr.1, with the oral amendment to paragraph 1 proposed by the Secretary-General, and deleting the words "as appropriate" and the square brackets from 3 a).

5.18 The delegate of France said that his Delegation would abide by a consensus decision but thought it inappropriate to apply the same term to two different concepts.

5.19 The delegate of Brazil said he had hoped that his earlier proposal relating to 3 a) would have been taken into account.

5.20 The delegate of the USSR said that, although his Delegation would not oppose a majority decision, it wished to record that it considered the wording in question somewhat illogical, since the type of conference in question had nothing in common with administrative conferences within the terms of Article 5. He would have preferred to adopt the text proposed by the French Delegation in Document 474.

5.21 The delegate of the United States said that the statement made by his Delegation during the twenty-seventh meeting of Committee 7 reflected its concern about the agendas of development conferences. He suggested that, in 3a) as it appeared in Document 466(Corr.1), the words "as appropriate" be replaced by "for subsequent approval by the Administrative Council", in order to conform to the provisions of Resolution No. COM6/9. He reiterated that his Delegation could accept, for paragraph 3 in general, the text proposed by the French Delegation in Document 474.

5.22 The Chairman asked whether there was any objection to accepting the text of Article 11A as it appeared in Document 466 + Corr.1, with the oral amendment proposed by the Secretary-General to paragraph 1 and that proposed by the delegate of the United States to 3 a).

5.23 The delegate of Nigeria said that his Delegation would object to amending the text already agreed upon by consensus at the committee stage, in which the proposals currently being raised had been duly tabled and rejected. The text should be amended only as proposed by the Secretary-General in order to clarify the texts of paragraph 1.

5.24 The Chairman pointed out that, according to 3 a), the Telecommunications Development Bureau would be called upon to draw up a draft agenda only; it followed that that draft would have to be approved by some forum.

5.25 The Legal Adviser said that the Chairman had drawn attention to an indeed important point. From the purely legal aspect, if the text was left as it stood, the question would arise as to which part of the Bureau - the Director, a world conference or a regional conference - would be responsible for drawing up the draft agenda in question; the implication could be that it would be drawn up by the Director and

approved by a world or regional conference, which would then be free to adopt its own draft agenda, a procedure which would, however, be contrary to that followed in respect of the Union's administrative conferences, whose draft agendas had to be adopted by the Administrative Council. Wording to the effect that the Director should draw up a draft agenda for approval by the conference in question would give rise to no problem, but it would hardly be expected that a world or regional conference could draw up its draft agenda and also subsequently approve it, unless it was intended that one conference should draw up a draft agenda to be approved by another - an impractical measure in any case. It should, in his view, be specified that the draft agenda was to be drawn up by the Director. Thereafter, it had to be decided whether approval thereof should come from a development conference or from the Administrative Council.

5.26 The Secretary-General expressed his concern at the length of time being spent on the current topic. The delegate of Brazil had rightly drawn attention to Resolution No. COM6/9 which set forth the issue, provided for informal consultations and made provision for an instruction to the Administrative Council to establish an agenda, the draft of which clearly would be prepared within the Bureau. The practice in many development conferences in the past had been that the draft was prepared by the Secretariat, following advice received from the countries concerned and was adopted at the conference itself. The balance provided for in Resolution No. COM6/9 was clear, and he saw no real problem in adding the words "for subsequent approval by the Administrative Council" to the end of 3 a). In any case, it was the Administrative Council which, pursuant to Resolution No. COM6/9, would make provision for the requisite funds for the conference.

5.27 The Chairman said he hoped that the statements made by the Legal Adviser and the Secretary-General had clarified the matter to the meeting's satisfaction. If there was no objection, he would take it that the Plenary Meeting accepted the text of Article 11A as set forth in Document 466 + Corr.1, with the oral amendments proposed by the Secretary-General to 97A (1) and to 97K (3 a)).

Article 11A was approved as amended.

The meeting rose at 1255 hours.

The Secretary-General:

R.E. BUTLER

The Chairman:

J. GRENIER

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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COMMITTEE 9

SUMMARY RECORD

OF THE

TWENTY-FOURTH AND LAST MEETING OF COMMITTEE 9

(BASIC INSTRUMENT OF THE UNION)

Tuesday, 27 June 1989, at 1655 hrs

Chairman: Mr. H.H. SIBLESZ (Netherlands)

Subjects discussed:

Documents

- |    |  |   |
|----|--|---|
| 1. | Summary record of the 14th meeting<br>of Committee 9 | 398   |
| 2. | Transitional provisions (continued)                  | 340(Rev.1), 349(Rev.1),<br>388(Rev.1), 408(Rev.1),<br>DT/81 |
| 3. | Structure of the Constitution and Convention         | DT/82   |
| 4. | Note by the Chairman of Committee 4                  | 393   |
| 5. | Completion of the work of Committee 9                | -   |

1. Approval of the summary record of the 14th meeting (Document 398)

The summary record was approved on the understanding that delegates were entitled to submit corrections to their own statements, in writing, to the Secretariat.

2. Transitional provisions (Documents 340(Rev.1), 349(Rev.1), 388(Rev.1), 408(Rev.1), DT/81) (continued)

2.1 The Chairman reminded the Committee that the transitional clauses referred to in paragraph 7 of Document 388(Rev.1) formed part of a package and that, although the subject had been discussed in Committee 7, it was the task of Committee 9 to present to the Plenary a text reflecting the spirit of that paragraph. That, indeed, was the purpose of the first alternative in Document DT/81, which he had drafted. The situation could have been left at that, but some informal discussions he had held showed that a number of delegations were not satisfied with such provisions, and he had therefore submitted the second alternative, reflecting the views of those delegations and containing elements appearing in Document 340(Rev.1), which had been considered by Committee 7.

Thus, the first alternative merely reflected paragraph 7 of Document 388(Rev.1) and established the principle of a decision to hold an additional Plenipotentiary Conference with a limited agenda, in the form of an Article of the Constitution. It would be seen that under that Article the additional Plenipotentiary Conference, in derogation of Article 6 of the Constitution, would have an agenda limited to the consideration and adoption of proposals for such amendments to the Constitution as might be necessitated by the global review and consequential proposals by Member States. It was further established that the Plenipotentiary Conference would use the regular rules of procedure laid down in the Constitution for such consideration and decisions.

The second alternative also assumed that there would be an Extraordinary Plenipotentiary Conference with a limited agenda, but containing an additional element at the end of paragraph 1 and in paragraph 2 which established a partial derogation from the provisions of the Constitution and Convention on amendment procedures. Under that text, the additional Plenipotentiary Conference or, if no such conference was held, the next regular Plenipotentiary Conference, which would then have to study the results of the global review, could, in partial derogation from Article 43 of the Constitution and Article 35 of the Convention, consider and adopt the necessary amendments in accordance with the rules of procedure for conferences and meetings set out in Article 25 of the Convention, i.e., decisions to be taken by a simple majority. He had drafted that alternative to meet what he thought were the wishes of delegations whose interpretation of the package deal went somewhat beyond paragraph 7 of Document 388(Rev.1).

2.2 The delegate of Colombia expressed doubts concerning the need for an Article of that kind in the Constitution. Article 6 of the Nairobi Convention clearly laid down the powers of the Plenipotentiary Conference, but that did not mean that a conference was obliged to deal with all the subjects listed therein. Moreover, his Delegation had little faith in the proposed limitation of the agenda of any extraordinary conference. If an Article had to be approved, however, Colombia preferred the second alternative, while considering that the word "derogation" should be replaced by "suspension" for greater legal precision.

2.3 The delegate of the USSR said that his Delegation had some difficulty in accepting either alternative in Document DT/81. In the first place, the insertion of transitional provisions was contrary to the very spirit of the Constitution, which all delegates wanted to be a stable and permanent instrument, laying down fundamental

provisions. Secondly, the transitional provisions were unacceptable in principle, since if the Constitution had not entered into force by the time of the 1991 session of the Administrative Council, the new Article would also not be in effect, and it was hard to envisage, in the light of past experience, that 55 instruments of ratification, or even 40 if the Plenary so decided, would have been deposited by 1991. Thirdly, Working Group 7 ad hoc 5 had not yet completed its task of examining additional draft Articles of the Constitution and the Convention on the general possibility of holding Extraordinary Plenipotentiary Conferences; the results of that examination might make it unnecessary to have any transitional provisions. Fourthly, it was proposed that the additional Plenipotentiary Conference, if held in 1991, should have a limited agenda, but such a limitation would make it impossible for that conference to decide to postpone the regular Plenipotentiary Conference now scheduled for 1994, although such postponement would probably be necessary for financial reasons. In the light of all those considerations, his Delegation could not accept the insertion of transitional provisions in the Constitution, but in the last resort could perhaps agree to a Resolution on the subject, to meet the wishes of those who were more optimistic concerning the possibility of the entry into force of the Constitution by 1991.

2.4 The delegate of Venezuela said that her Delegation shared the concern expressed by the previous speaker about the insertion of transitional provisions in an Article of the Constitution, since if the Nice instrument was not enforced by 1991, it would not be possible to convene the additional Conference under the Nairobi Convention.

2.5 The delegate of the Federal Republic of Germany said that the Committee was faced with two questions - whether there was any need at all for transitional provisions and, if they were needed, what their content should be. The agenda of the proposed additional Plenipotentiary Conference would obviously be different from that of a normal conference convened under the Nairobi Convention or the Nice Constitution, and there was a clear political will to hold that additional Conference at which only the items described in Document 388(Rev.1) would be considered. As a lawyer, he had grave doubts concerning the possibility of holding an additional conference in a situation where the Nice Constitution which would permit its convening would not have come into force, so that the transitional provisions it contained would not be applicable. The proper legal way of obviating that difficulty would be to adopt an agreement amending the Nairobi Convention, but that was clearly impossible at such a late stage of the Conference. On the other hand, his long experience of ITU practice showed that it was quite customary for the Union to act pragmatically without complying strictly with legal norms: on the occasion of the adoption of all the more recent Conventions - at the Montreux, Malaga, Torremolinos and Nairobi Conferences - certain provisions of those instruments had been complied with before the relevant Convention had entered into force; for example, the number of Members of the Administrative Council had been increased to 43 at the current Conference without awaiting the entry into force of the Nice Constitution, and there were cases at earlier conferences of decisions concerning the number of contributory units which had been implemented before the Conventions containing the provisions had come into effect. The ITU was a living organization, and should not be subjected to excessively rigid rules: legal considerations should be kept in the background in order to maintain the Union's power to act.

His Delegation therefore considered that transitional provisions were necessary, but that the guidelines in paragraph 7 of Document 388(Rev.1) were too narrow. It had surely not been intended to restrict the transitional provisions to elections relating to organs not affected by the proposed structural changes, since the other parts of the document related to changes in the structure and working methods of the ITU as a whole, and the Group of Experts would be studying all those aspects. His Delegation, which had participated in the whole exercise from the outset, would not be interested in an additional Plenipotentiary Conference confined to discussing elections, particularly those of unaffected organs. It also agreed that the new majorities established in the

Nice Constitution should not apply at the additional Plenipotentiary Conference, which should operate with the simple majority requirements of the Nairobi Convention.

For all those reasons, his Delegation was in favour of the second alternative, with the addition of a sentence specifying that no re-elections should be held for organs which were not affected by the proposed structural changes.

2.6 The delegate of Spain agreed with earlier speakers that the introduction of the transitional provisions in the Constitution, which would enter into force upon the deposit of the 55th instrument of ratification, would make those provisions difficult to apply. Moreover, such provisions really seemed to be unnecessary because of the text that Working Group 7 ad hoc 5 was formulating for insertion in the Constitution with a view to institutionalizing Plenipotentiary Conferences not held at normal intervals. Moreover, No. 38 of the Nairobi Convention provided that the Plenipotentiary Conference had to consider the programme of conferences and meetings and any medium-term plans submitted by the Administrative Council, and the calendar accordingly established by Working Group PL-B made provision for the possibility of an additional Plenipotentiary Conference in 1991. The task of the present Conference was therefore to draw up a clear limited agenda on which the additional Conference could base its work if the Administrative Council decided that it should be held. Finally, he agreed with the Colombian delegate that the word "suspension" should be used in preference to "derogation".

2.7 The delegate of Indonesia said that the task of Committee 9 was clearly limited to the manner in which the necessary provisions should be dealt with, and in that connection drew attention to paragraph 2.7 of Document 388(Rev.1), under which the Administrative Council would be free to decide whether the Recommendations of the Group of Experts should be submitted to an additional Plenipotentiary Conference or to the one scheduled for 1994. He agreed that the agenda of an additional Plenipotentiary Conference should be limited specifically to structural changes, in accordance with paragraph 7 of Document 388(Rev.1), but considered that any text adopted should take account of both possibilities given in paragraph 2.7 of that document. The Chairman pointed out that those possibilities were indeed reflected in the second alternative in Document DT/81.

2.8 The delegate of Côte d'Ivoire said that since the Nice Constitution and Convention would most probably not have entered into force by 1991, the insertion of transitional provisions in the Constitution would preclude the convening of an additional Plenipotentiary Conference during that year. A possible solution might be to amend the Nairobi Convention, but since that instrument had been ratified by a large number of States, such a course would involve a long and difficult procedure. Accordingly, the simplest and legally most acceptable solution would be for Committee 9 to draft a Resolution for submission to the Plenary, establishing the date of the additional Conference and its agenda.

2.9 The delegate of Zambia observed that, from the legal point of view, the non-entry into force of the Constitution by 1991 was a possibility rather than a certainty. Provision should therefore be made for the possibility that the instrument would be in force by 1991, and to that end his Delegation preferred the first alternative in Document DT/81. It might also be possible to present the Plenary with another alternative along the lines proposed by the delegate of Côte d'Ivoire, to be applied only if an additional Plenipotentiary Conference could not be held in 1991 under the Nice Constitution.

2.10 The delegate of Uruguay, observing that the Plenipotentiaries had already expressed the political will to establish the Telecommunications Development Bureau, said that his Delegation preferred the second alternative, which would save much legal

argument. In any case, it would be useful for the Committee to hear the opinions of the Legal Adviser on the legal situation as it now stood.

2.11 The delegate of Malaysia asked whether, if the Nice instrument was not ratified by the time of the next Plenipotentiary Conference and that Conference had to be held under the Nairobi Convention, the provisions of the Nice Constitution, which had not yet come into force, could still be amended, and whether in those circumstances a Plenipotentiary Conference could be held with a limited agenda. If the Nice Constitution could be amended at the next Plenipotentiary Conference, his Delegation would prefer the second alternative, which provided a simple majority requirement for the adoption of amendments to specific Articles of the basic instrument affected by the global review of the structure of the ITU. The Chairman reiterated that the second alternative dealt with the adoption of amendments under the Nice Constitution, applying in partial derogation of the relevant provisions on amendment a simple majority for the adoption of such amendments.

2.12 The delegate of France said that, whereas no problem would of course arise if the Nice Constitution was ratified by 55 Members at the time of the next Plenipotentiary Conference, the Union would still be governed by the Nairobi Convention until that Constitution entered into force, and the idea of modifying an instrument which was not yet in force could only be termed legal surrealism. The debate showed that the Committee was in an exceptional situation, since both the alternatives presented were based on hypotheses which were legally admissible but not conducive to a simple solution.

Since the main objective was to give adequate stability and permanence to the new element decided upon for the structure of the Union - the new technical cooperation organ, the election of its Director and its terms of reference - it seemed to be unnecessary to await the entry into force of the Nice Constitution for the ITU services to begin to organize themselves along the lines provided for in the decisions already taken. Moreover, any attempt to enumerate in the transitional provisions of all the Articles that might require one-time amendment would prejudice the results of the global review.

Certain suggestions made during the debate might provide solutions for at least some of the problems. With regard to the possibility of resorting to a Resolution, the present Conference had based its work on the new instrument of Nairobi Resolution No. 62, which it had respected throughout, although as a sovereign conference it could have departed from those directives. Accordingly, there was no reason to believe that a subsequent Plenipotentiary Conference would not abide by the provisions of a Resolution setting out a specific, limited agenda and including the mandate of the elected officials concerned; that Resolution could well incorporate much of the relevant wording of Document 388(Rev.1).

His Delegation thus hoped that it would be possible to avoid the insertion of transitional provisions in the form of Article 47 of the Constitution, but if the majority considered such an Article to be necessary, France would prefer the first alternative with the replacement of the word "derogation" by "suspension", since the suspension of the amendment procedures proposed in the second alternative seemed to be legally incorrect.

2.13 The delegate of India said that his Delegation saw no reason not to comply with the Plenary's directives as set out in paragraph 7 of Document 388(Rev.1). The transitional provisions must of course cater for such variables as whether or not an additional Plenipotentiary Conference should be held in 1991 and whether or not the Nice instrument would be in force by that time, but the provisions were necessary to ensure that the structural changes required to make the Telecommunications Development Bureau operative were introduced as quickly as possible. Since the alternatives in Document DT/81 were presented in the form of an Article of the Constitution, it might



be assumed that the Chairman and the Legal Adviser considered that form to be legally more acceptable than a Resolution. His Delegation preferred the second alternative, with the replacement of the words "all or part of" in the fourth line of paragraph 1 by "in the light of".

2.14 The delegate of the United States said that, since the two main goals of the Conference - adoption of a stable and permanent basic instrument and formulation of a study for the continuation of the restructuring of the Union already begun - were largely incompatible, he had considerable sympathy with the views expressed by the delegates of the USSR and Venezuela. On the other hand, his interpretation of what the Union's legal situation was likely to be in 1991 differed greatly from those of many other speakers. It had been suggested that if by the beginning of the additional Plenipotentiary Conference at least 55 instruments of ratification had been deposited, no problems would arise because the Nice Constitution would be in force; but in fact that would only mean that as of the date of the deposit of the 55th instrument, the rights and obligations of those States which had deposited instruments would be governed, not by the Nairobi Convention, but by the Nice Constitution, whereas the rights and obligations of all the other Members would continue to be governed by the Convention, probably that of Nairobi, by which they were bound. Accordingly, there could be no clear assumption that the additional Conference would be governed by the new Constitution even if it had come into force. Such problems had not arisen in the past because of the spacing of Plenipotentiary Conferences, but they would inevitably arise if an attempt was made to hold an additional conference within such a short time.

On the other hand, if it was decided to adopt transitional provisions in the hope that a clear majority of the Members of the Union would have deposited their instruments of ratification before the 1991 Conference, so that no major political problems would arise, his Delegation would be prepared to work on the basis of the first alternative. It had some difficulties with the second alternative, primarily because the reference to the next Plenipotentiary Conference in paragraph 2 seemed to relate not to the 1991 Conference but to the one scheduled for 1994. That wording raised the question of the conduct of the 1994 Conference as compared to the one following it, presumably in 1999: a Member presenting a proposal for an amendment to the Constitution at the 1994 Conference could have it approved by a majority of more than half of the Members present and voting, but in 1999 the same proposal submitted by the same Member would require a majority of more than two thirds of the accredited delegations having the right to vote - a situation that could hardly be regarded as equitable.

With regard to the suggestion that the problem could be solved by adopting a Resolution, he pointed out that, contrary to popular belief, Plenipotentiary Conferences were not sovereign: the States represented at those conferences were sovereign, and relinquished the exercise of their sovereignty through the treaties they ratified. While it was true that the Plenipotentiary Conference was the supreme organ of the Union, it seemed equally clear that the terms of a permanent basic instrument could be circumvented by Resolutions only in very limited ways, which certainly did not include the modification of clear provisions of that permanent instrument.

To sum up, he had considerable apprehensions concerning the legal regime that the Union was likely to find itself in if a Plenipotentiary Conference was held in 1991. If any transitional provisions were to be adopted, he had a clear preference for the first alternative, in the sincere hope that a large majority of the Members of the Union would have deposited instruments of ratification by 1991, because the mere entry into force of the Nice Constitution would not solve all the problems confronting the Committee.

2.15 The delegate of Greece observed that, at that late stage in the Conference, the Committee had reached an impasse with respect to a major decision, that of the method whereby the new Telecommunications Development organ could be fitted into the traditional structure of the ITU. Since that decision primarily affected countries with underdeveloped telecommunications, it was imperative to find the most effective possible solution, for unless the Administrative Council was enabled to convene a special Plenipotentiary Conference to adopt the appropriate amendments, all the relevant decisions would have to be postponed until the 1994 Conference, a course which ran counter to the decisions of the Nice Conference. The insertion of transitional provisions in a permanent basic instrument was undesirable for the reasons given by previous speakers, and the problem could not be solved through a Resolution, since Resolutions had absolutely no legal value, were not binding and could be disregarded at will by the representatives of sovereign States attending a Plenipotentiary Conference. Moreover, the United States delegate had raised the question of the instrument that would govern the additional Plenipotentiary Conference if the requisite number of instruments of ratification was deposited during that Conference; that problem might be solved by suspending the entry into force of the Nice Constitution until the Conference had taken its final decisions, so that its proceedings might be governed by the Nairobi Convention which provided for the adoption of amendments by a simple majority. In any case, if the relatively few delegations attending the current meeting of Committee 9 could not find an appropriate solution, the discussion and final decision on such an important issue should perhaps be left to the Plenary.

2.16 The Chairman said that it would be undesirable to refer the question to the Plenary without trying to reach some conclusion in the Committee, on the understanding, of course, that the final decision rested with the Plenary.

2.17 The delegate of Mexico said that, although as a lawyer she was against the insertion of transitional provisions in a permanent basic instrument, she agreed that Committee 9 should take a decision on the issue, if only one of principle, and supported the first alternative.

2.18 The delegate of Colombia endorsed the opinion that any amendments to the Constitution required as a result of the global review should be subject to adoption by a simple majority.

2.19 The delegate of Lesotho observed that the question of overlapping between the regimes of two instruments was nothing new in law or in ITU practice and was appropriately covered by Nos. 60 and 61 of Article 8 of the Constitution.

2.20 The delegate of Austria said that the problem might be solved by following the suggestion of the delegates of Côte d'Ivoire and France to adopt the transitional provisions in the form of a Resolution, in order to get round the difficulty caused by the probable late entry into force of the Constitution.

2.21 The delegate of Indonesia agreed that the Committee must reach a conclusion and said that his Delegation was in favour of the second alternative. In that connection, consideration might be given to the Greek delegate's suggestion for the suspension of the entry into force of the Nice Constitution until the necessary decisions had been taken by the additional Plenipotentiary Conference.

2.22 The delegate of the Philippines said that her Delegation was in favour of transitional provisions rather than a Resolution and preferred the first alternative, with possible improvements.

2.23 The delegate of Australia said that the Chairman and the Legal Adviser were to be thanked for once again providing the Committee with a basis for its deliberations in the form of a text of transitional provisions as required by the Plenary in

Document 388(Rev.1). Paragraph 7 of that document set out the guidelines for the Committee's work in the matter, and was appropriately reflected in the first alternative; on the other hand, the second alternative certainly went beyond the requirements of the paragraph, thus giving rise to great concern about the legal implications and value of transitional provisions. Australia too was aware of the many legal pitfalls involved, not the least of those being the fact that the transitional provisions would only become operative when the instrument containing them entered into force.

Despite those legal difficulties, if the Committee had to choose between the two texts in Document DT/81, his Delegation would opt for the first alternative, because it reflected the requirements of paragraph 7 of Document 388(Rev.1). It had great difficulties with the second alternative because of the proposal for derogation from Article 43 of the Constitution and Article 35 of the Convention, with a view to having the amendments approved by a simple majority of the Members present and voting, in accordance with Article 25 of the Nairobi Convention. Australia could not accept such a low majority requirement in the case of questions as important as those of changes in the structure of the Union, for even if delegations preferred not to apply the requirement of more than two-thirds of the delegations accredited to the Conference and having the right to vote, there was still the requirement, given in Article 35 of the Convention, of more than one half of the delegations accredited and having the right to vote; the latter majority was the lowest that his Delegation would be prepared to accept, in view of the need for a broad consensus in support of changes to the structure of the organization.

Finally, his Delegation did not consider that a Resolution would provide a solution of the problems before the Committee.

2.24 The Legal Adviser, commenting on the general legal policy situation, expressed surprise at the fact that, although a number of speakers had questioned the usefulness of transitional provisions, particularly in an instrument which had not entered into force, no one had mentioned the usefulness of inserting such provisions in an instrument which everyone wanted to enter into force - a matter on which no doubt had been cast during the five weeks of the Conference. Yet that same Conference had discovered in the course of its work that some structural changes in the organization were required, and 92 delegations had in the Plenary meeting supported Document 388(Rev.1), which contained guidelines for bringing about those changes as quickly as possible. Transitional provisions could clearly be used as a compelling tool for speeding up the ratification process in order to achieve that goal, and would have the effect of stimulating governments to have ratification procedures initiated immediately, so that the requisite number of instruments might be deposited by 1991. If that consideration was taken into account, the doubts expressed with regard to the entry into force of the Constitution might not all disappear but they would certainly diminish.

From the strictly legal point of view, he urged delegates not to regard the adoption of a Resolution as "the easy way out": it was a slippery and uncertain way out because of the possibility of unforeseeable changes in the future and the fact that the legal instrument itself prevailed over any Resolution. While the delegate of France had been right in saying that Resolution No. 62 had been fully implemented, it should be borne in mind that the only small legal obstacle to be overcome in that case had been No. 45 of the Nairobi Convention, which had been superseded by the decision to divide the Convention into two instruments; no structural or other changes had been agreed upon at that time, whereas relevant decisions in the latter respect had been taken, somewhat controversially, at the current Conference, which had further decided that those changes be continued by means of a study. In the light of the present situation, which was quite different from the Nairobi one, the Resolution method or approach would no longer be such a reliable vehicle.

The Committee would thus be well advised to approve an Article on transitional provisions, and, if that Article was considered to be too lengthy for insertion in the Constitution and a Resolution containing further details was regarded as necessary, a phrase might be inserted after the words "in derogation of Article 6 of the Constitution", reading "and in accordance with the relevant decisions taken by this Plenipotentiary Conference". In that way, the Resolution would be anchored in the Constitution.

2.25 The Chairman, summing up the debate, noted that opinions were fairly evenly divided. Delegations which questioned the desirability of introducing transitional provisions into the Constitution - because that instrument would not have entered into force at the time of the additional Conference, or because transitional provisions had no place in a permanent constitution - advocated the approach of a Resolution limiting the agenda of the additional Plenipotentiary Conference. Others which could accept a Resolution had said that, if transitional provisions in an Article of the Constitution were proved to be necessary and practical, they would prefer the first alternative, while yet others were in favour of the wider approach of the second alternative. The time had therefore come for a sounding of opinions, first the choice between a Resolution and transitional provisions in the Constitution, and then, if the latter approach prevailed, between the two alternatives in Document DT/81. It would be noted that no text of a Resolution yet existed and that the texts of the two alternatives were not yet in a form suitable for insertion in the Constitution, but the Plenary would at least be given an overall view of the majority opinions in Committee 9.

2.26 The delegate of Spain said that the choice between a Resolution and a transitional provisions clause was too drastic, particularly since Working Group 7 ad hoc 5 was still discussing a text which would allow Plenipotentiary Conferences to be held outside the normal intervals. He considered that transitional provisions had no place in the Constitution, but could take the form of a binding protocol which the Conference could approve together with a Resolution containing the agenda of the hypothetical additional Conference.

2.27 The Chairman pointed out that those suggestions, although valid, were contingent upon the results of the deliberations of Working Group 7 ad hoc 5, which were not yet available. Meanwhile, Committee 9 had to indicate to the Plenary its preference for one of the approaches he had indicated.

He called for an informal show of hands on the principle of having either a Resolution or transitional provisions in an Article of the Constitution.

He noted that 5 delegations were in favour of a Resolution and 23 in favour of transitional provisions.

The Chairman then called for an informal show of hands on the first and second alternatives.

He noted that 11 delegations were in favour of the first alternative and 16 in favour of the second alternative.

He suggested that those trends of opinion in the Committee be communicated to the Plenary, together with Document DT/81.

It was so decided.

3. Structure of the Constitution and the Convention (Document DT/82)

3.1 The Chairman suggested that Document DT/82 be forwarded to the Plenary.

It was so decided.

4. Note from the Chairman of Committee 4 (Document 393)

4.1 The Legal Adviser pointed out that the note inquiring whether the decisions of various Committees had any financial implications did not require any action by Committee 9 because of the contents of its work accomplished.

The Committee took note of Document 393.

5. Completion of the work of Committee 9

5.1 The delegate of the United Kingdom said he believed that he was speaking on behalf of all delegations in expressing sincere congratulations and gratitude to the Chairman for the excellent manner in which he had presided over the Committee's deliberations and had facilitated its work. Thanks were also due to the Legal Adviser and his assistants and to all those who had helped the Committee to fulfil successfully its task of completing the work begun by the Group of Experts. (Applause)

5.2 The Vice-Chairman expressed gratitude to all delegations for the high level of their contributions, which had enabled Committee 9 to complete its work in spite of delays caused by other Committees.

5.3 The delegates of Australia, Mexico, Canada, Brunei Darussalam, Paraguay and Colombia associated themselves with all the tributes paid to the Chairman, the Vice-Chairman and the Legal Adviser and his staff.

5.4 The Chairman expressed his great appreciation of the support given to himself and the Committee by the Legal Adviser and all his assistants, support without which the results achieved would not have been possible. Special thanks were due to the Vice-Chairman, who had greatly assisted in solving various problems and with whom he had very much enjoyed working. Finally, he owed a great deal to the spirit of cooperation and flexibility shown by all delegations, which was the main reason for the success of the Committee's work.

He declared that Committee 9 had completed the work assigned to it.

The meeting rose at 2000 hours.

The Secretary:

A. NOLL

The Chairman:

H.H. SIBLESZ

INTERNATIONAL TELECOMMUNICATION UNION

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 486-E  
27 June 1989

R.1

PLENARY MEETINGFIRST SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for second reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.10	275(B.2)	Resolutions Nos. PLEN/1
	236(B.1)	COM4/1 to COM4/3
	302(B.5)	COM4/4
	302(Corr.1)(Rev.1)(B.5)	COM4/5
	275(B.2)	COM5/2 and COM5/3
	315(B.6)	COM5/4 and COM5/5
	334(B.7)	COM6/1 to COM6/14
		COM6/16
		COM8/1
	414(B.11)	COM8/2

M. THUE  
Chairman of Committee 10Annex: 45 pages

## RESOLUTION No. PLEN/1

**Exclusion of the Government of the Republic of South Africa  
from the Plenipotentiary Conference and from all Other Conferences,  
Meetings and Activities of the Union**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

recalling

- a) the Charter of the United Nations and the Universal Declaration of Human Rights;
- b) Resolution No. 45 of the Plenipotentiary Conference of the International Telecommunication Union (Montreux, 1965) relating to the exclusion of the Government of the Republic of South Africa from the Plenipotentiary Conference;
- c) Resolution 2145 (XXI), 27 October 1966, of the United Nations General Assembly on the question of Namibia;
- d) Resolution 2396 (XXIII), 2 December 1968, of the United Nations General Assembly on the apartheid policy of the Government of the Republic of South Africa;
- e) Resolution 2426 (XXIII), 18 December 1968, of the United Nations General Assembly calling on all specialized agencies and all international institutions associated with the United Nations to take the necessary steps to cease all financial, economic, technical or other assistance to the Government of the Republic of South Africa until it renounces its policy of racial discrimination;
- f) Resolution No. 6 of the World Administrative Telegraph and Telephone Conference (Geneva, 1973) concerning the participation of the Government of South Africa in ITU conferences and meetings;
- g) Resolution 36/121, 10 December 1981; Resolution 37/69, 9 December 1982; Resolution 38/39, 5 December 1983, Resolution 39/72, 13 December 1984; Resolution 40/64, 10 December 1985; Resolution 41/35, 10 November 1986; Resolution 42/23, 20 November 1987; and Resolution 43/50, 5 December 1988 of the United Nations General Assembly relating to the policies of apartheid of the Government of South Africa;
- h) the provisions of Resolution No. 619 of the Administrative Council of the International Telecommunication Union declaring that the Government of the Republic of South Africa no longer has the right to represent Namibia within the Union;
- i) Resolution No. 31 of the Plenipotentiary Conference of the International Telecommunication Union (Malaga-Torremolinos, 1973) relating to the exclusion of the Government of the Republic of South Africa from the Plenipotentiary Conference and from all other conferences and meetings of the Union,

recalling further

Resolution No. 14 of the Plenipotentiary Conference of the International Telecommunication Union (Nairobi, 1982) relating to the exclusion of the Government of the Republic of South Africa from the Plenipotentiary Conference and from all other conferences and meetings of the Union,

resolves

that the Government of the Republic of South Africa shall continue to be excluded from the Plenipotentiary Conference and from all other conferences, meetings and activities of the International Telecommunication Union, until such time that it completely eliminates its apartheid policies.



## RESOLUTION No. COM4/1

**Approval of the Accounts of the Union for the Years 1982 to 1988**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

a) the provisions of No. 40 of the International Telecommunication Convention (Nairobi, 1982);

b) the Report by the Administrative Council to the Plenipotentiary Conference (Document 47), Document 186 relating to the financial management of the Union during the years 1982 to 1988 and the first report of the Finance Committee of the present Conference (Document 207),

resolves

to give its final approval of the accounts of the Union for the years 1982 to 1988.

RESOLUTION No. COM4/2

**Assistance Given by the Government of the Swiss Confederation  
in Connection with the Finances of the Union**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

considering

that in the years 1984 to 1986 the Government of the Swiss Confederation placed  
funds at the disposal of the Union to improve its liquidity,

expresses

1. its appreciation to the Government of the Swiss Confederation for its  
generous assistance in financial matters;

2. the hope that the arrangements in this field may be renewed;

instructs the Secretary-General

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

## RESOLUTION No. COM4/3

**Auditing of Union Accounts**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

considering

that the external auditor appointed by the Government of the Swiss Confederation audited the Union accounts for the years 1982 to 1988 most carefully, competently and accurately,

expresses

1. its warmest thanks to the Government of the Swiss Confederation;
2. the hope that the existing arrangements for the auditing of the Union accounts may be renewed;

instructs the Secretary-General

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

## RESOLUTION No. COM4/4

**Absorption of Shortfall in Technical Cooperation Special Accounts  
1980 - 1989**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

in view of

the provisions of Resolution No. 16 of the Plenipotentiary Conference  
(Nairobi, 1982), particularly those concerning:

- the decisions of the Governing Council of the United Nations Development Programme (UNDP) relating to the existing arrangements for reimbursing the support costs of the United Nations specialized agencies;
- the ITU's responsibility within the framework of its partnership with UNDP,

having noted

that the shortfall in income to cover expenditure in Technical Cooperation Special Accounts for the years 1980 to 1989 inclusive is estimated at 17,226,870 Swiss francs, of which 13,026,870 Swiss francs have already been amortized between 1986 and 1989,

instructs the Administrative Council

to continue its endeavours to find ways and means of absorbing, within a reasonable space of time, the remaining shortfall in income, estimated at 4,200,000 Swiss francs.

## RESOLUTION No. COM4/5

**Settlement of Accounts in Arrears**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

in view of

a) the Report of the Secretary-General to the Plenipotentiary Conference on the situation with regard to amounts owing to the Union;

b) Resolution No. 10 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973);

c) Resolution No. 53 of the Plenipotentiary Conference (Nairobi, 1982),

noting with satisfaction

a) that Chile, Costa Rica, the Republic of Haiti, Peru, the Eastern Republic of Uruguay and the Yemen Arab Republic with regard to Resolution No. 10 of the Malaga-Torremolinos Conference and the Central African Republic with regard to Resolution No. 53 of the Nairobi Conference have settled their debts in full;

b) that the Republic of El Salvador has been regularly reducing its debt and that only one further payment remains to be received by the Union,

regretting

that the Republic of Bolivia and the Dominican Republic with regard to Resolution No. 10 of the Malaga-Torremolinos Conference and the Republic of Guatemala, the Islamic Republic of Mauritania and the Republic of Chad with regard to Resolution No. 53 of the Nairobi Conference have not put forward any schedule for the settlement of their debts,

considering

that it is in the interests of all Members of the Union to maintain the finances of the Union on a sound footing,

resolves

1. for the Republic of Sudan

1.1 that the contributions for the years 1980 to 1983, amounting to 567,047.95 Swiss francs, shall be transferred to the special arrears account bearing no interest;

1.2 that the interest on arrears, namely, 306,507.55 Swiss francs, shall be transferred to the special interest account;

2. for the Republic of Liberia

2.1 that the contributions for the years 1979 to 1989, amounting to 1,030,810 Swiss francs, shall be transferred to the special arrears account bearing no interest;

2.2 that the interest on arrears, namely, 514,766.50 Swiss francs, shall be transferred to the special interest account;

3. for the Islamic Federal Republic of the Comoros

3.1 that the contributions and the amounts owing for publications for the years 1978 to 1989, amounting to 612,205.20 Swiss francs, shall be transferred to the special arrears account bearing no interest;

3.2 that the interest on arrears, namely, 285,725.45 Swiss francs, shall be transferred to the special interest account;

4. for the Republic of Guatemala

4.1 that the contributions and the amounts owing for publications for the years 1982 to 1987, amounting to 198,405.70 Swiss francs, shall be transferred to the special arrears account bearing no interest;

4.2 that the interest on arrears, namely, 70,705.05 Swiss francs, shall be transferred to the special interest account;

5. that the transfer to the special arrears account shall not release the countries concerned from the obligation to settle their arrears;

6. that the amounts due in the special arrears account shall not be taken into account when applying No. 117 of the Nairobi Convention;\*

7. that this Resolution shall not in any circumstances be invoked as a precedent;

instructs the Secretary-General

1. to negotiate with the competent authorities of all the countries in arrears in the payment of their contributions, the terms for the staggered payment of their debts;

2. to report annually to the Administrative Council on the progress made by these countries towards repaying their debts;

invites the Administrative Council

1. to study ways of settling the special interest account;

2. to adopt appropriate measures for the application of this Resolution;

3. to report to the next Plenipotentiary Conference on the results obtained in pursuance of this Resolution.

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\* From the date of entry into force of the Constitution of the International Telecommunication Union (Nice, 1989), this number will be replaced by No. 122 thereof.

## RESOLUTION No. COM5/2

**In-Service Training**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recalling

Resolution No. 60 of the Plenipotentiary Conference (Nairobi, 1982) on in-service training,

recognizing

the positive role of in-service training in optimizing staff productivity and effectiveness and the importance which should be attached to maintaining and to upgrading the professional skill of the staff,

instructs the Secretary-General

to continue to apply the "Rules for in-service training of the ITU staff" adopted by the Nairobi Plenipotentiary Conference and to prepare medium and long-term plans to respond to the needs of the Union and its staff;

instructs the Administrative Council

to allocate the appropriate credits for in-service training in accordance with an established programme which shall represent at least 0.25% and at most 0.5% of the portion of the budget allocated to staff costs.

## RESOLUTION No. COM5/3

## Recruitment of Union Staff

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

noting

a) No. 104 of the International Telecommunication Convention (Nairobi, 1982);

b) the report of the Administrative Council concerning the implementation of Resolution No. 58 of the Plenipotentiary Conference (Nairobi, 1982);

c) the increase in the number of countries from which the staff of the Union is recruited and the improvement in the geographical distribution of appointed staff;

d) the successful implementation of the measures designed to encourage the recruitment of young specialists at the P.1/P.2 level,

further noting

the recommendations of the International Civil Service Commission (ICSC) on recruitment policy and procedures as reported by the Secretary-General in Conference Document 29 entitled "General Staff Policy and Management",

considering

\* [a) the relevant provisions of the Constitution and the Convention of the International Telecommunication Union (Nice, 1989);]

b) the need to follow a recruitment policy appropriate to the requirements of the Union, including the redeployment of posts and the recruitment of young specialists, while observing the relevant recommendations as established by the ICSC;

c) the need to continue to improve the geographical distribution of the appointed staff of the Union;

d) the need to encourage the recruitment of women in the Professional and higher categories;

e) the constant advances made in the technology and operation of telecommunications and the corresponding need to recruit the most competent specialists to work in the secretariats of the permanent organs of the ITU,

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\* [Note by the Editorial Committee: To be confirmed by Committee 5.]



resolves

1. that appointed staff in the Professional and higher categories shall continue to be recruited on an international basis and, in general, vacancies for these posts shall be advertised to the administrations of all Members of the Union; however, reasonable promotion possibilities must continue to be offered to existing staff;

2. that, when filling vacant posts by international recruitment, in choosing between candidates who meet the qualification requirements for a post, preference shall be given to the candidates from regions of the world which are insufficiently represented in the staffing of the Union;

3. that, in general, staff in the General Service category (grades G.1 to G.7) shall be recruited from among persons resident in Switzerland, or in French territory within 25 km of Geneva. Exceptionally, when vacancies occur at the G.5, G.6 and G.7 level for posts of a technical nature, recruitment may be on an international basis;

instructs the Secretary-General

1. to continue to pursue a recruitment policy designed to improve the geographical representation of the appointed staff in those posts of the Union subject to geographical distribution;

2. to favour, other qualifications being equal, the appointment of women to posts in the Professional and higher categories with a view to arriving at an equitable representation of women in the staff of the Union subject to resolves 2 of this Resolution;

3. to continue to recruit young specialists at the P.1/P.2 level where appropriate with a view to improving professionalism within the Union;

4. to continue to observe those recommendations of the ICSC which are applicable to the situation of the Union in matters of recruitment.

## RESOLUTION No. COM5/4

**Remuneration and Representation Allowances of Elected Officials**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having regard to

Resolution No. 55 of the Plenipotentiary Conference (Nairobi, 1982),

recognizing

that the salaries of elected officials should be set at an adequate level above those paid to appointed staff in the United Nations common system,

\* resolves

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

Secretary-General	134%
Deputy Secretary-General, Directors of the International Consultative Committees	123%
IFRB members	113%

2. that the above percentages shall apply to the net base salary at the dependency rate; all other elements of the remuneration shall be derived therefrom by applying the methodology in force in the United Nations common system, provided that an appropriate percentage is applied to each individual element of the remuneration;

instructs the Administrative Council

1. if a relevant adjustment is made in common system salary scales, to approve any modification of the salaries of elected officials which might result from the application of the above-mentioned percentages;

2. in the event of overriding factors appearing to the Administrative Council to justify a change in the above-mentioned percentages, to propose to the Members of the Union for approval by a majority, revised percentages with appropriate justifications;

\* [To be reviewed after consideration of Article 11A.]

further resolves

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

	<u>Swiss francs per year</u>
Secretary-General	24,000
Deputy Secretary-General, Directors of the International Consultative Committees	12,000
IFRB (for the Board as a whole at the discretion of the Chairman)	12,000

RESOLUTION No. COM5/5

**Rehabilitation of the Provident Fund of the  
ITU Staff Superannuation and Benevolent Funds**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

considering

the situation of the Provident Fund shown in the balance sheet at  
31 December 1988,

taking into account

that the support measures hitherto applied have been effective,

aware

that the Provident Fund continues to require support in the form of an annual  
contribution,

instructs the Administrative Council

to monitor carefully in coming years the situation of the ITU Staff  
Superannuation and Benevolent Funds, and in particular the Provident Fund, with a view  
to taking any measures it considers appropriate;

resolves

to reduce the annual contribution from the ordinary budget to the Provident Fund  
from 350,000 to 250,000 Swiss francs and to maintain that contribution until the Fund  
is able to meet its obligations.

## RESOLUTION No. COM6/1

**Role of the International Telecommunication Union in the  
Development of World Telecommunications**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

considering

a) the provisions of the Constitution and the Convention of the International Telecommunication Union (Nice, 1989) together with those of the International Telecommunication Regulations, (Melbourne, 1988), and the Radio Regulations;

b) the recommendations of the CCIR and of the CCITT,

considering also

c) that together these instruments are essential to provide the technical foundations for the planning and provision of telecommunication services throughout the world;

d) that the pace of development of technology and services necessitates the continuing cooperation of all administrations and private operating agencies to ensure the world-wide compatibility of telecommunications;

e) that the availability of modern telecommunications is vital to the economic, social and cultural progress of all countries,

recognizing

the interests of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the General Agreement on Tariffs and Trade (GATT) and other international organizations, in certain aspects of telecommunications,

resolves

that the International Telecommunication Union should:

1. continue to work for the harmonization, development and enhancement of telecommunications throughout the world;
2. ensure that all its work reflects the position of the ITU as the authority responsible within the United Nations system for establishing in a timely manner technical and operational standards for all forms of telecommunication and for effecting the rational use of the radio frequency spectrum and of the geostationary-satellite orbit;
3. encourage and promote technical cooperation in the field of telecommunications among Members to the maximum possible extent.

## RESOLUTION No. COM6/2

**Inter-Country Projects Financed by the United Nations Development Programme (UNDP) in the Field of Telecommunications**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having noted

the sections of the Report of the Administrative Council which deal with the technical cooperation activities of the Union (Document 47) and the report on "The changing nature of ITU technical cooperation and related field activities" (Document 33),

emphasizing

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

recognizing

that, in many of the developing countries, the national resources in respect of equipment, operational arrangements and national staff continue to be inadequate to ensure telecommunication services of an acceptable quality and at reasonable rates,

recognizing also

a) the importance of regional telecommunication cooperation, and the necessity to maximize it in order to foster in particular telecommunication development so as to facilitate and speed up development in other sectors as emphasized by "The Missing Link";

b) that the UNDP and particularly its inter-country programme is one of the valuable means of assisting the developing countries to improve their telecommunication services,

expressing its appreciation

of the consideration given to this matter in certain regions by the UNDP in making available to the ITU allocations for inter-country projects of technical cooperation to developing countries, noting however that these allocations do not adequately meet some regions' aspirations,

resolves to invite the UNDP

with a view to strengthening technical cooperation in the telecommunication sector and thereby contributing significantly to an accelerated pace of integration and development, to consider favourably a sufficient increase of the allocations to inter-country projects of assistance and to sectoral support activities in this sector;

invites Member Governments

to pursue this matter appropriately with a view to achieving the objective of this Resolution;

invites those Members of the Union which are also Members of the Governing Council of the UNDP

to make favourable consideration of this Resolution possible in that Council.

## RESOLUTION No. COM6/3

**Application of Science and Telecommunication Technology in the  
Interest of Developing Countries**

The Plenipotentiary Conference of the International Telecommunication Union  
(Nice, 1989),

in view of

the provisions of various resolutions adopted by the Economic and Social Council  
and by the General Assembly of the United Nations for the purpose of expediting the  
application of science and technology in the interest of developing countries,

considering

that the International Telecommunication Union should, in its own field,  
associate itself in every way possible with efforts being thus undertaken by the  
organizations of the United Nations system,

having noted

the section of the Report of the Administrative Council (Document 47) which  
deals with the action taken in application of Resolution No. 25 of the Plenipotentiary  
Conference (Nairobi, 1982),

instructs the Administrative Council

to take the necessary measures, within the limit of the available resources, to  
ensure that the Union:

1. cooperates to the greatest extent possible with the appropriate organs of  
the United Nations;
2. contributes to the greatest extent possible to expediting the transfer to,  
and assimilation in, the developing countries of the scientific knowledge and  
technological expertise in telecommunication, which are available in technically more  
advanced countries, by the publication of appropriate handbooks and other documents;
3. bears this Resolution in mind in its technical cooperation activities in  
general.



## RESOLUTION No. COM6/4

**Training of Refugees**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having noted

a) United Nations General Assembly Resolution 36/68 on the implementation of the declaration on the granting of independence to colonial countries and peoples and other resolutions relevant to assistance to refugees;

b) the section of the Report of the Administrative Council (Document 47) which deals with the action taken in application of Resolution No. 31 of the Plenipotentiary Conference (Nairobi, 1982),

requests the Secretary-General

1. to continue his efforts with a view to the application of the United Nations Resolution;

2. to collaborate fully with the organizations concerned with the training of refugees, both within and outside the United Nations system;

invites the Members of the Union

to do even more to receive certain selected refugees and to arrange for their training in telecommunications in professional centres or schools.

## RESOLUTION No. COM6/5

## International Programme for the Development of Communication

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recalling

- a) the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948;
- b) Resolutions 31/139 and 33/115 adopted by the United Nations General Assembly on 16 December 1976 and on 18 December 1978, respectively;
- c) the recommendations of the Intergovernmental Conference for Cooperation Activities, Needs and Programmes for Communication Development (Paris, April 1980), and in particular Recommendation viii) of part III of the report of this Conference;
- d) Resolution No. 4.21 of the 21st Session of the United Nations Educational, Scientific and Cultural Organization (UNESCO) General Conference (Belgrade, 1980), establishing the International Programme for the Development of Communication (IPDC),

recognizing

- a) the importance of the cooperation between the Union and UNESCO for the effective development of the IPDC activities;
- b) the good results being achieved through the ITU/IPDC joint efforts concerning the development of broadcasting in Africa;
- c) the importance of providing adequate telecommunication infrastructure to meet the objectives of the IPDC;
- d) the necessity of maintaining continuous liaison between the Union and the various UNESCO units involved in the work of the IPDC,

reaffirming

the primordial role played in the field of telecommunications within the United Nations system by the Union, which is the main international forum for the consideration and promotion of international cooperation for the improvement and rational use of telecommunications of all kinds,

approves

the measures taken by the Secretary General for the enhancement of the participation of the Union in the work of the IPDC through the Special Voluntary Programme;

resolves

that the Administrative Council and the Secretary-General shall maintain and support the Union's participation in the IPDC, including its Intergovernmental Council, this participation also being directly related to the Union's activities in rendering technical assistance to developing countries;

requests countries Members of UNESCO

to make available greater resources for the telecommunication components of IPDC projects contributing to the development of all communications facilities, set up to improve the quality of life in the developing countries;

instructs the Secretary-General

1. to report to the Administrative Council on the development of these activities;
2. to bring this Resolution to the attention of the United Nations General Assembly, the Intergovernmental Council of the IPDC and the Director General of UNESCO;

instructs the Administrative Council

to study the reports submitted by the Secretary-General and to take appropriate action to assure technical support by ITU for the work of the IPDC by including in the annual budget of the Union appropriate credits for maintaining liaison with the Intergovernmental Council, the Secretariat of IPDC and the UNESCO units involved in the work of IPDC.

## RESOLUTION No. COM6/6

**Recruitment of Experts for Technical Cooperation Projects**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

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

b) the increasing difficulties encountered in such recruitment, both quantitatively and qualitatively;

c) the growing demand for highly specialized expertise over short periods both in traditional and new services,

having noted

a) that the Union's needs for well qualified experts and the conditions of their recruitment are not adequately disseminated within the countries which are in a position to make available such experts;

b) the section of the Report by the Administrative Council (Document 47) which deals with the action taken in application of Resolution No. 23 of the Plenipotentiary Conference (Nairobi, 1982),

considering further

the great importance of strengthening technical cooperation among developing countries,

wishes to express

its gratitude to the Members which have provided experts from their countries for technical cooperation projects;

invites the Members of the Union

1. to increase their efforts to explore all sources of candidates for expert posts among the staffs, both active and retired, of administrations, recognized operating agencies, industry, universities, and training institutions and scientific and research bodies, etc. by giving the widest possible publicity to the information concerning vacancies and through direct contacts with these potential sources of expertise;

2. to facilitate to the maximum the secondment of the candidates chosen and their reintegration at the end of their mission so that their period of absence does not prove a handicap in their careers;

3. to continue to offer, free of charge, lecturers and the necessary services for seminars organized by the Union;

invites the developing countries Members of the Union

to take particular account of candidates presented by other developing countries provided they meet the requirements;

instructs the Secretary-General

1. to pay the greatest possible attention to the qualifications, experience and aptitudes of candidates for vacant expert posts when drawing up lists of experts for submission to beneficiary countries;

2. not to impose age limits on candidacies for expert posts but to make sure that candidates who have passed the retirement age fixed in the United Nations Common System are fit enough to perform the tasks listed in the vacancy notice;

3. to establish, and disseminate, on a monthly basis, a list of vacant expert posts which are to be filled during the forthcoming months and to provide information on conditions of service;

4. to continue to keep up to date the register of potential candidates for expert posts with due emphasis on specialists for short-term missions;

5. to submit each year to the Administrative Council a report on the measures adopted in pursuance of this Resolution and on the evolution of the expert recruitment problem in general;

invites the Administrative Council

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

## RESOLUTION No. COM6/7

**Improvement of Union Facilities for Rendering  
Technical Assistance and Advice to Developing Countries**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having taken note

of the sections of the Reports of the Administrative Council which dealt with the action taken on the implementation of resolutions, etc., relating to "Technical Cooperation Activities of the Union" (Document 47) and "The Changing Nature of ITU Technical Cooperation and Related Field Activities" (Document 33),

recognizing

the technical assistance rendered to developing countries in pursuance of Resolution No. 22 of the Plenipotentiary Conference (Nairobi, 1982),

considering

a) that the volume of the Union's technical assistance needs to be increased and the quality further improved;

b) that in many cases the developing countries, and in particular the newly independent countries, need advice of a highly specialized nature and that such advice must often be obtained at short notice;

c) that technical knowledge and experience of great value to the developing countries is also obtainable from or through the International Consultative Committees and the International Frequency Registration Board (IFRB),

resolves

1. that the duties of the Group of Engineers of the Telecommunications Development Bureau shall be:

- 1.1 to work with the specialized secretariats of the International Consultative Committees and the IFRB in providing information and advice on subjects of importance to developing countries for the planning, organization, development and operation of their telecommunication systems;
- 1.2 at administrations' request, to prepare standard technical specifications for the most commonly used equipment;

- 1.3 to give prompt and constructive advice, either by correspondence or by mission, in response to practical questions addressed to it by developing countries, Members of the Union;
- 1.4 to provide an opportunity for expert and high-level consultation for senior personnel from developing countries visiting the seat of the Union;
- 1.5 to participate in seminars and courses organized at the seat of the Union or elsewhere on specialized aspects of telecommunication subjects;

2. that highly qualified experts shall be recruited, as needed, for periods normally not exceeding one month at a time in order to complement the expertise provided by the Group of Engineers;

instructs the Secretary-General

to include in the annual reports to the Administrative Council:

1. the specialities and the type of assistance required from the Group of Engineers by the developing countries, taking into account the rapid changes in technology;
2. his appraisal of the volume and quality of the technical assistance provided and mentioning any difficulties encountered in meeting these requests;

instructs the Administrative Council

1. to consider the Secretary-General's annual reports and to take all necessary measures in order to meet the requests for the services of the Group of Engineers;
2. 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 costs of the services of the short-term experts mentioned in resolves 2;
3. to follow closely the development of the volume and quality as well as the type of technical assistance provided by the Union in application of this Resolution.

## RESOLUTION No. COM6/8

## ITU Regional Presence

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recognizing

- a) the important role the ITU plays in the promotion and development of telecommunications networks and services in all Member countries;
- b) the contribution which the activities of the Union in the area of technical cooperation and assistance make towards the achievement of this objective in developing countries;
- c) the need for close and continuing contacts between the Union and all countries in the various geographical regions and the interactive benefits thereof;
- d) the importance of responding adequately to the growing requirements of individual countries, sub-regions and regions with regard to information, advice and assistance in the realm of telecommunications;
- e) that in carrying out these activities, all the permanent organs would have to play the appropriate role;
- f) that the Union's role as executing agency of the United Nations Development Programme is an essential component in the achievement of these objectives;
- g) that these objectives are already being furthered by Area and Senior Regional Representatives;
- h) that the pace of development of telecommunication services of the developing countries in various regions needs to be accelerated in future years,

considering

- a) that the report of the Administrative Council on the "Changing Nature of ITU Technical Cooperation and Related Field Activities" (Document 33) has highlighted the need, in view of the encouraging results obtained, to strengthen the Union's regional presence and to increase its effectiveness in order to enhance the assistance to developing countries for the expansion and improvement of their networks and services through better use of the Union's standards and regulations and other related actions;
- b) the need for the Union to comply with United Nations guidelines concerning the regional presence of specialized agencies of the United Nations,

resolves

that a stronger presence of the Union is required in the regions to increase its efficiency and enhance the assistance to Member countries and especially the developing ones;



instructs the Secretary-General

1. to carry out the necessary studies with the aim of strengthening the ITU regional presence in the light of various other relevant decisions of this Conference for implementing this Resolution;
2. to submit a report including recommendations to the Administrative Council as early as possible;

instructs the Administrative Council

1. to consider the report of the Secretary-General;
2. to consult as necessary Member administrations;
3. to decide on further appropriate steps to give effect to the recommendations accepted or modified by it, with due regard to the Union's budgetary situation and taking into account the United Nations guidelines concerning the regional presence of specialized agencies;
4. to evaluate the efficiency of the regional presence as part of its annual review of the Union's activities;
5. to submit a report to the next Plenipotentiary Conference on the results achieved and difficulties encountered.

## RESOLUTION No. COM6/9

**Regional [and World]\* Telecommunication Development Conferences**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recalling

that one of the purposes of the Union is to coordinate efforts to harmonize the development of telecommunication facilities with a view to full advantage being taken of their possibilities,

considering

a) the need for balanced growth and global compatibility in the development of telecommunication facilities and services;

b) the need for periodic review of the progress in development of telecommunications at national and regional levels for the purpose of exchanging views and experience and for comparing the strategies for their future growth;

c) the need for evolution of new ideas for enhancing the integration and effectiveness of telecommunication networks;

d) the need for the involvement of, and coordination with, various interested regional and international agencies in achieving satisfactory development of this sector,

considering also

that all Members recognize the need to cooperate for the purpose of harmonizing the growth of regional and world-wide telecommunication networks so as to serve the best interests of mankind,

recognizing

the central role of improved telecommunications as an engine for socio-economic development,

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\* [To be reviewed after consideration of Article 11A.]

having taken note of

the recommendations in the report "The Missing Link" for review by the developing countries of national development plans with a view to assigning a sufficiently high priority to investments in telecommunications, and the emphasis which the report places on regional cooperation and concerted endeavours for collective actions designed to achieve a progressively self-reliant development of telecommunications,

resolves

that the International Telecommunication Union shall convene regional [and world-wide] telecommunication development conferences at appropriate intervals to foster international cooperation in harmonizing and furthering the development of telecommunication facilities and services;

instructs the Secretary-General

to prepare detailed proposals, in consultation with the Members and interested agencies, for convening one development conference in each region [and one on a world-wide basis,] in the interval between two Plenipotentiary Conferences and to make preparations for convening them;

instructs the Administrative Council

1. to establish the agenda for these conferences and to make funds available under the ordinary budget for their implementation;

2. to review the results achieved and to take all necessary steps to ensure the implementation of the recommendations emerging from these conferences;

requests Members

to afford every cooperation and assistance to the Secretary-General in the holding and conducting of these conferences.

## RESOLUTION No. COM6/10

**Standards for Human Resources Management/Development (HRM/HRD)**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

having examined

the question of the development of human resources for telecommunications and the training of telecommunication staff on the basis of the information provided in the relevant sections of the Report of the Administrative Council (Document 47) and the report on "The Changing Nature of ITU Technical Cooperation and Related Field Activities" (Document 33),

expresses its satisfaction

with the results so far achieved in the realization of the objectives set out in Resolution No. 29 of the Plenipotentiary Conference (Nairobi, 1982),

notes with appreciation

the support extended to the Union in the implementation of the above Resolution by its Members and by the United Nations Development Programme,

considering

that the rapid and effective introduction of new technologies into telecommunication systems requires:

- a) compatible equipment at both ends and at transit offices;
- b) equivalent technical/management training and appropriate linguistic fluency of technical and operational personnel,

considering also the importance of

- a) further improving the quality of training of telecommunication personnel;
- b) further improving the quality of human resources management in telecommunication organizations;

c) establishing and disseminating HRM/HRD standards for the different categories of personnel involved in the construction, operation and maintenance of telecommunication equipment and systems;

d) the efficient coordination of training activities and course development on management and development of telecommunication personnel at the national, regional and interregional levels,

convinced

of the importance of the development of human resources for telecommunications and of the need for technical and management training to enable developing countries to accelerate the introduction and application of appropriate technology,

instructs the Secretary-General

for the purpose of attaining the objectives listed under the considerations:

1. to continue to develop training standards, and to develop standards in other domains of human resources management, in particular:
  - 1.1 by participating in research relating to HRM/HRD (including training) conducted by United Nations specialized agencies and by other organizations;
  - 1.2 by investigating the possibilities of utilizing modern training methodologies and new telecommunication technologies, especially in solving the HRM/HRD problems of developing countries;
  - 1.3 by holding meetings of working groups on HRM/HRD standards;
  - 1.4 by updating and improving all the guides and manuals prepared up to the present to improve training activities, and by developing new manuals and guides for the remainder of the activities involved in HRM/HRD, taking into account the experience gained through the application of the existing documents;
2. to promote task-oriented training, to advise administrations, on request, on the most suitable methods for human resources management (including training) and to assist them in applying the methods recommended;

3. to contribute further to the training of staff responsible for management of human resources in telecommunications (managers of different human resources activities, instructors, course developers, etc.) and to instruct ITU human resources experts in the use of current ITU human resources standards;

4. to assist in the interregional coordination of HRM/HRD activities, in particular:

4.1 by cooperating with regional telecommunication organizations and with associated organizations for human resources management and training;

4.2 by promoting the creation of regional or subregional resource or training centres and the use in these centres of the methods and standards for HRM/HRD recommended by the ITU;

4.3 by facilitating the interchange of information and experience on HRM/HRD (including management of training);

5. to continue developing and maintaining an international system for sharing of resources pertaining to HRM/HRD (including training materials and equipment) and other relevant information, in order to facilitate cooperation between countries;

6. to continue to facilitate, within the framework of technical cooperation activities, the exchange of human resources managers, instructors, trainees and training material between administrations;

7. to maintain up-to-date information on the results achieved by the sharing system;

8. to propose to the Administrative Council the organizational and staffing arrangements needed to attain the objectives specified in this Resolution;

instructs the Administrative Council

1. to consider the recommendations submitted to it by the Secretary-General with a view to providing adequate means and credits to attain the objectives specified in this Resolution;

2. to review at its annual sessions the arrangements and their development and progress, and to take the necessary steps to ensure the attainment of the objectives of this Resolution;

invites Members of the Union

to participate and assist to the greatest possible extent in the implementation of this Resolution.

## RESOLUTION No. COM6/11

**Special Voluntary Programme for Technical Cooperation**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recognizing

a) the fundamental role of telecommunications in the achievement of balanced economic and social development;

b) the interest of all Members in the expansion of world-wide networks based on well-developed national telecommunication networks,

and in particular

c) the need to bring a telephone within easy reach of all mankind by the early part of the next century and hence;

d) the requirement for specific technical assistance in many countries in order to improve the capacity and efficiency of their telecommunication equipment and networks, and thereby narrow the large gap between the developing and developed countries,

considering

that the needs of the developing countries for technical cooperation and assistance to improve their national networks cannot be fully satisfied by the funds allocated in the ordinary budget of the Union to this purpose nor by the allocation of funds from the United Nations Development Programme to telecommunications projects executed by the ITU,

considering also

that the Union can play a very useful catalytic role in identifying development projects and bringing them to the attention of bilateral and multilateral programme managers with a view to a better matching of resources to needs,

resolves

to maintain and strengthen the Special Voluntary Programme for Technical Cooperation based on financial contributions, expert services, or in any other form to meet as many of the telecommunication requests of developing countries as possible;

urges Member countries, their recognized private operating agencies, scientific or industrial organizations and other entities and organizations

to support the Special Voluntary Programme by making available the required resources in whatever form may be convenient to meet the telecommunications needs of the developing countries more effectively;

instructs the Secretary-General

1. to ascertain the specific types of technical cooperation and assistance required by developing countries and suited to this Special Voluntary Programme;
2. actively to seek wide support for the programme and regularly to publish the results for the information of all the Members of the Union;
3. within existing resources, to provide the necessary administrative and operational structure for the functioning of the Programme;
4. to ensure proper integration of the programme with other technical cooperation and assistance activities;
5. to submit to the Administrative Council an annual report on the development and management of the Programme;

instructs the Administrative Council

to review the results achieved by the programme and take all steps necessary to promote its continued success.



## RESOLUTION No. COM6/12

**Special Measures for the Least Developed Countries**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

the United Nations General Assembly Resolution 36/194 of 17 December 1981, which adopted the "Substantial New Programme of Action for the 1980s for the Least Developed Countries" established by the United Nations Conference on the Least Developed Countries (Paris, September 1981) and the section of the Report of the Administrative Council (Document 47) which deals with the action taken in application of Resolution No. 27 of the Plenipotentiary Conference (Nairobi, 1982),

recognizing

the importance of telecommunications for the development of the countries concerned,

instructs the Secretary-General

1. to continue to review the state of telecommunication services in the least developed countries identified by the United Nations and needing special measures for telecommunication development;
2. to report his findings to the Administrative Council;
3. to propose concrete measures intended to bring about genuine improvements and provide effective assistance to these least developed countries from the Special Voluntary Programme for Technical Cooperation, the Union's own resources and other sources;
4. to report annually on the matter to the Administrative Council;

instructs the Administrative Council

1. to consider the above-mentioned reports and take appropriate action so that the Union may continue to display its active interest and cooperation in the development of telecommunication services in these countries;
2. to make appropriations for the purpose from the Special Voluntary Programme for Technical Cooperation, the Union's own resources and other sources;
3. to keep the situation under constant review and to report on the matter to the next Plenipotentiary Conference.

## RESOLUTION No. COM6/13

## ITU Training Fellowship Programme

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recognizing

that a similar level of technical competence throughout the world is important for successful global communications,

considering

a) the importance, for technical cooperation activities, of providing highly applicable programmes to recipients of ITU Fellowships;

b) the difficulties encountered in ensuring such applicability,

having noted that

a) fellowship requirements delineated in nomination forms may vary from country to country for similar fields of training;

b) the cost of specialized programmes is frequently high and, consequently, prohibitive to recipient countries having limited UNDP funds;

c) candidates sometimes have insufficient knowledge of an appropriate language to derive maximum benefit from a training programme,

wishes to express

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

urges donor/host countries

1. to make every effort to identify sources of training for ITU Fellows in their administrations, industry and training institutions, by giving the widest possible publicity to information concerning the needs of recipient countries;

2. to make every effort to provide programmes that address the needs of recipient countries and to keep the Secretary-General apprised of programmes that are available to meet these needs;

3. to continue to offer, at no cost or as little cost as possible to the Union, the most applicable training to fellowship holders;

urges the recipient countries

1. to ensure that candidates have a working knowledge of the language in which the programme will be conducted, it being understood that in some cases special arrangements could be made with the donor/host country;

2. to endeavour to provide fellowship nominations well in advance of the time when the training is due to begin;

3. to ensure that candidates are briefed on the duration and content of their fellowship programmes as conveyed by the host country to the ITU;

4. to ensure that candidates have familiarized themselves with the "Administrative Guide for ITU Fellows";

5. to employ the fellow upon return in the most appropriate manner so as to derive the maximum benefit from the training received;

instructs the Secretary-General

1. to pay the greatest possible attention to consolidating similar needs when submitting requests for fellowship programmes to host countries;

2. to continue to develop and publish information describing a set of standardized training requirements at appropriate skill levels that will meet the typical needs of developing countries;

3. to establish and keep up to date a data base of fellowship opportunities that are available in host countries in the year to come; this information will be available to Members on request;

4. to submit requests for fellowship programmes to host countries as far as possible well in advance of the time frame required for the programme;

invites the Administrative Council

to follow with great attention the question of providing the most applicable training to ITU Fellows in the most cost-effective manner.

## RESOLUTION No. COM6/14

**Seminars**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

recognizing

a) that for the staff of Member administrations, particularly in the developing countries, seminars are a valuable means of acquiring knowledge of the latest developments in telecommunication techniques and of comparing experience;

b) that this ITU activity should be continued and expanded,

having noted

the section of the Report of the Administrative Council (Document 47) which deals with the action taken in application of Resolution No. 28 of the Plenipotentiary Conference (Nairobi, 1982),

thanks

administrations which have already organized or which intend to organize seminars and which provide at their own expense qualified lecturers or discussion leaders for this purpose;

urges administrations

to continue and intensify their efforts in this direction in coordination with the Secretary-General;

instructs the Secretary-General

1. to coordinate the efforts of the Members of the Union which plan to organize seminars with a view to avoiding duplication and overlapping, paying particular attention to the languages used;
2. to ascertain and provide information on the subjects which should be dealt with by seminars;
3. to promote or to organize seminars within the limits of available funds;
4. constantly to improve the effectiveness of these seminars in the light of experience;
5. to make inter alia the following arrangements:
  - 5.1 publish the preliminary and final documents of seminars and forward them in good time to the administrations and participants concerned by the most appropriate means;
  - 5.2 take appropriate action following these seminars;

6. to submit an annual report to the Administrative Council and to make proposals to it with a view to ensuring the effective attainment of the objectives referred to above, bearing in mind the opinions expressed by the Conference and the available credits;

requests the Administrative Council

to take account of the proposals of the Secretary-General and to ensure that appropriate credits are included in the annual budgets of the Union to permit the accomplishment of the tasks envisaged in this Resolution.

## RESOLUTION NO. COM6/16

**Apportionment of Revenues in Providing  
International Telecommunication Services**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

- a) the importance of telecommunications for the social and economic development of all countries;
- b) that the International Telecommunication Union has an important role to play in promoting the universal development of telecommunications;
- c) that the Independent Commission for World-Wide Telecommunications Development, in its report "The Missing Link", recommended, inter alia, that States Members of the ITU should consider setting aside a small portion of revenues from calls between developing and industrialized countries to be devoted to telecommunications in developing countries;
- d) that CCITT Recommendation D.150, which provides for the apportionment of accounting revenues from international traffic between terminal countries, in principle on a 50/50 basis, was amended at the VIIIth CCITT Plenary Assembly, as confirmed at the IXth Plenary Assembly, to provide for sharing in a different proportion in some cases where there are differences in the costs of providing and operating telecommunication services;
- e) that the ITU, to assist administrations and as a follow-up to the Recommendation in "The Missing Link", carried out a study of the costs of providing and operating telecommunications services between developing and industrialized countries;
- f) that, in accordance with instructions contained in Resolution No. PL/3 of the World Administrative Telephone and Telegraph Conference (Melbourne, 1988), the Secretary-General has taken action to continue the said study;
- g) that, as indicated in the Secretary-General's report (Document 106), the study is progressing in accordance with the conclusions reached at a meeting of administrations specially convened by him to facilitate an exchange of views on the matter;
- h) that the study is programmed for completion before the middle of 1990,

resolves

that, should this study lead to the application in particular cases of accounting rates other than on a 50/50 basis, the developing countries concerned should be able to use the resulting additional revenues for the improvement of their telecommunications, including, if necessary, and so far as possible, assistance to the Centre for Telecommunications Development;

invites administrations

1. to extend full cooperation to the Secretary-General in carrying out and completing this study;
2. to consider, in the light of the findings of the study, taking such action as may be deemed appropriate and, if necessary, to request the Secretary-General for any assistance in this regard;

instructs the Secretary-General

1. to circulate the report on the study, on completion, to all Member administrations;
2. to extend any further assistance to administrations, if so requested.

## RESOLUTION No. COM8/1

**Use of the United Nations Telecommunication  
Network for the Telecommunication  
Traffic of the Specialized Agencies**

The Plenipotentiary Conference of the International Telecommunications Union (Nice, 1989),

considering

a) the Agreement between the United Nations and the International Telecommunication Union (Atlantic City, 1947), in particular Article 16 thereof;

b) Resolution No. 39 of the Plenipotentiary Conference (Nairobi, 1982), based on the Secretary-General of the United Nations having, as of 1 January 1954, withdrawn the offer he had formerly made to the specialized agencies to carry their traffic over the United Nations network, and Resolution No. 35 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973);

c) the Report by the Administrative Council to the Plenipotentiary Conference on the updating of Resolution No. 39 of the Plenipotentiary Conference (Nairobi, 1982) (section 2.2.3 of the annex to Document 47),

noting

a) that in 1985 the Joint Inspection Unit prepared a report on "The changing use of computers in organizations of the United Nations system in Geneva: Management Issues";

b) that, as from 12 May 1989, the Secretary-General of the United Nations has requested that the International Telecommunication Union take such action as would allow the use of the United Nations telecommunication network by the specialized agencies,

resolves

that the United Nations telecommunication network may carry the traffic of the specialized agencies which participate voluntarily on condition that:

1. the specialized agencies pay for the telecommunications service on the basis of the cost of operation of the service by the United Nations and tariffs established by administrations within the framework of the current basic instrument, Administrative Regulations and practices of the Union;

2. the use of the network is restricted to the principal organs of the United Nations, the United Nations offices and programmes, and the specialized agencies of the United Nations;



3. the transmissions are limited to information exchanges concerned with the conduct of the business of the United Nations system;

4. the network is operated in conformity with the current basic instrument, Administrative Regulations and practices of the Union;

instructs the Secretary-General

to follow carefully the evolution of the United Nations telecommunication network, to continue cooperation with the United Nations Telecommunication Service and to provide guidance as appropriate;

further instructs the Secretary-General

to transmit the text of this Resolution to the Secretary-General of the United Nations.

## RESOLUTION No. COM8/2

**Procedure for Defining a Region for the Purpose of Convening a  
Regional Administrative Conference**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

**recognizing**

- a) that certain provisions of the Constitution and the Convention of the International Telecommunication Union (Nice, 1989) relate to the convening of a regional administrative conference (in particular No. 50 of the Constitution and Nos. 16 to 21, and No. 167 of the Convention);
- b) that some regions and areas are defined in the Radio Regulations;
- c) that a Plenipotentiary Conference and a World Administrative Conference have the competence to define a region for a regional administrative conference;
- d) that, whereas a regional administrative conference may be convened on a proposal by the Administrative Council, the Administrative Council has not been explicitly authorized to take a decision on the definition of a region,

**considering**

- a) that it may be necessary to define a region for the purpose of convening a regional administrative conference;
- b) that the Administrative Council provides the most appropriate means of defining a region, when such action is necessary in the interval between competent World Administrative Conferences or Plenipotentiary Conferences,

**resolves**

1. that, if and when it becomes necessary to define a region for the purpose of convening a regional administrative conference, the Administrative Council shall propose a definition of the region;
2. that all Members of the proposed region shall be consulted on that proposal and all Members of the Union shall be informed of the proposal;
3. that the region shall be deemed to have been defined when two thirds of the Members of the proposed region have responded in the affirmative within a time period determined by the Administrative Council;
4. that the composition of the region shall be communicated to all Members;

invites the Administrative Council

1. to take note of this Resolution and to take any appropriate action;
2. to consider combining, where appropriate, the consultation of Members on the definition of the region with the consultation on convening a regional administrative conference.

INTERNATIONAL TELECOMMUNICATION UNION

**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 487-E

27 June 1989

B.18

PLENARY MEETINGEIGHTEENTH SERIES OF TEXTS SUBMITTED BY THE  
EDITORIAL COMMITTEE TO THE PLENARY MEETINGThe following texts are submitted to the Plenary Meeting for first reading:

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.7	462	<u>Constitution</u> : Article 10
	467	Article 11
	462	<u>Convention</u> : Article 5
COM.3	DT/79	Resolution No. COM3/1

M. THUE  
Chairman of Committee 10Annex: 6 pages

Constitution  
B.18/1

## ARTICLE 10

- NOC                      International Frequency Registration Board
- MOD              73              1.      The International Frequency Registration Board (IFRB) shall consist of five independent members, elected by the Plenipotentiary Conference. These members shall be elected from the candidates proposed by Members of the Union in such a way as to ensure equitable distribution amongst the regions of the world. Each Member may propose only one candidate who shall be one of its nationals.
- MOD              74              2.      The members of the International Frequency Registration Board shall take up their duties on the dates determined at the time of their election and shall remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election once only.
- NOC              75              3.      If in the interval between two Plenipotentiary Conferences which elect members of the Board, an elected member of the Board resigns or abandons his duties or dies, the Chairman of the Board shall request the Secretary-General to invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next annual session of the Administrative Council. However, if the vacancy occurs more than 90 days before the annual session of the Administrative Council or after the annual session of the Administrative Council preceding the next Plenipotentiary Conference, the Member of the Union concerned shall designate, as soon as possible and within 90 days, another national as a replacement who will remain in office until the new member elected by the Administrative Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate; in both cases, the travel expenses incurred by the replacement member shall be borne by his Administration. The replacement shall be eligible for election by the Administrative Council or by the Plenipotentiary Conference, as appropriate.
- MOD              76              4.      The members of the International Frequency Registration Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust.

Constitution  
B.18/2

- NOC 77 5. The essential duties of the International Frequency Registration Board shall be:
- NOC 78 a) to effect an orderly recording and registration of frequency assignments made by the different Members in accordance with the procedure provided for in the Radio Regulations and in accordance with any decision which may be taken by competent conferences of the Union, with a view to ensuring formal international recognition thereof;
- MOD 79 b) to effect, in the same conditions and for the same purpose, an orderly recording of the frequencies and the associated orbital positions assigned by Members to geostationary satellites;
- MOD 80 c) to furnish advice to Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur, and with a view to the equitable, effective and economical use of the geostationary-satellite orbit, taking into account the needs of Members requiring assistance, the specific needs of developing countries, as well as the special geographical situation of particular countries; [the Board shall also provide Members of the Union with information contained in the IFRB data bases in machine-readable form;]
- NOC 81 d) to perform any additional duties, concerned with the assignment and utilization of frequencies and with the equitable utilization of the geostationary-satellite orbit, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference of the Union, or by the Administrative Council with the consent of a majority of the Members of the Union, in preparation for or in pursuance of the decisions of such a conference;
- MOD 82 e) to provide technical assistance in making preparations for radio conferences in consultation, as appropriate, with the other permanent organs of the Union, and with due regard for the directives of the Administrative Council in carrying out these preparations; the Board shall also provide assistance to the developing countries in their preparations for these conferences;
- NOC 83 f) to maintain such essential records as may be related to the performance of its duties.

Constitution  
B.18/3

## ARTICLE 11

- NOC                                    **International Consultative Committees**
- NOC            84            1.        (1) The duties of the International Radio Consultative Committee (CCIR) shall be to study technical and operating questions relating specifically to radiocommunication without limit of frequency range, and to issue recommendations on them; these studies shall not generally address economic questions but where they involve comparing technical alternatives, economic factors may be taken into consideration.
- MOD            85            (2) The duties of the International Telegraph and Telephone Consultative Committee (CCITT) shall be [to take part in fulfilling the purposes of the Union, referred to in Article 4, and in particular] to study and issue recommendations [and standards\*] on technical, operating and tariff questions relating to telecommunication services [for global application to all Member administrations], [other than technical or operating questions relating specifically to radiocommunication which, according to No. 84 of this Constitution, come within the purview of the CCIR]/[taking due account of the world-wide dynamic progress in science and technology in the field of telecommunications; technical or operating questions relating specifically to radiocommunication according to No. 84 come within the purview of the CCIR].
- MOD            86            (3) In the performance of its studies, ~~each~~ International Consultative Committee shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunications in developing countries in both the regional and international fields. ~~Each~~ International Consultative Committee shall conduct its work with due consideration for the work of national and regional standardization bodies keeping in mind the need for the ITU to maintain its pre-eminent position in the field of world-wide standardization for telecommunications.

\* Note - It was noted that the introduction of some of the new texts relating to "standards" in No. 85, may also be applicable to No. 84. The Chairman of the Committee 7 made the suggestion that the phrase "... non-binding standards in form of Recommendations ..." might serve as a basis for consensus.

Constitution  
B.18/4

- ADD [86A (4) The technical, operating [and, where appropriate, tariff] recommendations of each International Consultative Committee shall address those characteristics considered necessary for the efficient and rational use of telecommunications and of the radio-frequency spectrum [and the geostationary-satellite orbit].]
- NOC 87 2. The International Consultative Committees shall have as members:
- NOC 88 a) of right, the administrations of all Members of the Union;
- MOD 89 b) any recognized private operating agency or any scientific or industrial organization which, with the approval of the Member which has recognized it, expresses a desire to participate in the work of these Committees.
- NOC 90 3. Each International Consultative Committee shall work through the medium of:
- NOC 91 a) its Plenary Assembly;
- b) study groups set up by it;
- MOD 93 c) a Director, elected by the Plenipotentiary Conference for the interval between two Plenipotentiary Conferences. He shall be eligible for re-election once only.
- MOD 94 4. If the position of Director becomes unexpectedly vacant, the Administrative Council shall appoint a new Director at its next annual session in accordance with the relevant provisions of Article 3 of the Convention.
- NOC 95 5. There shall be a World Plan Committee, and such Regional Plan Committees as may be jointly approved by the Plenary Assemblies of the International Consultative Committees. These Plan Committees shall develop a General Plan for the international telecommunication network to facilitate coordinated development of international telecommunication services. They shall refer to the International Consultative Committees questions the study of which is of particular interest to developing countries and which are within the terms of reference of those Committees.
- NOC 96 6. The Regional Plan Committees may cooperate closely with regional organizations which express a desire for such cooperation.
- NOC 97 7. The working arrangements of the International Consultative Committees are defined in the Convention.



## ARTICLE 5

- NOC                    **International Frequency Registration Board**
- MOD            110        1.    (1) The members of the International Frequency Registration Board shall be thoroughly qualified by technical training in the field of radio and shall possess practical experience in the assignment and utilization of frequencies.
- NOC            111        (2) Moreover, for the more effective understanding of the problems coming before the Board under the relevant provisions of Article 10 of the Constitution, each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world.
- NOC            112        2.    The election procedure shall be established by the Plenipotentiary Conference as specified in the relevant provisions of Article 10 of the Constitution.
- NOC            113        3.    (1) The working arrangements of the Board are defined in the Radio Regulations.
- NOC            114        (2) The members of the Board shall elect from their own numbers a Chairman and a Vice-Chairman, for a period of one year. Thereafter the Vice-Chairman shall succeed the Chairman each year and a new Vice-Chairman shall be elected.
- NOC            115        (3) The Board shall be assisted by a specialized secretariat.
- NOC            116        4.    No member of the Board shall request or receive instructions relating to the exercise of his duties from any government or a member thereof, or from any public or private organization or person. Furthermore, each Member must respect the international character of the Board and of the duties of its members and shall refrain from any attempt to influence any of them in the exercise of their duties.

## RESOLUTION No. COM3/1

**Approval of the Agreement between the Government of France and the Secretary-General Relating to the Plenipotentiary Conference (Nice, 1989)**

The Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989),

considering

a) that an Agreement concerning the arrangements to be made for organizing and financing the Nice Plenipotentiary Conference was concluded between the Government of France and the Secretary-General, pursuant to Administrative Council Resolution No. 83 (amended);

b) that this Agreement has been considered by the Budget Control Committee of the Conference,

resolves

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

# PLENIPOTENTIARY CONFERENCE

Document 488-E

27 June 1989

NICE, 1989

B.19

PLENARY MEETING

## NINETEENTH SERIES OF TEXTS SUBMITTED BY THE EDITORIAL COMMITTEE TO THE PLENARY MEETING

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

<u>Source</u>	<u>Document</u>	<u>Title</u>
COM.7	475	<u>Constitution</u> : Article 8
		<u>Convention</u> : Article 3

M. THUE  
Chairman of Committee 10

Annex: 7 pages

ARTICLE 8

Administrative Council

- NOC
- MOD 57 1. (1) The Administrative Council shall be composed of forty-three Members of the Union elected by the Plenipotentiary Conference with due regard to the need for equitable distribution of the seats on the Council among all regions of the world. Except in the case of vacancies arising in the circumstances described in the Convention, the Members of the Union elected to the Administrative Council shall hold office until the date on which a new Administrative Council is elected by the Plenipotentiary Conference. They shall be eligible for re-election.
- [58 (In abeyance Committee 7 ad hoc 5.)]
- NOC 59 2. The Administrative Council shall adopt its own Rules of Procedure.
- NOC 60 3. In the interval between Plenipotentiary Conferences, the Administrative Council shall act on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.
- NOC 61 4. (1) The Administrative Council shall take all steps to facilitate the implementation by the Members of the provisions of this Constitution, of the Convention, of the Administrative Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary Conference.
- NOC 62 (2) It shall determine each year the policy of technical assistance, in accordance with the objectives of the Union.

NOC 63 (3) It shall ensure the efficient coordination of the work of the Union and exercise effective financial control over its permanent organs.

NOC 64 (4) It shall promote international cooperation for the provision of technical cooperation to the developing countries by every means at its disposal, especially through the participation of the Union in the appropriate programmes of the United Nations, in accordance with the purposes of the Union, one of which is to promote by all possible means the development of telecommunications.

ARTICLE 3

- NOC Administrative Council
- MOD 31 1. (1) The Administrative Council is composed of Members of the Union elected by the Plenipotentiary Conference.
- NOC 32 (2) If, between two Plenipotentiary Conferences, a seat becomes vacant on the Administrative Council, it shall pass by right to the Member of the Union from the same region as the Member whose seat is vacated, which had obtained at the previous election the largest number of votes among those not elected.
- NOC 33 (3) A seat on the Administrative Council shall be considered vacant:
- NOC 34 a) when a Council Member does not have a representative in attendance at two consecutive annual sessions of the Administrative Council;
- NOC 35 b) when a Member of the Union resigns its membership of the Council.
- NOC 36 2. The person appointed to serve on the Council by a Member of the Administrative Council shall, so far as possible, be an official serving in, or directly responsible to, or for, their telecommunication administration and qualified in the field of telecommunication services.
- NOC 37 3. At the beginning of each annual session, the Administrative Council shall elect its own Chairman and Vice-Chairman from among the representatives of its Members, taking into account the principle of rotation between the regions. They shall serve until the opening of the next annual session and shall not be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.
- NOC 38 4. (1) The Administrative Council shall hold an annual session at the seat of the Union.
- NOC 39 (2) During this session it may decide to hold, exceptionally, an additional session.
- (MOD) 40 (3) Between ordinary sessions, it may be convened, as a general rule at the seat of the Union, by the Chairman at the request of a majority of its Members, or on the initiative of the Chairman under the conditions provided for in No. 67 [267] of this Convention.

- NOC 41 5. The Secretary-General and the Deputy Secretary-General, the Chairman and the Vice-Chairman of the International Frequency Registration Board and the Directors of the International Consultative Committees may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to the representatives of its own Members.
- NOC 42 6. The Secretary-General shall act as Secretary of the Administrative Council.
- NOC 43 7. The Administrative Council shall make decisions only in session. Exceptionally, the Council in session may agree that any specific issue shall be decided by correspondence.
- NOC 44 8. The representative of each Member of the Administrative Council shall have the right to attend, as an observer, all meetings of the permanent organs of the Union mentioned in the relevant provisions of Article 5 of the Constitution.
- NOC 45 9. Only the travelling, subsistence and insurance expenses incurred by the representative of each Member of the Administrative Council in his capacity at Council sessions shall be borne by the Union.
- NOC 46 10. In the discharge of its duties prescribed in the Constitution, the Administrative Council shall in particular:
- NOC 47 a) in the interval between Plenipotentiary Conferences, be responsible for effecting the coordination with all international organizations referred to in Articles 34 and 35 of the Constitution and to this end, shall conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 35 of the Constitution, and with the United Nations in application of the Agreement between the United Nations and the International Telecommunication Union; these provisional agreements shall be submitted to the next Plenipotentiary Conference in accordance with the relevant provision of Article 6 of the Constitution;
- (MOD) 48 b) decide upon the implementation of any decisions relating to future conferences or meetings which have financial implications and which have been taken by administrative conferences or Plenary Assemblies of the International Consultative Committees. In so doing, the Administrative Council shall take into account the provisions of Article 28 of this Convention;
- NOC 49 c) decide on proposals for organizational changes within the permanent organs of the Union which are referred to it by the Secretary-General;
- NOC 50 d) examine and decide on plans concerning Union posts and staff covering several years;

- NOC 51 e) decide on the numbers and grading of the staff of the General Secretariat and of the specialized secretariats of the permanent organs of the Union, taking into account the general directives given by the Plenipotentiary Conference, and, bearing in mind the relevant provisions of Article 13 of the Constitution, approve a list of posts in the professional category and above, which, taking into account the constant advances made in the technology and operation of telecommunications, shall be filled by holders of fixed-term contracts which may be extended, with a view to employing the most competent specialists, whose applications are submitted through Members of the Union; this list shall be proposed by the Secretary-General in consultation with the Coordination Committee and shall be kept under constant review;
- NOC 52 f) draw up such regulations as it may consider necessary for the administrative and financial activities of the Union, and also the administrative regulations to take account of current practice of the United Nations and of the specialized agencies applying the Common System of pay, allowances and pensions;
- NOC 53 g) supervise the administrative functions of the Union and decide on appropriate measures for the rationalization of those functions;
- NOC 54 h) review and approve the annual budget of the Union, and the budget forecast for the following year, taking account of the limits for expenditures set by the Plenipotentiary Conference and ensuring the strictest possible economy but mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible through conferences and the work programmes of the permanent organs; in so doing, the Council shall take into account the views of the Coordination Committee as reported by the Secretary-General regarding the work plans mentioned in No. 102 of this Convention and the results of any cost analyses mentioned in Nos. 101 and 104 of this Convention;
- NOC 55 i) arrange for the annual audit of the accounts of the Union prepared by the Secretary-General and approve them, if appropriate, for submission to the next Plenipotentiary Conference;



- NOC 56 j) adjust as necessary:
- NOC 57 1. the basic salary scales for staff in the professional categories and above, excluding the salaries for posts filled by election, to accord with any changes in the basic salary scales adopted by the United Nations for the corresponding Common System categories;
- NOC 58 2. the basic salary scales for staff in the general services categories to accord with changes in the rates applied by the United Nations and the specialized agencies at the seat of the Union;
- NOC 59 3. the post adjustment for professional categories and above, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union;
- NOC 60 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations Common System;
- NOC 61 5. the contributions payable by the Union and the staff to the United Nations Joint Staff Pension Fund, in accordance with the decisions of the United Nations Joint Staff Pension Board;
- NOC 62 6. the cost-of-living allowances granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of practice in the United Nations;
- NOC 63 k) arrange for the convening of Plenipotentiary and administrative conferences of the Union in accordance with Articles 1 and 2 of this Convention;
- (MOD) 64 l) submit to the Plenipotentiary Conference any recommendations deemed useful;
- NOC 65 m) review and coordinate the work programmes as well as their progress and the working arrangements of the permanent organs of the Union including the meeting schedules and, in particular, take such action as it deems appropriate for reducing the number and duration of conferences and meetings and curtailing expenditure for conferences and meetings;
- NOC 66 n) provide, with the consent of a majority of the Members of the Union in the case of a world administrative conference, or of a majority of the Members of the Union belonging to the region concerned in the case of a regional administrative conference, appropriate directives to the permanent organs of the Union with regard to their technical and other assistance in the preparation for and organization of administrative conferences;

- (MOD) 67 o) subject to the relevant provisions of Article 13 of the Constitution, provide for the filling of any vacancy in the post of Secretary-General or Deputy Secretary-General in the situation described in the relevant provisions of Article 9 of the Constitution, at an ordinary session, if held within 90 days after a vacancy occurs, or at a session convened by the Chairman within the periods specified in those provisions of the Constitution;
- NOC 68 p) provide for the filling of any vacancy in the post of Director of either of the International Consultative Committees at the next ordinary session following the occurrence of such a vacancy. A Director so selected shall serve until the date fixed by the next Plenipotentiary Conference as provided for in the relevant provisions of Article 11 of the Constitution and shall be eligible for election to the post at the next Plenipotentiary Conference;
- NOC 69 q) provide for the filling of vacancies for members of the International Frequency Registration Board in accordance with the procedure in the relevant provisions of Article 10 of the Constitution;
- (MOD) 70 r) perform the other functions prescribed for it in the Constitution and this Convention and, within the framework of these instruments and the Administrative Regulations, any functions deemed necessary for the proper administration of the Union or its permanent organs taken individually;
- NOC 71 s) take the necessary steps, with the agreement of a majority of the Members of the Union, provisionally to resolve questions not covered by the Constitution, this Convention, the Administrative Regulations and their annexes and which cannot await the next competent conference for settlement;
- (MOD) 72 t) submit to the Plenipotentiary Conference a report on the activities of all the organs of the Union since the previous Plenipotentiary Conference;
- NOC 73 u) send to Members of the Union, as soon as possible after each of its sessions, summary records on the activities of the Administrative Council and other documents deemed useful;
- NOC 74 v) take decisions to ensure equitable geographical distribution of the staff of the Union and monitor the implementation of such decisions.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 489(Rev.1)-E

29 June 1989

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PLENARY MEETING

## Note by the Secretary-General

I have the honour to transmit to the Plenary Meeting, in the annex to this document, the new structures of the Constitution and the Convention, as adopted by the twenty-sixth Plenary Meeting, taking into account amendments made during the second reading of texts of the Constitution and the Convention.

R.E. BUTLER  
Secretary-General

Annex: 1

**ANNEX**

**New structures**

**CONSTITUTION**

**PREAMBLE**

**CHAP. I**

**Basic provisions**

Art.4	Purposes of the Union
Art.1	Composition of the Union
Art.2	Rights and obligations of Members
Art.36 and 37	Instruments of the Union
Art.41	Execution of the instruments of the Union
Art.5	Structure of the Union
Art.6	Plenipotentiary Conference
Art.7	Administrative conferences
Art.8	Administrative Council
Art.9	General Secretariat
Art.10	International Frequency Registration Board
Art.11	International Consultative Committees
Art.11A	Telecommunication Development Bureau
Art.12	Coordination Committee
Art.13	Elected officials and staff of the Union
Art.15	Finances of the Union
Art.16	Languages
Art.3	Seat of the Union
Art.17	Legal capacity of the Union
Art.14	Rules of procedure of conferences and other meetings

- CHAP. II**                    **General provisions relating to telecommunications**
- Art.18                    The right of the public to use the international telecommunications service
- Art.19                    Stoppage of telecommunications
- Art.20                    Suspension of services
- Art.21                    Responsibility
- Art.22                    Secrecy of telecommunications
- Art.23                    Establishment, operation and protection of telecommunication channels and installations
- Art.24                    Notification of infringements
- Art.25                    Priority of telecommunications concerning safety of life
- Art.26                    Priority of government telegrams and telephone calls
- Art.27                    Special arrangements
- Art.28                    Regional conferences, arrangements and organizations
- CHAP. III**                    **Special provisions for radio**
- Art.29                    Rational use of the radio-frequency spectrum and the geostationary satellite orbit
- Art.30                    Harmful interference
- Art.31                    Distress calls and messages
- Art.32                    False or deceptive distress, urgency, safety or identification signals
- Art.33                    Installations for national defence services
- CHAP. IV**                    **Relations with the United Nations, international organizations and non-Member States**
- Art.34                    Relations with the United Nations
- Art.35                    Relations with international organizations
- Art.45                    Relations with non-Member States

<b>CHAP.V</b>	<b>Final provisions</b>
<b>Art.38</b>	<b>Ratification, acceptance or approval</b>
<b>Art.39</b>	<b>Accession</b>
<b>Art.40</b>	<b>Administrative Regulations</b>
<b>Art.43</b>	<b>Provisions for amending this Constitution</b>
<b>Art.42</b>	<b>Settlement of disputes</b>
<b>Art.44</b>	<b>Denunciation of the Constitution and the Convention</b>
<b>Art.46</b>	<b>Entry into force and related matters</b>

**Annex 2 Definition of Certain Terms used in this Constitution, the Convention and the Administrative Regulations of the International Telecommunication Union**



- Art.17 Duties of the Plenary Assembly
- Art.18 Meetings of the Plenary Assembly
- Art.19 Right to vote in Plenary Assemblies
- Art.20 Study groups
- Art.21 Conduct of business of Study Groups
- Art.22 Duties of the Director. Specialized Secretariat.
- Art.23 Proposals for Administrative Conferences
- Art.24 Relations of Consultative Committees between themselves and with other international organizations
- CHAP. IV Rules of Procedure**
- Art.25 Rules of procedure of conferences and other meetings
- CHAP. V Other provisions**
- Art.27 Finances
- Art.28 Financial responsibilities of administrative conferences and Plenary Assemblies of the CCIs
- Art.26 Languages
- CHAP. VI Various provisions related to the operation of telecommunication services**
- Art.29 Charges and free services
- Art.30 Rendering and settlement of accounts
- Art.31 Monetary unit
- Art.32 Intercommunication
- Art.33 Secret language
- CHAP. VII Arbitration and amendment**
- Art.34 Arbitration: Procedure
- Art.35 Provisions for amending this Convention
- Annex 1 Definition of Certain Terms used in this Constitution, the Convention and the Administrative Regulations of the International Telecommunication Union**



# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 489-E

28 June 1989

Original: French

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PLENARY MEETING

Note by the Chairman of Committee 9

I have the honour to transmit to the Plenary Meeting, in the annex to this document, the proposed new structures of the draft Constitution and draft Convention, as unanimously adopted by Committee 9.

The Plenary Meeting is invited to approve these new structures for subsequent publication by the Secretary-General.

H.H. SIBLESZ  
Chairman of Committee 9

Annex: 1

ANNEX

Proposed new structures

CONSTITUTION

PREAMBLE

CHAP. I Basic provisions

Art.4 Purposes of the Union

Art.1 Composition of the Union

Art.2 Rights and obligations of Members

Art.36 and 37 Instruments of the Union

Art.41 Execution of the instruments of the Union

Art.5 Structure of the Union

Art.6 Plenipotentiary Conference

Art.7 Administrative conferences

Art.8 Administrative Council

Art.9 General Secretariat

Art.10 International Frequency Registration Board

Art.11 International Consultative Committees

Art.11A Telecommunication Development Bureau

Art.12 Coordination Committee

Art.13 Elected officials and staff of the Union

Art.15 Finances of the Union

Art.16 Languages

Art.3 Seat of the Union

Art.17 Legal capacity of the Union

Art.14 Rules of procedure of conferences and other meetings

- CHAP.II                   General provisions relating to telecommunications
- Art.18                   The right of the public to use the international telecommunications service
- Art.19                   Stoppage of telecommunications
- Art.20                   Suspension of services
- Art.21                   Responsibility
- Art.22                   Secrecy of telecommunications
- Art.23                   Establishment, operation and protection of telecommunication channels and installations
- Art.24                   Notification of infringements
- Art.25                   Priority of telecommunications concerning safety of life
- Art.26                   Priority of government telegrams and telephone calls
- Art.27                   Special arrangements
- Art.28                   Regional conferences, arrangements and organizations
- CHAP.III                  Special provisions for radio
- Art.29                   Rational use of the radio-frequency spectrum and the geostationary satellite orbit
- Art.30                   Harmful interference
- Art.31                   Distress calls and messages
- Art.32                   False or deceptive distress, urgency, safety or identification signals
- Art.33                   Installations for national defence services
- CHAP.IV                  Relations with the United Nations, international organizations and non-Member States
- Art.34                   Relations with the United Nations
- Art.35                   Relations with international organizations
- Art.45                   Relations with non-Members

CHAP.V	Final provisions
Art.38	Ratification
Art.39	Accession
Art.40	Status, validity and approval of Administrative Regulations
Art.43	Provisions for amending this Constitution
Art.42	Settlement of disputes
Art.44	Denunciation of the Constitution and the Convention
Art.46	Entry into force and related matters
Testimonium	

Annex 2 Definitions

CONVENTION

- CHAP. I                    Functioning of the Union
- Art.1                    Plenipotentiary Conference
- Art.2                    Administrative Conferences
- Art.3                    Administrative Council
- Art.4                    General Secretariat
- Art.5                    International Frequency Registration Board
- Art.6                    International Consultative Committees
- Art.7                    Coordination Committee
- CHAP. II                    General provisions regarding conferences
- Art.8                    Invitation and admission to Plenipotentiary Conferences when there is an inviting government
- Art.9                    Invitation and admission to Administrative Conferences when there is an inviting government
- Art.10                    Procedure for convening world administrative conferences at the request of Members of the Union or on a proposal of the Administrative Council
- Art.11                    Procedure for convening regional administrative conferences at the request of Members of the Union or on a proposal of the Administrative Council
- Art.12                    Provisions for conferences meeting when there is no inviting government
- Art.13                    Provisions common to all conferences  
Change in the date or place of a conference
- Art.14                    Time-limits and conditions for submission of proposals and reports to conferences
- Art.15                    Credentials for delegations to conferences
- CHAP. III                    General provisions regarding International Consultative Committees
- Art.16                    Conditions for participation

Art.17	Duties of the Plenary Assembly
Art.18	Meetings of the Plenary Assembly
Art.19	Languages and right to vote in Plenary Assemblies
Art.20	Study groups
Art.21	Conduct of business of Study Groups
Art.22	Duties of the Director. Specialized Secretariat.
Art.23	Proposals for Administrative Conferences
Art.24	Relations of Consultative Committees between themselves and with other international organizations
CHAP.IV	Rules of Procedure
Art.25	Rules of procedure of conferences and other meetings
CHAP.V	Other provisions
Art.27	Finances
Art.28	Financial responsibilities of administrative conferences and Plenary Assemblies of the CCIs
Art.26	Languages
CHAP.VI	Various provisions related to the operation of telecommunication services
Art.29	Charges and free services
Art.30	Rendering and settlement of accounts
Art.31	Monetary unit
Art.32	Intercommunication
CHAP.VII	Amendment and arbitration
Art.33	Secret language
Art.35	Provisions for amending this Convention
Art.34	Arbitration
Annex 1	Definitions

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 490-E

28 June 1989

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## PLENARY MEETING

### Note by the Chairman of Committee 9 concerning transitional provisions

After much discussion, Committee 9 decided to transmit the two alternative texts in the annex to this document to the Plenary Meeting for information.

H.H. SIBLESZ  
Chairman of Committee 9

Annex: 1

A N N E X

ARTICLE 47

Transitional Provisions

First alternative:

If the Administrative Council at its 1991 Meeting considers that an additional Plenipotentiary Conference, prior to the Plenipotentiary Conference to be held normally in 1994, is required to implement, on the basis of proposals from Members, all or part of the recommendations contained in the Final Report to be drawn up by the Group charged with a general and exhaustive study concerning the structure and mode of operation of the permanent organs of the the Union, that Plenipotentiary Conference shall, in derogation of Art. 6 of this Constitution, only consider and adopt, if appropriate, proposals for amendments to Articles (...) of this Constitution and related Articles of the Convention, in accordance with Articles 43 of this Constitution and Article 35 of the Convention respectively.

Second Alternative:

1. If the Administrative Council at its 1991 Meeting considers that an additional Plenipotentiary Conference, prior to the Plenipotentiary Conference to be held normally in 1994, is required to implement, on the basis of proposals from Members, all or part of the recommendations contained in the Final Report to be drawn up by the Group charged with a general and exhaustive study concerning the structure and mode of operation of the permanent organs of the Union, that Plenipotentiary Conference shall, in derogation of Art. 6 of this Constitution, only consider and adopt, if appropriate, proposals for amendments to Articles (...) of this Constitution and related Articles of the Convention, subject to the provisions of paragraph 2 of this Article.

2. At the next Plenipotentiary Conference, any proposals for amendments to Articles (...) of this Constitution and related Articles of the Convention shall, in derogation of Articles 43 of this Constitution and 35 of the Convention respectively, be adopted in conformity with the rules of procedure of conferences and meetings as contained in Article 25 of the Convention.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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28 June 1989

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PLENARY MEETING

Greece

The Delegation of Greece would like Document 429, which was originally intended for Committee 9, to be considered by the Plenary Meeting as soon as possible.

INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 492-E

28 June 1989

Original: English

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COMMITTEE 10

NINTH SERIES OF TEXTS FROM COMMITTEE 7  
TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1



- NOC [342] 138 7. The following shall be admitted to Plenipotentiary Conferences:
- NOC [343] 139 a) delegations;
- NOC [344] 140 b) observers of the United Nations;
- NOC [345] 141 c) observers of regional telecommunication organizations in conformity with No. 133 [337] of this Convention;
- NOC [346] 142 d) observers of the specialized agencies and of the International Atomic Energy Agency in conformity with No. 134 [338] of this Convention.

#### ARTICLE 9 [61]

##### NOC Invitation and Admission to Administrative Conferences When There is an Inviting Government

- NOC [347] 143 1. (1) The provisions of Nos. 130 [334] to 136 [340] of this Convention shall apply to administrative conferences.
- NOC [348] 144 (2) Members of the Union may inform the private operating agencies recognized by them of the invitation they have received.
- NOC [349] 145 2. (1) The inviting government, in agreement with or on a proposal by the Administrative Council, may notify the international organizations which are interested in sending observers to participate in the conference in an advisory capacity.
- NOC [350] 146 (2) The interested international organizations shall send an application for admission to the inviting government within a period of two months from the date of notification.
- NOC [351] 147 (3) The inviting government shall assemble the requests and the conference itself shall decide whether the organizations concerned are to be admitted.
- NOC [352] 148 3. The following shall be admitted to administrative conferences:
- NOC [353] 149 a) delegations;
- NOC [354] 150 b) observers of the United Nations;
- NOC [355] 151 c) observers of regional telecommunication organizations mentioned in Article 28 [32] of the Constitution;
- NOC [356] 152 d) observers of the specialized agencies and of the International Atomic Agency in conformity with No. 134 [338] of this Convention;

- NOC [357] 153 e) observers of international organizations admitted in accordance with Nos 145 [349] to 147 [351] of this Convention;
- NOC [358] 154 f) representatives of recognized private operating agencies, duly authorized by the Member to which they belong;
- NOC [359] 155 g) permanent organs of the Union in an advisory capacity when the conference is discussing matters coming within their competence. If necessary, the conference may invite an organ which has not considered it necessary to be represented;
- NOC [360] 156 h) observers for Members of the Union participating in a non-voting capacity in a regional administrative conference of a region other than that to which the said Members belong.

**ARTICLE 10 [62]**

**NOC Procedure for Convening World Administrative Conferences at the Request of Members of the Union or on a Proposal of the Administrative Council**

- NOC [361] 157 1. Any Member of the Union wishing to have a world administrative conference convened shall so inform the Secretary-General, indicating the proposed agenda, place and date of the conference.
- NOC [362] 158 2. On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform all Members thereof by the most appropriate means of telecommunication, asking them to indicate, within six weeks, whether or not they agree to the proposal.
- NOC [363] 159 3. If a majority of the Members, determined in accordance with No. 29 [229] of this Convention, agree to the proposal as a whole, that is to say, if they accept the agenda, date and place of the proposed meeting, the Secretary-General shall so inform the Members by the most appropriate means of telecommunication.
- NOC [364] 160 4. (1) If the proposal accepted is for a conference elsewhere than at the seat of the Union, the Secretary-General shall ask the government of the Member concerned whether it agrees to act as inviting government.
- NOC [365] 161 (2) If the answer is in the affirmative, the Secretary-General, with the assent of the government concerned, shall take the necessary steps to convene the conference.
- NOC [366] 162 (3) If the answer is in the negative, the Secretary-General shall request the Members desiring the conference to make alternative suggestions for the place of the conference.

- NOC [367] 163 5. Where the proposal accepted is for a conference at the seat of the Union, the provisions of Article 12 [64] of this Convention shall apply.
- NOC [368] 164 6. (1) If the proposal as a whole (agenda, date and place) is not accepted by a majority of the Members, determined in accordance with No. 29 [229] of this Convention, the Secretary-General shall inform the Members of the Union of the replies received, requesting them to give a final reply on the point or points under dispute within six weeks of receipt.
- NOC [369] 165 (2) Such points shall be regarded as adopted when they have been approved by a majority of the Members, determined in accordance with No. 29 [229] of this Convention.
- NOC [370] 166 7. The procedure indicated above shall also be applicable when the proposal to convene a world administrative conference is initiated by the Administrative Council.
-

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 493-E

28 June 1989

Original: English

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## COMMITTEE 10

### TENTH SERIES OF TEXTS FROM COMMITTEE 7 TO THE EDITORIAL COMMITTEE

Committee 7 has adopted the attached texts, which it submits to the Editorial Committee for consideration and for transmission in due course to the Plenary Meeting.

A. VARGAS ARAYA  
Chairman of Committee 7

Annex: 1

ANNEX  
CONVENTION  
ARTICLE 24

242 - 244 forwarded in Document 422 (Second series of texts of Committee 7)

MOD 245 3. The Secretary-General, the Deputy Secretary-General, the ~~{Chairman}~~/~~{Director}~~<sup>53</sup> of the International Frequency ~~{Registration}~~/~~{and Orbital Space Regulatory}~~<sup>54</sup> Board, ~~and~~ the Director of the other Consultative Committee and the Director of the Telecommunications Development Bureau, or their representatives, may attend meetings of a Consultative Committee in an advisory capacity. If necessary, a Consultative Committee may invite to attend its meetings, in an advisory capacity, representatives of any permanent organ of the Union which has not considered it necessary to be represented.

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INTERNATIONAL TELECOMMUNICATION UNION  
**PLENIPOTENTIARY  
CONFERENCE**  
NICE, 1989

Document 494(Rev.1)-E  
30 June 1989  
Original: English

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PLENARY MEETING

REPORT OF THE CHAIRMAN OF COMMITTEE 7  
(STRUCTURE OF THE UNION)  
TO THE PLENARY MEETING

A brief overall report of the Chairman of Committee 7 (Structure of the Union) is herewith submitted to the Plenary Meeting for consideration.

A. VARGAS-ARAYA  
Chairman of Committee 7

Annexes: 6

1. General organization of work

Within the framework of its terms of reference specified in Document 118, Committee 7 has carried out its work and held a total of 27 meetings. The meetings were held as shown in Annexes 2 and 3.

The Chairman was effectively assisted by Mr. Y. Otaki as Vice-Chairman and Mr. A.M. Rutkowski as Secretary.

The Committee established two Drafting Groups and three Working Groups to assist the Committee in producing appropriate texts for review and consideration by the participants in the meetings of the Committee. The ad hoc Groups constituted are as follows :

- a) 7 ad hoc 1 was chaired by Mr. K. Hoffman and was responsible for producing provisions relating to the working methods of the International Consultative Committees;
- b) 7 ad hoc 2 was chaired by Mr. H. Venhaus and was responsible for producing the text of a Resolution setting forth the terms of reference for the review of the structures and functioning of the ITU;
- c) 7 ad hoc 3 was chaired by Mr. S. Roestam and was responsible for producing provisions relating to the non-structural aspects of the IFRB;
- d) 7 ad hoc 4 was chaired by Mr. Sergio Regueros and was responsible for producing text for provisions setting forth objectives and functions of the permanent organ for development;
- e) 7 ad hoc 5 was chaired by Mr. F. Molina Negro and was responsible for producing text for provisions relating to the Plenipotentiary and Administrative Conferences, General Secretariat, and Coordinating Committee.

2. Documents

There were 88 documents containing nearly 500 proposals that were put before Committee 7 for examination and consideration. The list of documents and proposals dealt with is given in Annex 4.

3. Major activities of the Committee

The Committee started out with a general debate on the structure and functioning of the Union and mapped out a certain number of options for the various organs (see Annexes 5 and 6). These debates led to initiating an in-depth study of the structure and functioning of the Union which has been agreed upon under Resolution No. COM7/1.

Another significant activity of the Committee was a series of debates that resulted in the creation of a new permanent organ to be known as the "Telecommunications Development Bureau", which was placed in the Constitution/Convention of the Union at the same level and status as the other organs.

A third significant achievement is the proposal of the Committee to increase the number of councillors from 41 to 43, adding one each to Regions D and E.

With regard to elected officials, the Committee agreed to add one more elected Director for the TDB. It also established that all elected officials would be eligible for re-election by the Plenipotentiary Conference once only.

The Committee endorsed the CCITT Plenary Assembly recommendation to introduce an accelerated method of work. It also gave indication as regards the working methods of the CCIR.

Considering the fact that there was a unanimous agreement to review the structure and functioning of the Union by a high-level Committee, the highlights of the adopted terms of reference are given below:

- this Committee shall be composed, with due regard to equitable geographical representation, of twenty-one Members which shall designate representatives enjoying the highest reputation in international telecommunications and having broad ITU experience;
- this Committee should call on the services of outside consultants selected by the Administrative Council within the limits of the budget agreed for this purpose;
- options for the structure of the Union and its permanent organs shall be analysed ;
- study the internal management of the permanent organs;
- interaction between the permanent organs shall be studied;
- functioning of the organs of the Union other than the permanent organs in order to improve efficiency and management shall be examined;
- at an extraordinary Administrative Council session to be held in November 1989, it will establish the Committee on the basis of a proposal of the Secretary-General and define precise procedures for the tasks required including general guidelines to the Committee on its activities;
- the Administrative Council will ensure that the final report is circulated to Members of the Union together with its comments at least one year before a Plenipotentiary Conference is to decide on the recommendations;
- recommendations of the Committee which fall within the Council's sphere of competence will be implemented and others transmitted to the Heads of the permanent organs for action on any recommendations for which they are competent;
- the Administrative Council will decide at its session in 1991, if considered necessary, to provide for an additional Plenipotentiary Conference, as early as possible, to implement all or part of the recommendation of the study.

**STRUCTURE (ORGANIZATION) OF THE UNION COMMITTEES  
HISTORICAL SUMMARY FOR PLENIPOTENTIARY CONFERENCES, 1947-1989**

Venue:	<b>Atlantic City</b>	<b>Buenos Aires</b>	<b>Geneva</b>	<b>Montreux</b>	<b>Malaga-Torremolinos</b>	<b>Nairobi</b>	<b>Nice</b>
Began:	<b>1-Jul-1947</b>	<b>3-Oct-1952</b>	<b>14-Oct-1959</b>	<b>14-Sep-1965</b>	<b>14-Sep-1973</b>	<b>28-Sep-1982</b>	<b>23-May-1989</b>
Ended:	<b>2-Oct-1947</b>	<b>15-Dec-1952</b>	<b>21-Dec-1959</b>	<b>12-Nov-1965</b>	<b>26-Oct-1973</b>	<b>6-Nov-1982</b>	<b>29-Jun-1989</b>
Days:	<b>94</b>	<b>74</b>	<b>69</b>	<b>60</b>	<b>43</b>	<b>40</b>	<b>38</b>

Structures:	<b>Committee C</b>	<b>[None]</b>	<b>Committee D</b>	<b>Committee 4</b>	<b>Committee 7</b>	<b>Committee 7</b>	<b>Committee 7</b>
Chair:	<b>A. Fortoushenko</b>		<b>F. Nicotera</b>	<b>C. J. Griffiths</b>	<b>E. Sawkins</b>	<b>A. C. Ituassu</b>	<b>A. Vargas Araya</b>
Member:	<b>URS</b>		<b>I</b>	<b>AUS</b>	<b>AUS</b>	<b>B</b>	<b>CTI</b>
Sessions:	<b>34</b>		<b>22</b>	<b>28</b>	<b>21</b>	<b>22</b>	<b>27</b>
Began:	<b>3-Jul-1947</b>		<b>15-Oct-1959</b>	<b>16-Sep-1965</b>	<b>19-Sep-1973</b>	<b>4-Oct-1982</b>	<b>30-May-1989</b>
Ended:	<b>26-Sep-1947</b>		<b>4-Dec-1959</b>	<b>3-Nov-1965</b>	<b>19-Oct-1973</b>	<b>1-Nov-1982</b>	<b>26-Jun-1989</b>
Days:	<b>85</b>		<b>50</b>	<b>48</b>	<b>30</b>	<b>28</b>	<b>27</b>
Proposals							
Processed:	<b>N/A</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>314</b>	<b>495</b>

ANNEX 1

ANNEX 2

**Summary Records of Committee 7**

Conf Day	Day of Week	Date	Length	Meeting	Doc. No.	Rev
8	Tuesday	30-May-89	1	1	169	
9	Wednesday	31-May-89	1	2	182	Cor.1
10	Thursday	1-Jun-89	1	3	191	Rev.1
11	Friday	2-Jun-89	1	4	196	
12	Saturday	3-Jun-89	2	5	204	
14	Monday	5-Jun-89	1	6	206	Rev.1
14	Monday	5-Jun-89	1	7	214	Cor.1
15	Tuesday	6-Jun-89	1	8	215	Rev.1
16	Wednesday	7-Jun-89	2	9	227	Rev.2
17	Thursday	8-Jun-89	1	10	241	Cor.1
18	Friday	9-Jun-89	1	11	252	Rev.1
19	Saturday	10-Jun-89	2	12	269	Rev.1
21	Monday	12-Jun-89	1	13	270	
22	Tuesday	13-Jun-89	2	14	285	
23	Wednesday	14-Jun-89	1	15	292	Cor.1
23	Wednesday	14-Jun-89	1	16	307	
24	Thursday	15-Jun-89	1	17	308	Cor.1
25	Friday	16-Jun-89	2	18	318	Rev.1
26	Saturday	17-Jun-89	1	19	329	
28	Monday	19-Jun-89	1	20	341	
29	Tuesday	20-Jun-89	1	21	351	
30	Wednesday	21-Jun-89	1	22	396	
31	Thursday	22-Jun-89	1	23	397	Cor.1
32	Friday	23-Jun-89	1	24	433	
33	Saturday	24-Jun-89	1	25	434	
33	Saturday	24-Jun-89	1	26	435	
34	Sunday	25-Jun-89	4	27	436	
35	Monday	26-Jun-89				

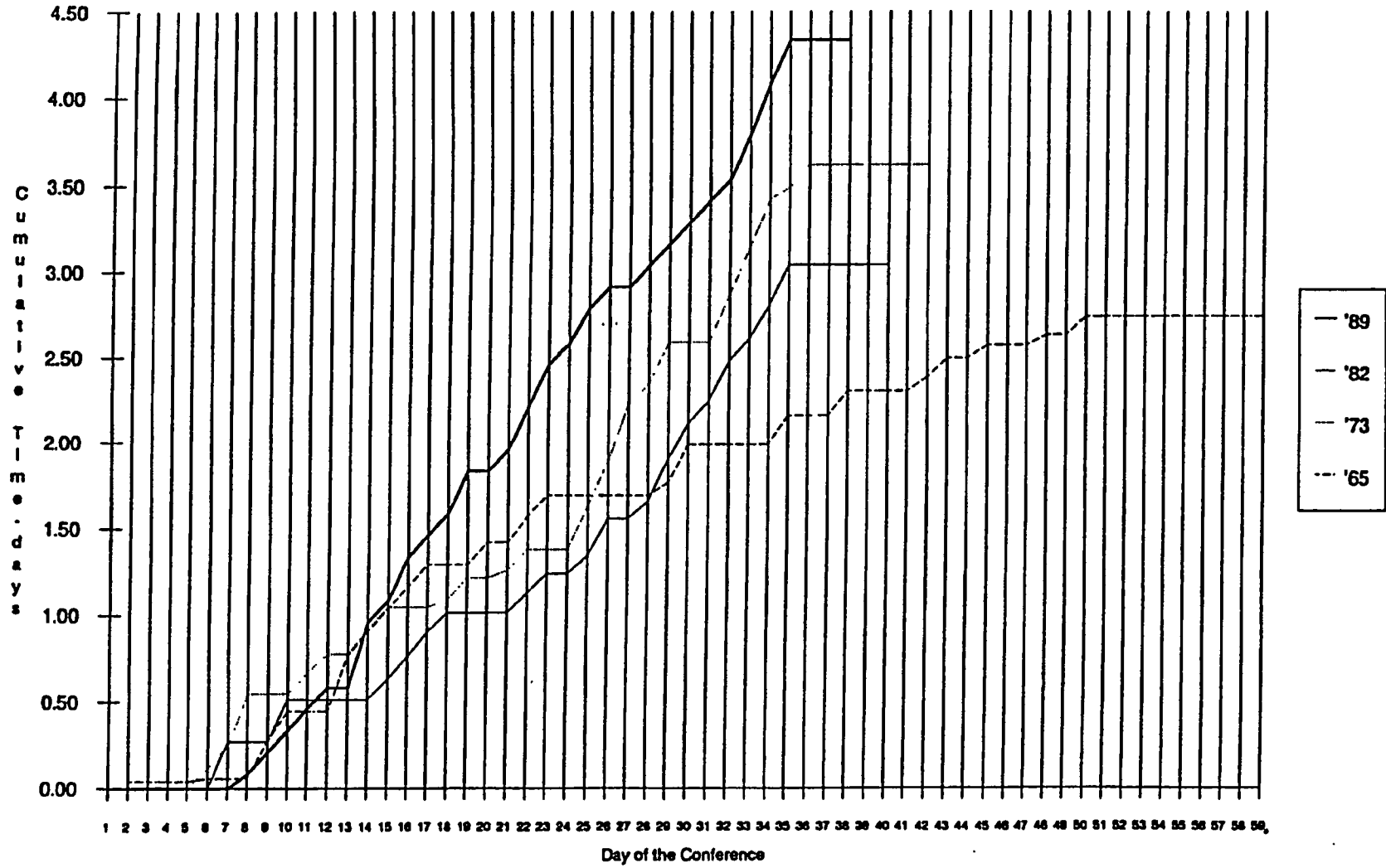
**Text Series Transmitted by Committee 7**

1st					421	
2nd					422	
3rd					437	
4th					444	
5th					445	
6th					462	
7th					467	
8th					475	
9th					492	
10th					493	

**Text Series Transmitted by Working Group 7 AdHoc 5**

1st					497	
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### Committee 7 (Structures) Historical Profile of Work



ANNEX 4

Documents et propositions attribués et préparés par la commission 7 (Structure)

Documents & proposals allocated to and prepared by committee 7 (Structures)

Documentos y propuestas atribuidas y preparados por la comisión 7 (Estructuras)

proposition-proposal-propuesta			objet-subject-objeto	disposition-provision-disposición					
DDR	6	1	CCis	CS	11	85	MOD	DT/5	DT/16
DDR	6	3	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
DDR	6	4	IFRB	CS	10	73	MOD	DT/5	DT/17
DDR	6	17	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
DDR	6	18	IFRB	CV	5	110	MOD	DT/5	DT/17
DDR	6	26	Futures conférences	Res			ADD	DT/5	
THA	7	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
THA	7	2	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
TCH	8	1	Conseil Admin	CS	8	57	NOC	DT/5	DT/18
TCH	8	2	IFRB	CS	10	73	NOC	DT/5	DT/17
TCH	9	1	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
TCH	9	2	IFRB	CV	5	110	MOD	DT/5	DT/17
KWT	11	4	Structure-CCis	CS	5	33 A	ADD	DT/5	DT/14
KWT	11	5	Plenipot	CS	6	48 A	ADD	DT/5	DT/19
KWT	11	6	Conseil Admin	CS	8	58	MOD	DT/5	DT/18
KWT	11	7	Secrétariat général	CS	9	65	MOD	DT/5	DT/15
KWT	11	8	Secrétariat général	CS	9	67	MOD	DT/5	DT/15
KWT	11	9	Secrétariat général	CS	9	68	MOD	DT/5	DT/15
KWT	11	10	Secrétariat général	CS	9	69	MOD	DT/5	DT/15
KWT	11	11	Secrétariat général	CS	9	70	MOD	DT/5	DT/15
KWT	11	12	Secrétariat général	CS	9	71	SUP	DT/5	DT/15
KWT	11	13	Secrétariat général	CS	9	72	MOD	DT/5	DT/15
KWT	11	14	CCis	CS	11	*	ADD	DT/5	DT/16
KWT	11	15	Comité de coordination	CS	12	98	MOD	DT/5	DT/15
KWT	11	23	Conseil Admin	CV	3	35 A	ADD	DT/5	DT/18
KWT	11	24	Conseil Admin	CV	3	41	MOD	DT/5	DT/18
KWT	11	25	Conseil Admin	CV	3	44	MOD	DT/5	DT/18
KWT	11	26	Conseil Admin	CV	3	68	MOD	DT/5	DT/18
KWT	11	27	Secrétariat général	CV	4	109	MOD	DT/5	DT/15
URS	16	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
URS	16	2	IFRB	CS	10	73	MOD	DT/5	DT/17
URS	16	3	sysinfo, IFRB	CS	10	80	MOD	DT/5	DT/17
SLM	17	10	Structure-CTD	CS	5	33 A	ADD	DT/5	DT/14
SLM	17	11	Plenipot	CS	6	38	(MOD)	DT/5	DT/19
SLM	17	12	Plenipot	CS	6	40	MOD	DT/5	DT/19
SLM	17	13	Conf Admin	CS	7	54	(MOD)	DT/5	DT/20
SLM	17	14	Conf Admin	CS	7	55	(MOD)	DT/5	DT/20
SLM	17	15	Conseil Admin	CS	8	57	NOC	DT/5	DT/18
SLM	17	16	Conseil Admin	CS	8	64	MOD	276	
SLM	17	17	Secrétariat général	CS	9	68	MOD	DT/5	DT/15
SLM	17	18	IFRB	CS	10	75	MOD	DT/5	DT/17
SLM	17	19	CCis	CS	11	97	MOD	DT/5	DT/16
SLM	17	35	Conseil Admin	CS	8	57	Info	DT/5	DT/18
CHL	19 R1	2	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
CHL	19 R1	3	Conseil Admin	CV	3	31 A	ADD	DT/5	DT/18
CHL	19 R1	4	Conseil Admin	CV	3	31 B	ADD	DT/5	DT/18
CHL	19 R1	6	Conseil Admin	CV	3	31 D	ADD	DT/5	DT/18
CHL	19 R1	1	Conseil Admin	CV	3	57	ADD	DT/5	DT/18
CHL	19 R1	7	Conseil Admin	CV	3	31 E	ADD	DT/5	DT/18
CHL	19 R1	8	Conseil Admin	CV	3	31 F	ADD	DT/5	DT/18
CHL	19 R1	9	Conseil Admin	CV	3	31 G	ADD	DT/5	DT/18
CHL	19 R1	10	Conseil Admin	CV	3	32	MOD	DT/5	DT/18
BUL	20	1	Structure	CS	5	33 bis	ADD	DT/5	DT/14
BUL	20	2	CCis	CS	11	97	SUP	DT/5	DT/16
BUL	20	8	Conf Admin	CV	2	30	MOD	DT/5	DT/20
BUL	20	9	Conseil Admin	CV	3	52	MOD	DT/5	DT/18
BUL	20	10	CCis-assemblée plénière	CV	17	202	MOD	DT/5	DT/16
HNG	22	3	Conseil Admin	CS	8	57	MOD	DT/5	DT/18

PP-89/494(Rev.1)-F/E/S

HNG	22	4	IFRB	CS	10	73	MOD	DT/5	DT/17
HNG	22	5	IFRB	CS	10	74	MOD	DT/5	DT/17
HNG	22	6	CCIs	CS	11	94	MOD	DT/5	DT/16
HNG	22	18	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
HNG	22	19	IFRB	CV	5	110	MOD	DT/5	DT/17
SG	25		.sysinfo-échange d'information	CV	4			DT/5	DT/15
SG	26		.sysinfo-IFRB, accès à distance	CV	4			DT/5	DT/15
SG	27		.sysinfo-IFRB, accès à distance	CV	4			DT/5	DT/15
SG	28		.sysinfo-dept Ordinateur	CV	4			DT/5	DT/15
SG	36		CCIs-CCITT	Gen				DT/5	DT/16
SG	42		.sysinfo-statistiques	Res				DT/5	DT/15
CHL	43	4	Plenipot	CS	6	34	MOD	DT/5	DT/19
CHL	43	5	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
CHL	43	6	Secrétariat général	CS	9	67	MOD	DT/5	DT/15
CHL	43	7	IFRB	CS	10	74	MOD	DT/5	DT/17
CHL	43	8	CCIs	CS	11	96	MOD	DT/5	DT/16
SG	46		CCIs-CCITT Lab	Gen				DT/5	DT/16
SG	47		Rapport à la Plenipot	Gen				DT/5	DT/14
ASEA	51	1	IFRB	CS	10	73	SUP	DT/5	DT/17
ASEA	51	2	IFRB	CS	10	73	ADD	DT/5	DT/17
ASEA	51	3	IFRB	CS	10	74	SUP	DT/5	DT/17
ASEA	51	4	IFRB	CS	10	74	ADD	DT/5	DT/17
ASEA	51	5	IFRB	CS	10	74 A	ADD	DT/5	DT/17
ASEA	51	6	IFRB	CS	10	74 B	ADD	DT/5	DT/17
ASEA	51	7	IFRB	CS	10	75	SUP	DT/5	DT/17
ASEA	51	8	IFRB	CS	10	75	ADD	DT/5	DT/17
ASEA	51	9	IFRB	CS	10	75 A	ADD	DT/5	DT/17
ASEA	51	10	IFRB	CS	10	76	SUP	DT/5	DT/17
ASEA	51	11	IFRB	CS	10	76	ADD	DT/5	DT/17
ASEA	51	12	IFRB	CV	5	110	MOD	DT/5	DT/17
ASEA	51	13	IFRB	CV	5	110 A	ADD	DT/5	DT/17
ASEA	51	14	IFRB	CV	5	111	MOD	DT/5	DT/17
ASEA	51	15	IFRB	CV	5	112	MOD	DT/5	DT/17
ASEA	51	16	IFRB	CV	5	113	SUP	DT/5	DT/17
ASEA	51	17	IFRB	CV	5	114	MOD	DT/5	DT/17
ASEA	51	18	IFRB	CV	5	115	MOD	DT/5	DT/17
ASEA	51	19	IFRB	CV	5	116	MOD	DT/5	DT/17
ASEA	51	20	IFRB	CV	5	116 A	ADD	DT/5	DT/17
ASEA	51	21	IFRB	CV	5	116 B	ADD	DT/5	DT/17
ASEA	51	22	Plenipot	CS	6	43	MOD	DT/5	DT/19
ASEA	51	23	Plenipot	CS	6	44	MOD	DT/5	DT/19
ASEA	51	26	Conseil Admin	CV	3	41	MOD	DT/5	DT/18
ASEA	51	27	Conseil Admin	CV	3	68	MOD	DT/5	DT/18
ASEA	51	28	Conseil Admin	CV	3	69	MOD	DT/5	DT/18
INS	53	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
INS	55	1	Structure-CCIs	CS	5			DT/5	DT/14
INS	55	2	CCIs	CV	6	multi		DT/5	DT/16
INS	55	3	CCIs	CV	6	multi		DT/5	DT/16
TZA	56	4	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
TZA	56	5	Conseil Admin	CS	8	59	SUP	DT/5	DT/18
TZA	56	6	IFRB	CS	10	73	MOD	DT/5	DT/17
TZA	56	7	.Langues	CS	16	133	MOD	DT/5	
TZA	56	23	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
TZA	56	24	Conseil Admin	CV	3	40 A	ADD	DT/5	DT/18
TZA	56	25	IFRB	CV	5	110	MOD	DT/5	DT/17
TZA	56	26	Conf-dispositions générales	CV	8	135	MOD	DT/5	DT/20
ALG	57	3	IFRB	CS	10	73	NOC	DT/5	DT/17
ALG	57	4	IFRB	CS	10	74	MOD	DT/5	DT/17
ALG	57	7	CCIs	CS	11	93	MOD	DT/5	DT/16
ALG	57	8	CCIs	CS	11	94	MOD	DT/5	DT/16
ALG	57	9	Conseil Admin	CV	3	68	MOD	DT/5	DT/18
ALG	57	10	IFRB	CV	5	115	NOC	DT/5	DT/17
B	58	13	Plenipot	CS	6	34	MOD	DT/5	DT/19
B	58	14	Plenipot	CS	6	34 A	ADD	DT/5	DT/19



B	58	15	Plenipot	CS	6	34 B	ADD	DT/5	DT/19
B	58	16	Plenipot	CS	6	34 C	ADD	DT/5	DT/19
B	58	17	Plenipot	CS	6	34 D	ADD	DT/5	DT/19
B	58	18	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
B	58	19	Secrétariat général	CS	9	68	MOD	DT/5	DT/15
B	58	20	Secrétariat général	CS	9	72 A	ADD	DT/5	DT/15
B	58	21	IFRB	CS	10	73	ADD	DT/5	DT/17
B	58	22	IFRB	CS	10	74	ADD	DT/5	DT/17
B	58	23	CCIs	CS	11	94	MOD	DT/5	DT/16
B	59	1	Conf Admin	CV	2	8	MOD	DT/5	DT/20
B	59	2	Conf Admin	CV	2	9	MOD	DT/5	DT/20
B	59	3	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
B	59	4	Conseil Admin	CV	3	72	MOD	DT/5	DT/18
B	59	5	IFRB	CV	5	110	MOD	DT/5	DT/17
B	59	6	IFRB	CV	5	116 (MOD)	MOD	DT/5	DT/17
ARS	60	5	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
ARS	60	6	IFRB	CS	10	73	MOD	DT/5	DT/17
ARS	60	7	IFRB	CS	10	74	MOD	DT/5	DT/17
ARS	60	8	CCIs	CS	11	85	MOD	DT/5	DT/16
ARS	61	1	CCIs-standards	Res			ADD	DT/5	DT/16
TUR	65	4	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
TUR	65	5	IFRB	CS	10	73	MOD	DT/5	DT/17
TUR	65	6	IFRB	CS	10	75	MOD	DT/5	DT/17
TUR	65	22	IFRB	CV	5	110	MOD	DT/5	DT/17
ETH	66	1	Structure-DEV	CS	5	33 A	MOD	DT/5	DT/14
ETH	66	2	Bureau (BPDTI)	CS	11 A		ADD	DT/5	DT/15
ETH	66	3	Bureau (BPDTI)	CS	11 A	97 A	ADD	DT/5	DT/15
ETH	66	4	CCIs	CS	11	97 B	ADD	DT/5	DT/16
ETH	67	1	Structure-Confer	CS	5	27	MOD	DT/5	DT/14
ETH	67	2	Conf Admin	CS	7	Title	MOD	DT/5	DT/20
ETH	67	3	Conf Admin	CS	7	48	MOD	DT/5	DT/20
ETH	67	4	Conf Admin	CS	7	50 A	ADD	DT/5	DT/20
ETH	67	5	Conf Admin	CS	7	50 B	ADD	DT/5	DT/20
ETH	67	6	Conf Admin	CS	7	56 A	ADD	DT/5	DT/20
ETH	67	7	Conf Admin	CS	7	56 B	ADD	DT/5	DT/20
ETH	67	8	Conf Admin	CS	7	56 C	ADD	DT/5	DT/20
ETH	68	1	Structure-IR Dir	CS	5	31	MOD	DT/5	DT/14
ETH	68	2	Plenipot	CS	6	43	MOD	DT/5	DT/19
ETH	68	3	IFRB	CS	10	Title	MOD	DT/5	DT/17
ETH	68	4	IFRB	CS	10	72 A	ADD	DT/5	DT/17
ETH	68	5	IFRB	CS	10	73	MOD	DT/5	DT/17
ETH	68	6	IFRB	CS	10	74	MOD	DT/5	DT/17
ETH	68	7	IFRB	CS	10	75	MOD	DT/5	DT/17
ETH	68	8	IFRB	CS	10	75 A	ADD	DT/5	DT/17
ETH	68	9	IFRB	CS	10	76	MOD	DT/5	DT/17
ETH	68	10	IFRB	CS	10	77	MOD	DT/5	DT/17
ETH	68	11	IFRB	CS	10	80 (MOD)	MOD	DT/5	DT/17
ETH	68	12	IFRB	CS	10	81 (MOD)	MOD	DT/5	DT/17
ETH	68	13	IFRB	CS	10	82 (MOD)	MOD	DT/5	DT/17
ETH	68	14	IFRB	CS	10	81	ADD	DT/5	DT/17
ETH	68	15	IFRB	CS	10	78 (MOD)	MOD	DT/5	DT/17
ETH	68	16	IFRB	CS	10	79 (MOD)	MOD	DT/5	DT/17
ETH	68	17	IFRB	CS	10	83	MOD	DT/5	DT/17
ETH	68	21	Conf Admin	CV	2	9	MOD	DT/5	DT/20
ETH	68	22	Conseil Admin	CV	3	41	MOD	DT/5	DT/18
ETH	68	23	Conseil Admin	CV	3	68	MOD	DT/5	DT/18
ETH	68	24	Conseil Admin	CV	3	69	MOD	DT/5	DT/18
ETH	68	25	Secrétariat général	CV	4	82	MOD	DT/5	DT/15
ETH	68	26	Secrétariat général	CV	4	83	MOD	DT/5	DT/15
ETH	68	27	Secrétariat général	CV	4	90	MOD	DT/5	DT/15
ETH	68	28	Secrétariat général	CV	4	99	MOD	DT/5	DT/15
ETH	68	29	IFRB	CV	5	Title	MOD	DT/5	DT/17
ETH	68	30	IFRB	CV	5	110	ADD	DT/5	DT/17
ETH	68	31	IFRB	CV	5	110	MOD1	DT/5	DT/17

ETH	68	32	IFRB	CV	5	115	MOD	DT/5	DT/17
ETH	68	33	CCIs-relations avec les autres OI	CV	24	245	MOD	DT/5	DT/16
AUS	69	1	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
AUS	69	2	CCIs-méthodes de travail	Gen				DT/5	DT/16
AUS	69	3	CCIs-méthodes de travail	CV	21	226 A	ADD	DT/5	DT/16
AUS	69	4	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
AUS	69	5	CCIs-CA rap à la proch Plenipot	Rec				DT/5	DT/16
AUS	69	6	CCIs-structure	Res			ADD	DT/5	DT/16
AUS	69	7	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
AUS	69	8	CCIs-CA rap à la proch Plenipot	Res			ADD	DT/5	DT/16
AUS	69	9	IFRB	Res			ADD	DT/5	DT/17
AUS	69	13	Conf-dispositions générales	CV				DT/5	DT/20
E	71	1	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
E	71	2	CCIs-méthodes de travail	CV	21	225 A	ADD	DT/5	DT/16
E	71	3	CCIs-méthodes de travail	CV	21	225 B	ADD	DT/5	DT/16
E	71	4	CCIs-méthodes de travail	CV	21	226 B	ADD	DT/5	DT/16
CAN	72	5	Conf Admin	CV	2	9	MOD	DT/5	DT/20
CAN	72	6	Conseil Admin	CS	8	60	MOD	DT/5	DT/18
CAN	72	7	IFRB	CS	10	73	MOD	DT/5	DT/17
CAN	72	8	IFRB	CS	10	74	MOD	DT/5	DT/17
CAN	72	9	IFRB	CS	10	76	MOD	DT/5	DT/17
CAN	72	10	IFRB	CS	10	82	MOD	DT/5	DT/17
CAN	72	11	IFRB	CV	5	110	MOD	DT/5	DT/17
CAN	72	12	IFRB	CV	5	115	MOD	DT/5	DT/17
CAN	72	13	IFRB	CV	5	116 A	ADD	DT/5	DT/17
CAN	72	14	IFRB	CV	5	116 B	ADD	DT/5	DT/17
CAN	72	15	IFRB	CV	5	116 C	ADD	DT/5	DT/17
CAN	72	16	IFRB	CV	5	116 D	ADD	DT/5	DT/17
CAN	72	17	IFRB	CV	5	116 E	ADD	DT/5	DT/17
CAN	72	18	IFRB	CV	5	116 F	ADD	DT/5	DT/17
CAN	72	19	IFRB	CV	5	116 G	ADD	DT/5	DT/17
CAN	72	20	IFRB	CV	5	116 H	ADD	DT/5	DT/17
CAN	72	21	IFRB	CV	5	116 I	ADD	DT/5	DT/17
CAN	72	22	IFRB	CV	5	116 J	ADD	DT/5	DT/17
CAN	72	23	IFRB	CV	5	116 K	ADD	DT/5	DT/17
CAN	72	24	IFRB	CV	5	116 L	ADD	DT/5	DT/17
CAN	72	25	IFRB	CV	5	116 M	ADD	DT/5	DT/17
CAN	72	26	IFRB	CV	5	116 N	ADD	DT/5	DT/17
CAN	72	27	IFRB	Res			ADD	DT/5	DT/17
CAN	72	28	.sysinfo-FMS	Res			ADD	DT/5	DT/17
CAN	72	29	Comité de coordination	CS	12	99	MOD	DT/5	DT/15
CAN	72	30	Comité de coordination	CV	7	129	MOD	DT/5	DT/15
CAN	72	31	CCIs	CS	11	94	MOD	DT/5	DT/16
CAN	72	32	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
CAN	72	33	CCIs-méthodes de travail	CV	21	227	MOD	DT/5	DT/16
CAN	72	36	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
NIG	74	2	Plenipot	CS	6	38	MOD	DT/5	DT/19
NIG	74	3	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
NIG	74	4	IFRB	CS	10	73	MOD	DT/5	DT/17
NIG	74	5	IFRB	CS	10	74	MOD	DT/5	DT/17
NIG	74	6	CCIs	CS	11	94	MOD	DT/5	DT/16
NIG	74	19	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
CHN	78	2	IFRB	CS	10	73	MOD	DT/5	DT/17
CHN	78	3	IFRB	CS	10	74	MOD	DT/5	DT/17
CHN	78	4	CCIs	CS	11	94	MOD	DT/5	DT/17
CHN	79	1	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
CHN	79	2	IFRB	CV	5	110	MOD	DT/5	DT/17
CHN	79	3	CCIs-CCITT Lab	CV	6	121	SUP	DT/5	DT/16
CHN	79	4	CCIs-méthodes de travail	CV	21	223	MOD	DT/5	DT/16
CHN	79	5	CCIs-dir	CV	22	231	MOD	DT/5	DT/16
ETH	80	2 a	Structure-CCIs	CS	5		MOD	DT/5	DT/14
ETH	80	2 b	Structure-IR Dir	CS	5			DT/5	DT/14
ETH	81	1	Structure-IR Dir	CS	5	31	MOD	DT/5	DT/14

ETH	81	2	Structure-CCIs	CS	5	32	SUP	DT/5	DT/14
ETH	81	3	Structure-CCIs	CS	5	33	SUP	DT/5	DT/14
ETH	81	4	Structure-CCIs	CS	5	32 A	ADD	DT/5	DT/14
ETH	81	5	Structure-CCIs	CS	5	33 A	ADD	DT/5	DT/14
ETH	81	6	Plenipot	CS	6	44	MOD	DT/5	DT/19
ETH	81	7	CCIs-CCIT	CS	11	Titla	MOD	DT/5	DT/16
ETH	81	8	CCIs	CS	11	84	SUP	DT/5	DT/16
ETH	81	9	CCIs	CS	11	85	SUP	DT/5	DT/16
ETH	81	10	CCIs	CS	11	85 A	ADD	DT/5	DT/16
ETH	81	11	CCIs	CS	11	86	MOD	DT/5	DT/16
ETH	81	12	CCIs	CS	11	87	MOD	DT/5	DT/16
ETH	81	13	CCIs	CS	11	90	MOD	DT/5	DT/16
ETH	81	14	CCIs	CS	11	95	SUP	DT/5	DT/16
ETH	81	15	CCIs	CS	11	96	SUP	DT/5	DT/16
ETH	81	16	CCIs	CS	11	97	MOD	DT/5	DT/16
ETH	81	17	Comité de coordination	CS	12	98	MOD	DT/5	DT/15
G	82	2	IFRB	CS	10	73	(MOD)	DT/5	DT/17
G	82	3	IFRB	CS	10	76	MOD	DT/5	DT/17
G	82	7	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
G	82	8	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
G	82	9	CCIs-commission	Res			ADD	DT/5	DT/16
G	82	16	.sysinfo-IFRB FMS	Res			ADD	DT/5	DT/15
F	83	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
F	83	2	IFRB	CS	10	73	MOD	DT/5	DT/17
F	83	13	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
F	83	14	IFRB	CV	5	110	MOD	DT/5	DT/17
KEN	86 R1	3	Plenipot	CS	6	34	MOD	DT/5	DT/19
KEN	86 R1	4	Plenipot	CS	6	40	MOD	DT/5	DT/19
KEN	86 R1	5	IFRB	CS	10	79	MOD	DT/5	DT/17
KEN	86 R1	6	Comité de coordination	CS	12	98	SUP	DT/5	DT/15
KEN	86 R1	10	Plenipot	CV	1	6 A	ADD	DT/5	DT/19
KEN	86 R1	11	Conseil Admin	CV	3	40	MOD	DT/5	DT/18
KEN	86 R1	19	Structure-réorganisation UIT	CS	5	multi		DT/5	DT/14
KEN	86 R1	20	IFRB	Gen				DT/5	DT/17
KEN	86 R1	21	.sysinfo-IFRB FMS	Gen				DT/5	DT/15
KEN	86 R1	22	.sysinfo-IFRB, accès à distance	Gen				DT/5	DT/15
KEN	86 R1	23	.Futures conférences	Gen				DT/5	
SG	90		Changing Envir,TZA/FNL	Gen				DT/5	DT/14
SEN	93	1	IFRB	CS	10	multi		DT/5	DT/17
SEN	93	2	.sysinfo-IFRB FMS	Res			ADD	DT/5	DT/15
SEN	93	3	IFRB	CS	10	multi		DT/5	DT/17
SEN	94	2	Secrétariat général	Gen				220	220
SEN	94	5	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
SEN	94	6	Comité de coordination	CS	12	100 A	ADD	DT/5	DT/15
PRG	95	17	Structure	CS	5	25	MOD	DT/5	DT/14
PRG	95	18	Structure	CS	5	26	MOD	DT/5	DT/14
PRG	95	19	Structure-Confier	CS	5	27	NOC	DT/5	DT/14
PRG	95	19	Structure-CA	CS	5	28	NOC	DT/5	DT/14
PRG	95	20	Structure-organes permanents:	CS	5	29	NOC	DT/5	DT/14
PRG	95	21	Structure-SG	CS	5	30	NOC	DT/5	DT/14
PRG	95	22	Plenipot	CS	6	34	NOC	DT/5	DT/19
PRG	95	23	Plenipot	CS	6	35	NOC	DT/5	DT/19
PRG	95	24	Plenipot	CS	6	37	MOD	DT/5	DT/19
PRG	95	25	Plenipot	CS	6	40	NOC	DT/5	DT/19
PRG	95	26	Plenipot	CS	6	41	NOC	DT/5	DT/19
PRG	95	27	Plenipot	CS	6	45	NOC	DT/5	DT/19
PRG	95	27	Plenipot	CS	6	46	NOC	DT/5	DT/19
PRG	95	27	Plenipot	CS	6	47	NOC	DT/5	DT/19
PRG	95	28	Conf Admin	CS	7	Titla	NOC	DT/5	DT/20
PRG	95	29	Conf Admin	CS	7	48	NOC	DT/5	DT/20
PRG	95	29	Conf Admin	CS	7	49	NOC	DT/5	DT/20
PRG	95	29	Conf Admin	CS	7	50	NOC	DT/5	DT/20
PRG	95	30	Conf Admin	CS	7	52	NOC	DT/5	DT/20
PRG	95	30	Conf Admin	CS	7	53	NOC	DT/5	DT/20

PRG	95	30	Conf Admin	CS	7	54	NOC	DT/5	DT/20
PRG	95	31	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
PRG	95	32	Conseil Admin	CS	8	58	NOC	DT/5	DT/18
PRG	95	32	Conseil Admin	CS	8	59	NOC	DT/5	DT/18
PRG	95	33	Conseil Admin	CS	8	62	NOC	DT/5	DT/18
PRG	95	33	Conseil Admin	CS	8	63	NOC	DT/5	DT/18
PRG	95	34	Secrétariat général	CS	9	Title	NOC	DT/5	DT/15
PRG	95	35	Comité de coordination	CS	12	Title	NOC	DT/5	DT/15
PRG	95	90	Plenipot	CV	1	1	(MOD)	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	2	NOC	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	3	NOC	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	4	NOC	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	5	NOC	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	6	NOC	DT/5	DT/19
PRG	95	92	Conf Admin	CV	2	Title	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	7	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	8	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	9	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	10	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	11	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	12	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	13	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	14	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	15	NOC	DT/5	DT/20
PRG	95	94	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	32	NOC	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	33	NOC	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	34	NOC	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	35	NOC	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	36	NOC	DT/5	DT/18
PRG	95	96	Conseil Admin	CV	3	42	NOC	DT/5	DT/18
PRG	95	96	Conseil Admin	CV	3	43	NOC	DT/5	DT/18
PRG	95	97	Conseil Admin	CV	3	45	NOC	DT/5	DT/18
PRG	95	98	Conseil Admin	CV	3	46	MOD	DT/5	DT/18
PRG	95	99	Conseil Admin	CV	3	47	MOD	DT/5	DT/18
PRG	95	100	Conseil Admin	CV	3	53	NOC	DT/5	DT/18
PRG	95	100	Conseil Admin	CV	3	54	NOC	DT/5	DT/18
PRG	95	101	Conseil Admin	CV	3	65	NOC	DT/5	DT/18
PRG	95	102	Conseil Admin	CV	3	66	NOC	DT/5	DT/18
PRG	95	103	Conseil Admin	CV	3	72	NOC	DT/5	DT/18
PRG	95	104	Conseil Admin	CV	3	74	NOC	DT/5	DT/18
PRG	95	105	Secrétariat général	CV	4	75	NOC	DT/5	DT/15
PRG	95	105	Secrétariat général	CV	4	76	NOC	DT/5	DT/15
USA	96	4	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
USA	96	5	IFRB	CS	10	74	NOC	DT/5	DT/17
USA	96	6	IFRB	CS	10	75	NOC	DT/5	DT/17
USA	96	7	IFRB	CS	10	78	MOD	DT/5	DT/17
USA	96	8	CCIs	CS	11	89	MOD	DT/5	DT/16
USA	96	9	CCIs	CS	11	94	MOD	DT/5	DT/16
USA	96	10	CCIs	CS	11	94 A	ADD	DT/5	DT/16
USA	96	12	Conf Admin	CV	2	9	MOD	DT/5	DT/20
USA	96	13	Conf Admin	CV	2	26	MOD	DT/5	DT/20
USA	96	14	Conf Admin	CV	2	30	MOD	DT/5	DT/20
USA	96	15	Comité de coordination	CV	7	129	MOD	DT/5	DT/15
USA	96	20	CCIs-Participation	CV	16	193	MOD	DT/5	DT/16
USA	96	21	CCIs-Participation	CV	16	197	SUP	DT/5	DT/16
USA	96	22	CCIs-Participation	CV	16	198	SUP	DT/5	DT/16
USA	96	23	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
USA	96	24	CCIs-commissions d'études	CV	20	218	MOD	DT/5	DT/16
USA	96	25	CCIs-commissions d'études	CV	20	219	SUP	DT/5	DT/16
USA	96	26	CCIs-méthodes de travail	CV	21	227	MOD	DT/5	DT/16
USA	96	27	CCIs-propositions aux conf adm	CV	23	240 A	ADD	DT/5	DT/16
USA	96	28	Conf Admin	CV	23	241	MOD	DT/5	DT/20
D	97	1	Structure-Comité	Res			ADD	DT/5	DT/14
GRC	98	2	Structure	CS	5	multi		DT/5	DT/14

GRC	98	3	Conseil Admin	CS	8	multi		DT/5	DT/18
GRC	98	4	IFRB	CS	10	multi		DT/5	DT/17
GRC	98	5	CCIs	CS	11	multi		DT/5	DT/16
GRC	98	7	Secrétariat général	CV	4	multi		DT/5	DT/15
GRC	98	8	Comité de coordination	CV	7	multi		DT/5	DT/15
D	108	1	.sysinfo-IFRB	CS	10	80	MOD	DT/5	DT/17
D	108	10	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
D	108	11	CCIs-assemblée plénière	CV	17	201 A	ADD	DT/5	DT/16
D	108	12	CCIs-commissions d'études	CV	20	218 A	ADD	DT/5	DT/16
D	108	13	CCIs-CCITT Lab	CV	6	121	SUP	DT/5	DT/16
D	108	22	.sysinfo-IFRB, accès à distance	Res			ADD	DT/5	DT/15
GRC	110	6	Structure-IR Dir	CS	5	31	MOD	DT/5	DT/14
GRC	110	7	Structure-CCIs	CS	5	32	SUP	DT/5	DT/14
GRC	110	8	Structure-CCIs	CS	5	33	MOD	DT/5	DT/14
GRC	110	9	Plenipot	CS	6	44	MOD	DT/5	DT/19
GRC	110	10	Secrétariat général	CS	9	68	MOD	DT/5	DT/15
GRC	110	11	IFRB	CS	10	Title	MOD	DT/5	DT/17
GRC	110	12	IFRB	CS	10	77	MOD	DT/5	DT/17
GRC	110	13	IFRB	CS	10	78	(MOD)	DT/5	DT/17
GRC	110	14	IFRB	CS	10	79	(MOD)	DT/5	DT/17
GRC	110	15	.sysinfo, IFRB	CS	10	80	MOD	DT/5	DT/17
GRC	110	16	IFRB	CS	10	81	(MOD)	DT/5	DT/17
GRC	110	17	IFRB	CS	10	82	MOD	DT/5	DT/17
GRC	110	18	IFRB	CS	10	83	(MOD)	DT/5	DT/17
GRC	110	19	IFRB	CS	10	73	MOD	DT/5	DT/17
GRC	110	20	IFRB	CS	10	74	MOD	DT/5	DT/17
GRC	110	21	IFRB	CS	10	76	MOD	DT/5	DT/17
GRC	110	22	IFRB	CS	10	76 A	ADD	DT/5	DT/17
GRC	110	23	CCIs	CS	11	Title	MOD	DT/5	DT/16
GRC	110	24	CCIs-CCITT Lab	CV	6	121	SUP	DT/5	DT/16
POR	114 C1	5	Conseil Admin	CS	8	57 D	ADD	DT/5	DT/18
POR	114 C1	6	Conseil Admin	CS	8	57 E	ADD	DT/5	DT/18
POR	114 C1	7	Conseil Admin	CS	8	58	(MOD)	DT/5	DT/18
POR	114 C1	8	Conseil Admin	CS	8	59	(MOD)	DT/5	DT/18
POR	114 C1	9	Conseil Admin	CS	8	60	(MOD)	DT/5	DT/18
POR	114 C1	10	Conseil Admin	CS	8	61	(MOD)	DT/5	DT/18
POR	114 C1	11	Conseil Admin	CV	3	31	(MOD)	DT/5	DT/18
POR	114	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
POR	114	2	Conseil Admin	CS	8	57 A	ADD	DT/5	DT/18
POR	114	3	Conseil Admin	CS	8	57 B	ADD	DT/5	DT/18
POR	114	4	Conseil Admin	CS	8	57 C	ADD	DT/5	DT/18
ARG	115	8	CCIs	CS	11	85 A	ADD	DT/5	DT/16
ARG	115	10	Structure-Comité de coord	CS	5	33 A	ADD	DT/5	DT/14
ARG	115	11	Comité de coordination	CS	12	100 A	ADD	DT/5	DT/15
ARG	116	1	Secrétariat général	CV	4	87 A	ADD	DT/5	DT/15
IND	124	2	CCIs-commissions d'études	CV	20	218	MOD	DT/5	DT/16
IND	124	3	CCIs-méthodes de travail	CV	21	224 A	ADD	DT/5	DT/16
IND	124	4	CCIs-méthodes de travail	CV	21	224 B	ADD	DT/5	DT/16
MRC	126	2	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
MRC	126	3	IFRB	CS	10	73	MOD	DT/5	DT/17
MRC	126	4	IFRB	CS	10	79	ADD	DT/5	DT/17
MRC	126	10	Conf Admin	CV	2	9	MOD	DT/5	DT/20
MRC	126	11	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
MRC	126	12	IFRB	CV	5	110	MOD	DT/5	DT/17
MRC	127	1	.sysinfo-IFRB, accès à distance	Gen				DT/5	DT/15
MRC	127	2	.sysinfo-IFRB, accès à distance	Gen				DT/5	DT/15
MRC	127	3	.sysinfo-IFRB, accès à distance	Gen				DT/5	DT/15
CTI	132	10	Plenipot	CS	6	34	MOD	DT/5	DT/19
CTI	132	11	Conf Admin	CS	7	51	MOD	DT/5	DT/20
CTI	132	12	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
CTI	132	14	IFRB	CS	10	80	MOD	DT/5	DT/17
IRQ	141	2	Structure-CCIs	CS	5			DT/5	DT/14
IRQ	141	3	IFRB	Gen				DT/5	DT/17
MLI	144	1	Structure-SG	CS	5			DT/5	DT/14

MLI	144	2	Structure-CCIs	CS	5			DT/5	DT/14
MLI	144	3	Structure-IR Dir	CS	5			DT/5	DT/14
MLI	144	5	Structure-TCD	Gen				220	
MLI	144	6	Structure-CTD	Gen				220	
GUI	145	1	Conseil Admin	Gen				DT/5	DT/18
GUI	145	2	Structure	CS	5	multil		DT/5	DT/14
CLM	151	2	Plenipot	CS	6	45	MOD	DT/5	DT/19
CLM	151	3	Conf Admin	CS	7	51	MOD	DT/5	DT/20
CLM	151	4	Conf Admin	CS	7	53	MOD	DT/5	DT/20
CLM	151	5	Conf Admin	CS	7	54	MOD	DT/5	DT/20
ARG	153	4	Secrétariat général	CS	1	5 A	ADD	153	
ARG	154	1	Procédure pour la prise de fonct	CV	N		ADD	154	DT/19
ARG	154	2	Procédure pour la prise de fonct	CV	N	N1	ADD	154	DT/19
ARG	154	3	Procédure pour la prise de fonct	CV	N	N2	ADD	154	DT/19
ARG	155 A1	13 bis	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	1	Procédure pour l'élection	CV	M	Titre	ADD	155	
ARG	155	2	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	3	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	4	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	5	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	6	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	7	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	8	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	9	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	10	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	11	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	12	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	13	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	14	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	15	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	18	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	17	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	18	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	19	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	20	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	21	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	22	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	156	1	Régions administratives		N	Titre	ADD	156	
ARG	156	2	Régions administratives		N	N1	ADD	156	
CLM	158	1	Plenipot	Res			ADD	DT/5	DT/19
SG	161		.Particip. d'EPR/OSI/OI						
INS	162 A1		IFRB	Gen				DT/5	
INS	162	1	Structure-IR Dir	CS	5			DT/5	DT/14
INS	162		IFRB	Gen				DT/5	
COM7	169		.Compte rendu-1						
CME	180	2	Structure-CTD/TCD	Gen				220	
COM7	182 C1		.Compte rendu-2						
COM7	184		IFRB-rapport	CS	10	multi		DT/5	DT/17
COM7	184		IFRB-rapport	CV	5			DT/5	DT/17
COM7	184		Structure-IFRB rapport	CS	5			DT/5	DT/14
COM7	191 R1		.Compte rendu-3						
COM4	193		.Répercus., les finances	Gen				193	
BFA	194	1	Structure-CCIs-fusion	Gen				194	
BFA	194	2	.sysinfo-FMS	Gen				DT/5	
BFA	194	3	IFRB	Gen				DT/5	
BFA	194	4	IFRB	Gen				DT/5	
COM7	196		.Compte rendu-4						
CHL	199	1	Comité de coordination	CS	12	98	NOC	199	
CHL	199	2	Comité de coordination	CS	12	99	MOD	199	
CHL	199	3	Comité de coordination	CS	12	99 A	ADD	199	
CHL	199	4	Comité de coordination	CS	12	99 B	ADD	199	
CHL	199	5	Comité de coordination	CS	12	99 C	ADD	199	
CHL	199	6	Comité de coordination	CS	12	100	NOC	199	
CHL	199	7	Comité de coordination	CV	7	125	SUP	199	
CHL	199	8	Comité de coordination	CV	7	126	SUP	199	

CHL	199	9	Comité de coordination	CV	7	126	MOD	199	
COM7	204		.Compte rendu-5						
COM7	206 R1		.Compte rendu-6						
COM7	210		.Note du président-sum.					210	
COM7	214 C1		.Compte rendu-7						
COM7	215 R1		.Compte rendu-8						
COM6	220		.Note du président-alloc					220	
COM7	227 R2C1		.Compte rendu-9						
COM7	238		.Conclu. du président					238	
COM7	241 C1		.Compte rendu-10						
USA	247	1	CCIs	CS	11	86 A	ADD	247	
USA	247	1	CCIs	CS	11	86 B	ADD	247	
COM7	252 R1		.Compte rendu-11						
COM7	260		.1er rapport						
COM7	269 R1		.Compte rendu-12						
COM7	270		.Compte rendu-13						
COM6	276 C1		.Note du président-alloc					276	
COM7	285		.Compte rendu-14						
COM7	292 C1		.Compte rendu-15						
COM7	295 C1		.Note - Résumé						
COM7	307 C1		.Compte rendu-16						
COM7	308 C1		.Compte rendu-17						
COM7	310		.Note						
ARG+	311 R1		Bureau de développ.	CS	11 A		ADD	311	
COM7	318 R1		.Compte rendu-18						
COM7	323		.Note						
COM7	329		.Compte rendu-19						
7AH1	330		.Rapport						
ALG+	340 R1	1	Structure-Plenipot	CS	L		ADD	340	
COM7	341		.Compte rendu-20						
7AH1	348		.Rapport final						
SG	349		Transition	CS	47		ADD	349	
COM7	351		.Compte rendu-21						
ALG+	353	1	CCIs	CS	11	93	MOD	353	
ALG+	353	2	CCIs	CS	11	94	MOD	353	
SG	357		.Note						
COM9	362		.Note						
COM9	363		.Note						
USA	364	1	Structure	CS	5	34 A	MOD	364	
USA	364	2	Bureau (BPDTI)	CS	11 A		ADD	364	
COM8	377		.Note						
COM8	378		.Note						
ALG+	385		IFRB	CS	10	74		385	
COM4	393		.Note						
COM7	396		.Compte rendu-22						
COM7	397 C1		.Compte rendu-23						
COM7	408 R1		.Note						
COM7	417 R1		.Note - CA						
7AH3	420 R1		.Rapport						
COM7	421		.1er Serie des textes						
COM7	422		.2ème Serie des textes						
7AH4	423		.Rapport						
7AH2	424		.Rapport						
7AH5	425		.Rapport						
GRC	428	1	Règlement conf	CV	25	267 A	ADD	428	
GRC	428	2	Règlement conf	CV	25	267 B	ADD	428	
COM7	433		.Compte rendu-24						
COM7	434		.Compte rendu-25						
COM7	435		.Compte rendu-26						
COM7	436		.Compte rendu-27						
COM7	437		.3ème Serie des textes						
COM7	444		.4ème Serie des textes						
COM7	445		.5ème Serie des textes						
COM7	462		.6ème Serie des textes						

COM7	467	.7 <sup>ème</sup> Serie des textes			
COM7	475	.8 <sup>ème</sup> Serie des textes			
COM7	479	.note d'information			
COM7	492	.9 <sup>ème</sup> Serie des textes			
COM7	493	.10 <sup>ème</sup> Serie des textes			
COM7	494	.Compte rapport			
7AH5	497	.1 <sup>er</sup> Serie des textes			



INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

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## COMMITTEE 7

### Note from the Chairman of Committee 7

Please find the summary of the debate of Committee 7 on the general discussions on proposals and associated principles relating to the basic structures of the Union.

A. VARGAS ARAYA  
Chairman

Annexes: 3

CHAIRMAN'S SUMMARY

Your Committee 7 on Structures so far had six sittings to organize its work and conducted general discussion on proposals and associated principles relating to basic structures of the Union. It entertained over 90 interventions and listened to the views of the four elected heads of organs, that lead me to propose to you the following general conclusions:

1. Many expressed their general satisfaction on the structure and performance of the ITU, but all agreed that there is room for improvement in one form or another.
2. Many others expressed that the Union does not respond equally well on all its functions, underlining that its development function has not received equitable treatment; all agreed that the technical cooperation function has to be strengthened.
3. All agreed that any structural change that may be proposed should be well considered and should be implemented with minimum disturbance of on-going activities. Accordingly it was suggested that evolutionary methods should be used and no one proposed a revolution.
4. There was a consensus that all came with an open mind and were willing to listen to the views of others, which I personally found a comforting attitude in the very difficult task you have assigned to me.
5. Let me now bring out some points on which I expected to hear more discussion and commentary but unfortunately not enough was said. These are:
  - 5.1 Reference to modern science of management.
  - 5.2 Comparative analysis of structures and management.
  - 5.3 The notion that the structure or management that one recommends to another organization would on the whole be more or less acceptable if it were practiced in one's own set up.

With the above observations and understanding, I have derived or distilled from the debate the following options:

First: The general structure

A. Existing structure

Consisting of four autonomous permanent organs (characterized by some as having a "federal" relationship) headed by nine elected officials, with a Secretary-General having limited overall responsibility and hence accountability, supported by an Advisory Coordination Committee which is composed of the heads of the various organs.

B. A consolidated functional structure

Consisting of four (CCIT, IFRB, Development, General Secretariat) or five (CCIT, CCIR, IFRB, Development, General Secretariat) permanent organs each headed by one elected director, all reporting to one chief executive designated as Secretary-General or Director-General.

In either option A or B there would be an independent, elected full-time or part-time Board of IFRB that will be responsible for all collegiate matters.

Second: The specific structures

A. The CCI's

Option I: Existing structure

Consisting of:

- Two separate Plenary Assemblies (CCIR & CCITT)
- Generating two separate sets of Study Groups
- Supported by two elected Directors each heading a separate Secretariat.

Option II: Revised structure

Consisting of:

- Two separate Plenary Assemblies (CCIR & CCITT)
- Generating two separate sets of Study Groups
- Supported by one elected Director heading a single Secretariat.

Option III: Revised structure

Consisting of:

- One common Plenary Assembly (CCIT)
- Generating one set of Study Groups
- Supported by one Director heading a single Secretariat.

B. The IFRB

Option I: Existing structure

Consisting of:

- A full-time elected Board of five members responsible for all collegiate functions and the direction of the Specialized Secretariat on annual rotation basis.

Option II: Revised structure

Consisting of:

- A part-time elected Board of five or more members responsible for all collegiate functions. The Specialized Secretariat would be headed by an elected Director reporting to the Secretary-General for administrative purposes, and to the Board for substantive matters.

Option III: Revised structure

Consisting of:

- A full-time elected Board of five members responsible for all collegiate functions. It would be assisted by a Director heading the Specialized Secretariat and reporting to the Secretary-General for administrative matters, and to the Board for substantive matters.

C. The General Secretariat

Option I: Existing structure

A General Secretariat and consisting of various departments such as external relations including legal matters, information exchange, computer, common services, personnel, etc., and two units consisting of a Technical Cooperation Department and a Centre for Telecommunications Development. The General Secretariat is headed by a Secretary-General assisted by a Deputy.

Option II: Revised structure

Creation of a separate permanent development organ which will be headed by an elected Director who will report to the Secretary-General and be responsible for all network development and technical cooperation assistance matters.

There will then remain the balance of the General Secretariat headed by a truly chief executive who is empowered to direct the affairs of the Union as a whole retaining its current responsibilities and providing consolidated service to all the permanent organs.

Those are the options I have so far derived from the general discussion on principles. To come back to the analogy I used at the beginning of our session of this committee those are the contours of the different forests that I have identified.

I should like you to tell me whether I have left out other possible options that we could have described.

Our next step would then be to go to each specific structure and select one option that will obtain the consensus of all parties. Once you agree on one option, I shall go back to the detailed proposals submitted and provide you with a menu of alternatives or trees to choose from in order to create the forest of your choice.

As required by certain delegations, I shall provide you this summary along with a block diagram presentation of various options.

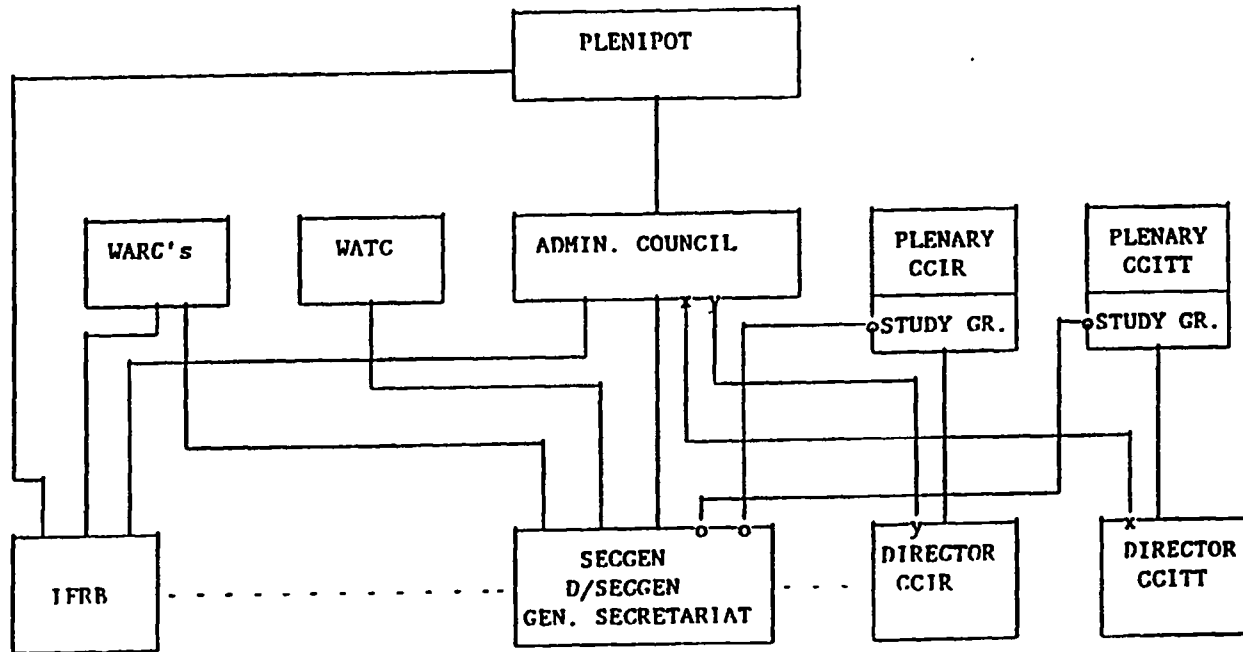
As regards to the method on how to go about any agreed restructuring, there were different ways indicated that range from decisions to be made now and implemented, to the proposal of setting up a panel of experts, committee, management study, etc., and present it to a further conference. I suggest that we note these proposals for the time being and consider them after we have gone through all the articles assigned to us.

I hope the above will meet with your approval and I invite you now for any comments that you may have.

5 June 1989

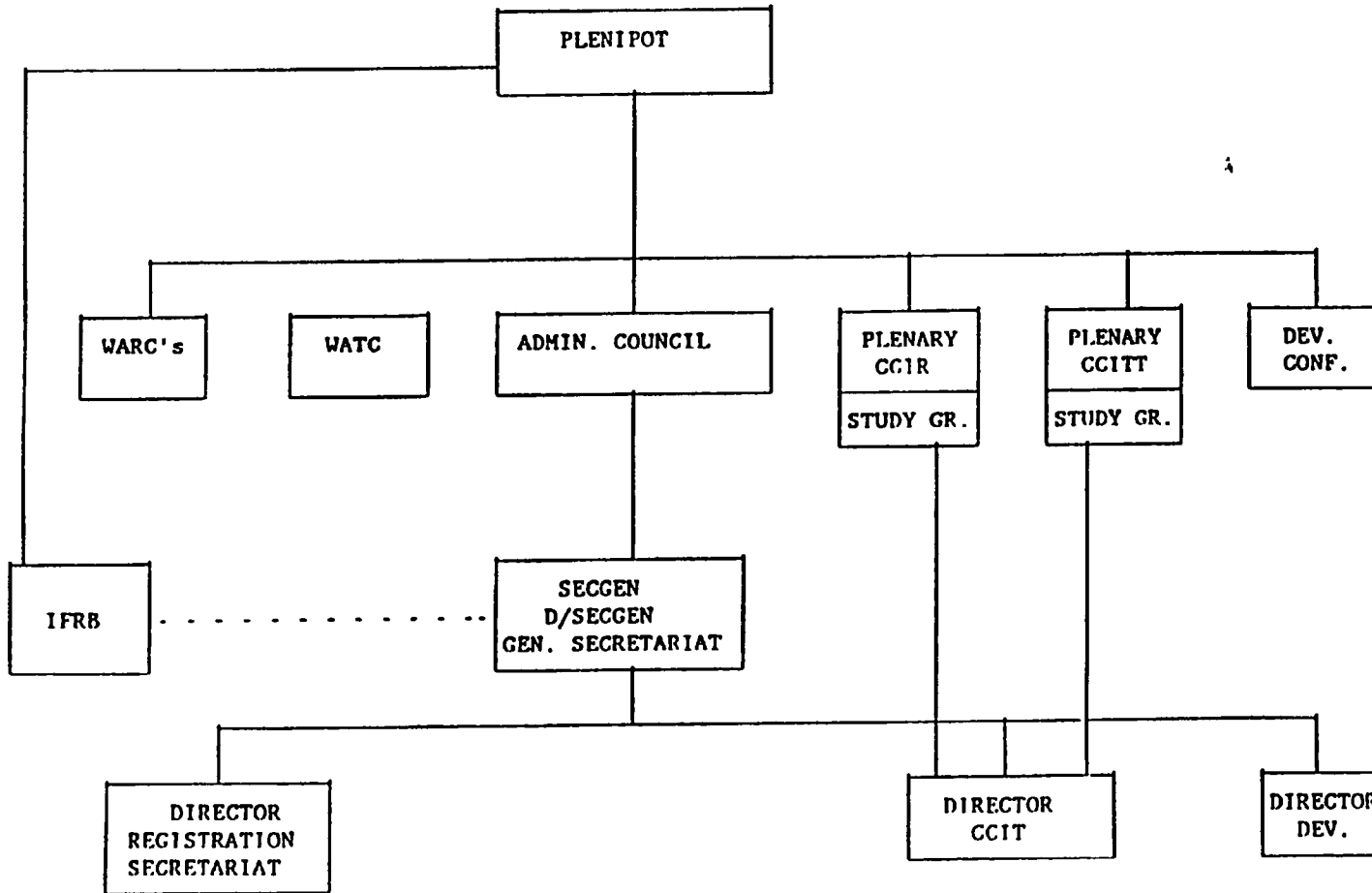
ANNEX 1

EXISTING RELATIONSHIP OF LEGISLATIVE ORGANS WITH SECRETARIATS



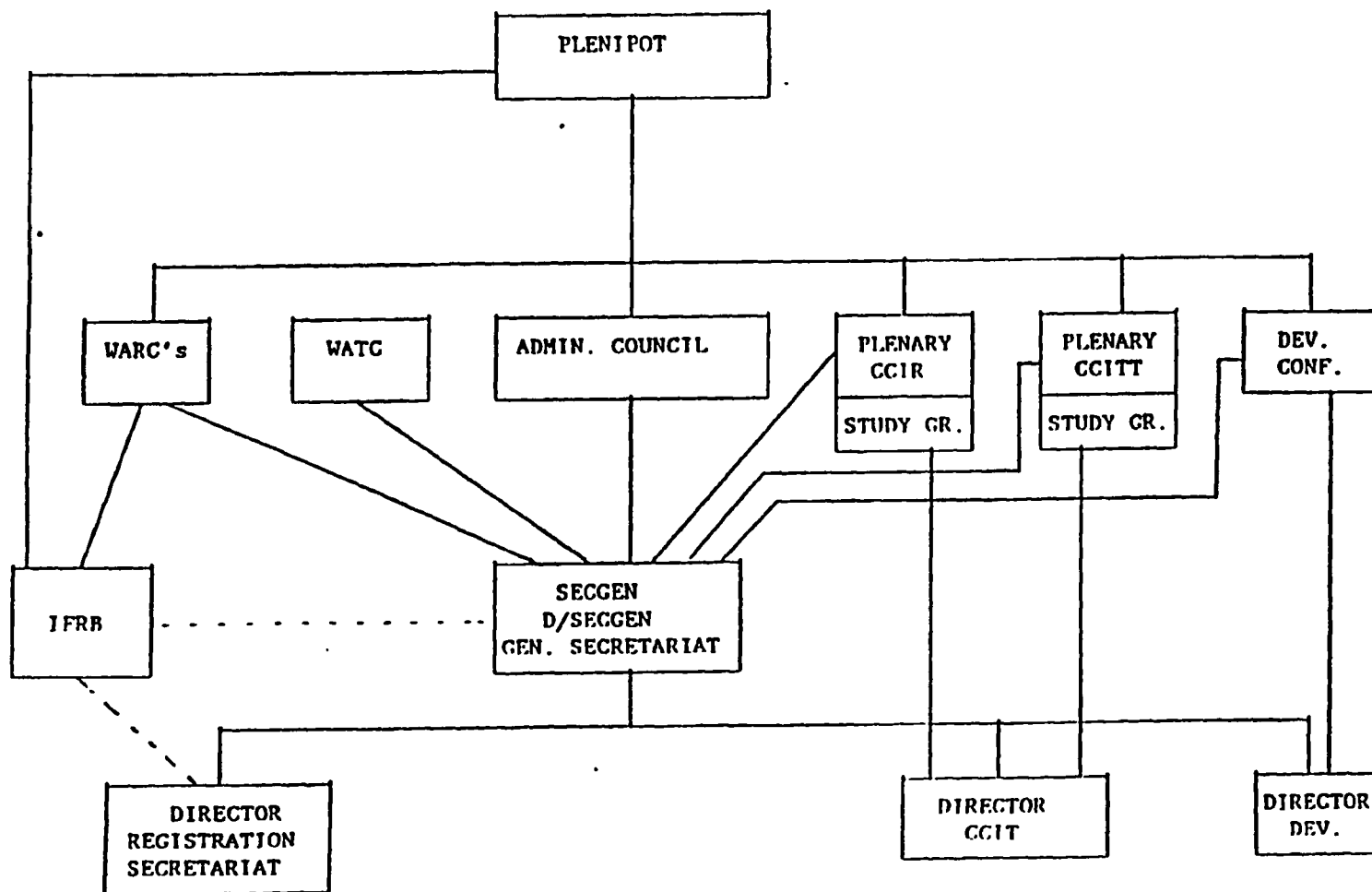
ANNEX 2

ONE POSSIBLE REVISED RELATIONSHIP OF LEGISLATIVE ORGANS WITH SECRETARIAT

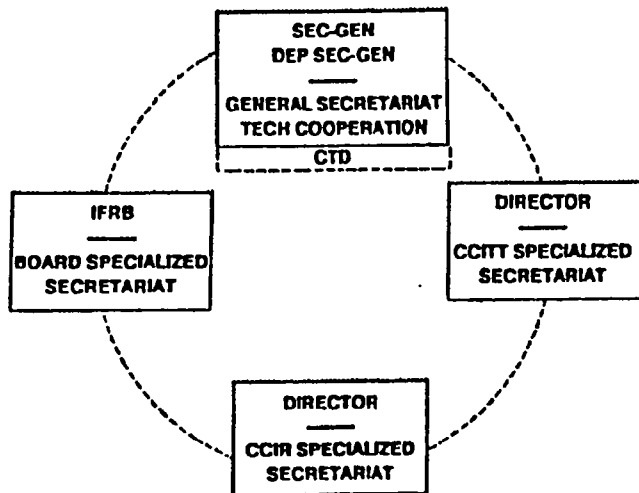


ANNEX 2

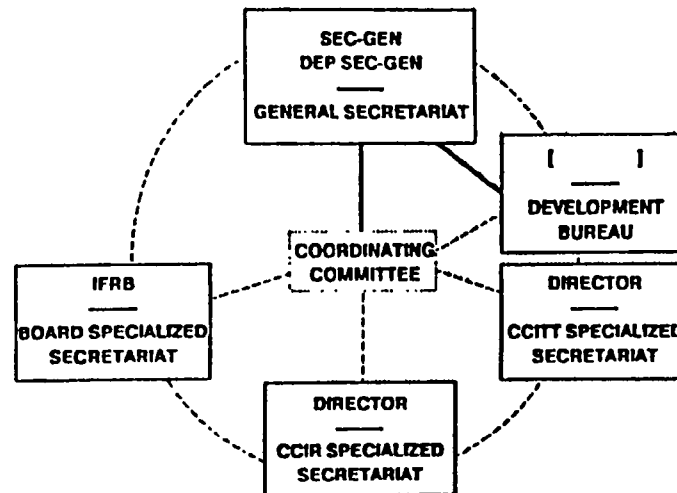
ONE POSSIBLE REVISED RELATIONSHIP OF LEGISLATIVE ORGANS WITH SECRETARIAT



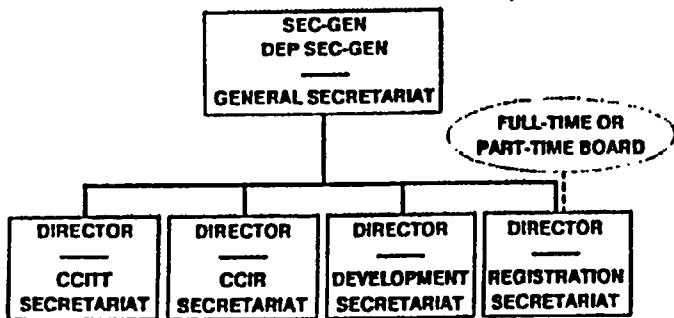
# ALTERNATIVE STRUCTURAL MODELS FOR ITU SECRETARIATS



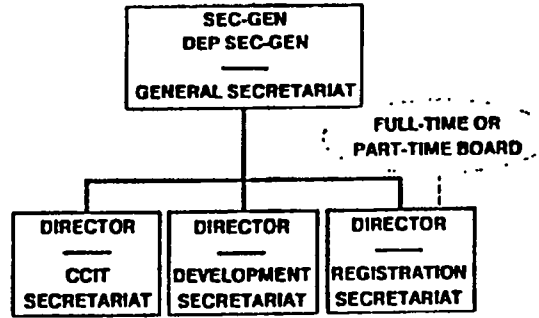
**EXISTING**



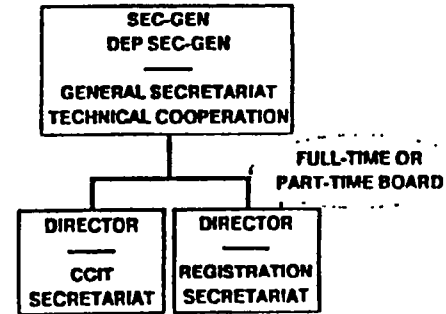
**ALTERNATIVE 1**



**ALTERNATIVE 2**



**ALTERNATIVE 3**



**ALTERNATIVE 4**



INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 295-E  
14 June 1989  
Original: English

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COMMITTEE 7

## NOTE BY THE CHAIRMAN OF COMMITTEE 7 (STRUCTURES)

The following summary of the Chairman was accepted by the majority of Committee 7. The written views of other delegations are contained in the annex.

### SUMMARY OF THE CHAIRMAN

After an extensive debate on the general principles to follow with regard to the general structure of the Union, the Committee reached the following conclusions.

1. The type of structure that the Union adopts should be geared to deliver the basic functions in an efficient and effective manner to the satisfaction of the totality of the membership.
2. While many Members expressed a sentiment of satisfaction with the existing structure, many also regretted the absence of a mechanism that enhances a more cohesive and unified approach towards the fulfillment of the purposes of the Union.
3. There was support for the enhancement of the role of the Secretary-General as the chief executive officer, who as the leader of the Union has a responsibility for overall policy matters and the management of the resources.
4. It was recognized that the various organs are units having their own specific identities which justify a special status and a measure of autonomy for their operation in their respective fields of competence.
5. There was full recognition of the absolute necessity for good coordination between organs, however, there was divergence of views on the means of achieving it. Some suggested a strong Coordination Committee with authority for making decision, while others proposed that this be done by reinforcing the authority of the Secretary-General, with appropriate advice from the Coordination Committee.
6. It was reaffirmed that the newly created permanent organ for development should have adequate budgetary resources and should be established on a footing of equality with the other organs.

7. **The Committee recognized the need for an independent, in-depth study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a clear cut plan of action to be formulated in the form of a resolution, with a time frame to enable decisions and implementation at an Extraordinary Conference to be convened at the earliest practicable time. In this context Alternative Model 3 was foreseen by some as the final structure to be aimed at. In the meantime, the structural model designated as Alternative Model 1 is supported for implementation by this Conference.**
8. **The conclusion of the above debate refers to the general structure of the Union as a whole without prejudice to the follow up discussions that have been agreed to be held with respect to the individual organs.**

Annex: 1

ANNEX

Alternative views regarding the summary of the Chairman

It is the view of Australia that the following changes to the summary of the Chairman of Committee 7 relating to general principles are necessary to ensure that the Chairman's summary in Document DL/15 accurately reflects the sense of discussions in Committee 7.

After an extensive debate on the general principles to follow with regard to the general structure, the Chairman reached the following conclusions.

1. The structure the Union adopts should ensure that the basic functions are conducted in an efficient and effective manner to the satisfaction of the total membership.

2. A majority of Members expressed satisfaction with the existing structure and supported its retention by this Conference. Nevertheless, a number of Members drew attention to the need for changes in organization, methods and procedures to enhance cohesiveness and efficiency in fulfilling the purposes of the Union.

3. Delete (already covered in 5).

4. No change.

5. No change.

6. No change.

7. The Committee recognized the need for an in-depth and independent study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a clear plan of action to be formulated as a Resolution.

- 7bis. Add: The relevant documentation of the Committee would be available for the assistance of future study conducted on this issue.

8. No change.

It is the view of the Byelorussian Soviet Socialist Republic, Czechoslovak Socialist Republic, German Democratic Republic, Hungarian People's Republic, Mongolian People's Republic, Poland, Ukrainian Soviet Socialist Republic and the USSR that paragraph 3 of the Summary of the Chairman of Committee 7 relating to general principles should be deleted, and that paragraphs 2, 5, 6 and 7 should read as follows.

1. No change.
2. While the majority of Members expressed a sentiment of satisfaction with the existing structure, some delegations also regretted the absence of a mechanism that enhances a more cohesive and unified approach towards the fulfillment of the purposes of the Union.
3. Delete.
4. No change.
5. There was full recognition of the absolute necessity for good coordination between organs, however, there was divergence of views on the means of achieving it. Some suggested a strong Coordination Committee with authority for making decisions, while others proposed that this be done by reinforcing the authority of the Secretary-General, with appropriate advice from the Coordination Committee, and some other proposals were tabled.
6. It was reaffirmed that the new permanent organ for development should be established using the staff resources of the existing TCD subject to future decisions on a precise mandate and functions of the organ.
7. The Committee recognized the need for an independent, in-depth study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a clear cut plan of action to be formulated in the form of a Resolution. In the meantime, the structural model designated as Alternative Model 1 is supported for implementation by this Conference.
8. No change.

It is the view of the Netherlands, United Kingdom, Sweden, Finland, Norway, Iceland and Denmark that paragraph 3 of the Summary of the Chairman of Committee 7 relating to general principles should be deleted and that the introduction and paragraphs 2, 6 and 7 should read as follows.

After an extensive debate on the general principles to follow with regard to the general structure of the Union, the Chairman summarized the views of the meeting as follows.

1. No change.

2. The majority of Members expressed a sentiment of satisfaction with the existing structure. Some delegations also regretted the absence of a mechanism that enhances a more cohesive and unified approach towards the fulfillment of the purposes of the Union.

3. Delete.

4. No change.

5. No change.

6. It was reaffirmed that the new permanent organ for development should have adequate budgetary resources and an appropriate position in the structure of the Union to be determined in the light of the precise mandate and functions attributed to that organ.

7. The Committee recognized the need for an independent, in-depth study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a clear cut plan of action to be formulated in the form of a Resolution. In the meantime, the structural model designated as Alternative Model 1 is supported for implementation by this Conference.

8. No change.

The Delegation of the Federal Republic of Germany is unable to accept Document DL/15 as presented since the summary contained in that document does not reflect the course of the general debate of Committee 7 on the structure of the Union. Paragraph 3 of the Summary of the Chairman of Committee 7 relating to general principles should be deleted and the introduction and paragraphs 2, 5, 7 and 8 should read as follows.

After an extensive debate on the general principles to follow with regard to the general structure of the Union, the Chairman of Committee 7 gave the following summary.

1. No change.
2. While the majority of the Members agreed that, in principle, the existing structure should be maintained for the time being, some delegations regretted the absence of a mechanism that enhances a more cohesive and unified approach towards the fulfillment of the purposes of the Union.
3. Delete.
4. No change.
5. There was full recognition of the absolute necessity for good coordination between organs, however, there was divergence of views on the means of achieving it. Many suggested a strong Coordination Committee with authority for making decisions, while others proposed that this be done by reinforcing the authority of the Secretary-General, with appropriate advice from the Coordination Committee.
6. No change.
7. The Committee recognized the need for an independent, in-depth study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a clear cut plan of action to be formulated in the form of a Resolution, with a fixed time frame. The majority of the delegations basically favour Alternative Model 1 for the time being. However, some delegations expressed the opinion that the Plenipotentiary Conference in Nice should in any case take a fundamental decision in favour of Alternative Model 3, even if the Conference decided to maintain Alternative Model 1 for the time being. In this context, Alternative Model 3 was foreseen by some as the final structure to be aimed at. In the meantime, the structural model designated as Alternative Model 1 is supported for implementation by this Conference.
8. The above debate refers to the general structure of the Union as a whole without prejudice to the follow-up discussions that have been agreed to be held with respect to the individual organs.

New Zealand is concerned that Document DL/15 has been placed before Committee 7 for its acceptance, but there has not been the opportunity provided to consider the individual paragraphs so as to arrive at a common viewpoint. The document is seen to contain several inherent contradictions of substance in its present wording.

The document is put forward, according to its title, as the summary of the Chairman of Committee 7, but then purports to state that "the Committee reached the following conclusions". Were this phrase in the preamble to be altered to read "the Chairman summarized his view of the debate as follows:" the New Zealand Delegation could fully accept the document.

However, should the document be seen to reflect the view or conclusions of the meetings of Committee 7, then there would be seen to be modifications necessary to paragraphs 2, 3 and 7 in particular.

New Zealand reaffirms that it is willing to participate in an appropriate process to further discuss the details of DL/15 or to further consider the substantive issues of the general structure of the Union.

The opinion of Japan on Document DL/15 concerning the Chairman's summary of the debate on the general structure of the Union is as follows.

The preamble of this document should be modified in order to avoid any misunderstanding. It should be clearly stated that the document is intended to be a summary by the Chairman. The same also applies to point 8 (new point 7).

Point 3 should be deleted, because the role of the Secretary-General should be mentioned keeping balance with other views expressed in relation to this issue, as has been done in point 5. Consequently, renumber the following items.

In our opinion, point 7 (now the new point 6) of the summary is significantly biased. Many delegations pointed out a need for an in-depth and objective study for reviewing the structure and working methods of the Union without presupposing any future structure. Furthermore, it should be noted that reference to Alternative Model was made just as a possible future structure, and that there was no agreement in the meeting. An Extraordinary Meeting to examine the results of the in-depth study has not been agreed upon in the meeting either. Japan views that the following changes are necessary:

After an extensive debate on the general principles to follow with regard to the general structure of the Union, the summary of the Chairman is made as follows:

1. No change.
2. No change.
3. Delete.
4. No change.
5. No change.
6. No change.
7. The Committee recognized the need for an independent, in-depth and objective study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a clear cut plan of action to be formulated in the form of a Resolution, with a term of reference and a certain time frame. In this context Alternative Model 3 was foreseen by some as the final structure to be aimed at while others emphasized the need to investigate the matter without any presupposition. In the meantime, the structural model designated as Alternative Model 1 is supported for implementation by this Conference.
8. The Chairman's summary of the above debate refers to the general structure of the Union as a whole without prejudice to the follow-up discussions that have been agreed to be held with respect to the individual organs.



It is the view of the United States that the following version of DL/15 represents a more accurate representation of discussions on the structure of the Union and associated general principles.

After an extensive debate on the general principles to follow with regard to the general structure of the Union, the Committee agreed to the following conclusions.

1. No change.
2. A majority of the Members expressed a sentiment of satisfaction with the existing structure, some regretted the absence of a mechanism that enhances a more cohesive and unified approach towards the fulfillment of the purposes of the Union.
3. Delete (covered in item 5).
4. No change.
5. There was full recognition of the absolute necessity for good coordination between organs, however, there was divergence of views on the means of achieving it. Many suggested a strong Coordination Committee with authority for making decisions, while others proposed that this be done by reinforcing the authority of the Secretary-General, with appropriate advice from the Coordination Committee.
6. No change.
7. The Committee recognized the need for an independent, in-depth study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a Resolution, and implementation at the earliest practicable time. In the meantime, the structural model designated as Alternative Model 1 is supported for implementation by this Conference.
8. The summary of the above debate refers to the general structure of the Union as a whole without prejudice to the follow-up discussions that have been agreed to be held with respect to the individual organs.

It is the view of France that the following paragraph should be added to Document DL/15:

9. Several delegations expressed reservations on the text, the various paragraphs of which were not discussed in detail.

The Delegation of Spain has the following comments to make on Document DL/15:

1. It is obviously difficult to sum up in one page the long hours of discussion, not always easy to follow, which took place in Committee 7 on the subject of structure; to a certain extent, therefore, the summary's lack of precision is forgivable.
2. The most striking instance of this lack of precision is the reference to the structure of the Union rather than to that of its permanent organs (namely, under the present Convention, the General Secretariat, the IFRB and the International Consultative Committees), which seems to be the point at issue.
3. In this connection, it is incorrect to refer to the Secretary-General as the leader of the Union, since that is the role of the Plenipotentiary Conference.
4. The term "organs" ("organismos" in Spanish) presumably refers to the permanent organs ("órganos permanentes" in Spanish), namely, those mentioned in paragraph 2 above; in general, the comments in paragraph 4 of Document DL/15 should be interpreted as referring to those organs' respective fields of competence under the Convention.
5. With regard to paragraph 6 of Document DL/15, it is understood that the budgetary resources in question would be provided within the framework of the ITU budget.
6. As to paragraph 7 of Document DL/15, it is not altogether clear what is meant by the expression "independent study" and it is contradictory on the one hand to speak of the need to conduct a study on the structure of the Union (does this mean of its permanent organs?) and on the other to establish one or more structural models. In addition, we consider that any such study should deal also with the structure of the various conferences convened to revise the instruments by which the Union is governed.

It is the view of Canada that based on the detailed notes taken by the Canadian Delegation during the discussion in Committee 7 of general principles it is felt that Document DL/15 does not summarize the points raised in a balanced manner. While not wishing to make major changes to the document prepared by the Chairman, we do find it necessary to suggest certain limited changes including some introduced by the Chairman himself following his further reflection on the document.

The Canadian Delegation offers the following limited number of comments on DL/15.

1. No change.
2. While a majority of the Members expressed satisfaction with the existing structure, some regretted the absence of a mechanism that enhances a more cohesive and unified approach towards the fulfillment of the purposes of the Union.
3. There was some support for the enhancement of the role of the Secretary-General as the chief executive officer, who as the leader of the Union has a responsibility for overall policy matters and the management of the resources. Other delegations felt that the Convention already adequately provides for such overall responsibilities.
4. No change.
5. There was full recognition of the absolute necessity for good coordination between organs, however, there was divergence of views on the means of achieving it.
6. No change.
7. The Committee recognized the need for an independent, in-depth study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a clear cut plan of action to be formulated in the form of a Resolution, with a time frame to enable decisions and implementation.
8. No change.

INTERNATIONAL TELECOMMUNICATION UNION  
**PLENIPOTENTIARY  
CONFERENCE**  
NICE, 1989

Corrigendum 1 to  
Document 295-E  
16 June 1989  
Original : English

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COMMITTEE 7

NOTE BY THE CHAIRMAN OF COMMITTEE 7 (STRUCTURES)

Page 6, paragrah 7, please delete the last two sentences :

"In this context.....by this Conference."

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**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 494-E

29 June 1989

Original: English

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PLENARY MEETING

REPORT OF THE CHAIRMAN OF COMMITTEE 7

(STRUCTURE OF THE UNION)

TO THE PLENARY MEETING

A brief overall report of the Chairman of Committee 7 (Structure of the Union) is herewith submitted to the Plenary Meeting for consideration.

A. VARGAS-ARAYA  
Chairman of Committee 7

Annexes: 6

1. General organization of work

Within the framework of its terms of reference specified in Document 118, Committee 7 has carried out its work and held a total of 27 meetings. The meetings were held as shown in Annexes 2 and 3.

The Chairman was effectively assisted by Mr. Y. Otaki as Vice-Chairman and Mr. A.M. Rutkowski as Secretary.

The Committee established two Drafting Groups and three Working Groups to assist the Committee in producing appropriate texts for review and consideration by the participants in the meetings of the Committee. The ad hoc-Groups constituted are as follows :

- a) 7 ad hoc 1 was chaired by Mr. K. Hoffman and was responsible for producing provisions relating to the working methods of the International Consultative Committees;
- b) 7 ad hoc 2 was chaired by Mr. H. Venhaus and was responsible for producing the text of a Resolution setting forth the terms of reference for the review of the structures and functioning of the ITU;
- c) 7 ad hoc 3 was chaired by Mr. S. Roestam and was responsible for producing provisions relating to the non-structural aspects of the IFRB;
- d) 7 ad hoc 4 was chaired by Mr. Sergio Regueros and was responsible for producing text for provisions setting forth objectives and functions of the permanent organ for development;
- e) 7 ad hoc 5 was chaired by Mr. F. Molina Negro and was responsible for producing text for provisions relating to the Plenipotentiary and Administrative Conferences, General Secretariat, and Coordinating Committee.

2. Documents

There were 88 documents containing nearly 500 proposals that were put before Committee 7 for examination and consideration. The list of documents and proposals dealt with is given in Annex 4.

3. Major activities of the Committee

The Committee started out with a general debate on the structure and functioning of the Union and mapped out a certain number of options for the various organs (see Annexes 5 and 6). These debates led to initiating an in-depth study of the structure and functioning of the Union which has been agreed upon under Resolution No. COM7/1.

Another significant activity of the Committee was a series of debates that resulted in the creation of a new permanent organ to be known as the "Telecommunications Development Bureau", which was placed in the Constitution/Convention of the Union at the same level and status as the other organs.

A third significant achievement is the proposal of the Committee to increase the number of councillors from 41 to 43, adding one each to Regions D and E.

With regard to elected officials, the Committee agreed to add one more elected Director for the TDB. It also established that all elected officials would be eligible for re-election by the Plenipotentiary Conference once only.

The Committee endorsed the CCITT Plenary Assembly recommendation to introduce an accelerated method of work. It also gave indication as regards the working methods of the CCIR.

Considering the fact that there was a unanimous agreement to review the structure and functioning of the Union by a high-level Committee, the highlights of the adopted terms of reference are given below:

- this Committee shall be composed, with due regard to equitable geographical representation, of twenty-one Members which shall designate representatives enjoying the highest reputation in international telecommunications and having broad ITU experience;
- this Committee should call on the services of outside consultants selected by the Administrative Council within the limits of the budget agreed for this purpose;
- options for the structure of the Union and its permanent organs shall be analysed ;
- study the internal management of the permanent organs;
- interaction between the permanent organs shall be studied;
- functioning of the organs of the Union other than the permanent organs in order to improve efficiency and management shall be examined;
- at an extraordinary Administrative Council session to be held in November 1989, it will establish the Committee on the basis of a proposal of the Secretary-General and define precise procedures for the tasks required including general guidelines to the Committee on its activities;
- the Administrative Council will ensure that the final report is circulated to Members of the Union together with its comments at least one year before a Plenipotentiary Conference is to decide on the recommendations;
- recommendations of the Committee which fall within the Council's sphere of competence will be implemented and others transmitted to the Heads of the permanent organs for action on any recommendations for which they are competent;
- the Administrative Council will decide at its session in 1991, if considered necessary, to provide for an additional Plenipotentiary Conference, as early as possible, to implement all or part of the recommendation of the study.



**STRUCTURE (ORGANIZATION) OF THE UNION COMMITTEES  
HISTORICAL SUMMARY FOR PLENIPOTENTIARY CONFERENCES, 1947-1989**

Venue:	Atlantic City	Buenos Aires	Geneva	Montreux	Malaga-Torremolinos	Nairobi	Nice
Began:	1-Jul-1947	3-Oct-1952	14-Oct-1959	14-Sep-1965	14-Sep-1973	28-Sep-1982	23-May-1989
Ended:	2-Oct-1947	15-Dec-1952	21-Dec-1959	12-Nov-1965	26-Oct-1973	6-Nov-1982	29-Jun-1989
Days:	94	74	69	60	43	40	38

Structures:	Committee C	[None]	Committee D	Committee 4	Committee 7	Committee 7	Committee 7
Chair:	A. Fortoushenko		F. Nicotera	C. J. Griffiths	E. Sawkins	A. C. Ituassu	A. Vargas Araya
Member:	URS		I	AUS	AUS	B	CTI
Sessions:	34		22	28	21	22	27
Began:	3-Jul-1947		15-Oct-1959	16-Sep-1965	19-Sep-1973	4-Oct-1982	30-May-1989
Ended:	26-Sep-1947		4-Dec-1959	3-Nov-1965	19-Oct-1973	1-Nov-1982	26-Jun-1989
Days:	85		50	48	30	28	27
Proposals							
Processed:	N/A		N/A	N/A	N/A	314	495

- 4 -  
PP-89/494-E  
ANNEX 1

ANNEX 2

**Summary Records of Committee 7**

Conf Day	Day of Week	Date	Length	Meeting	Doc. No.	Rev
8	Tuesday	30-May-89	1	1	169	
9	Wednesday	31-May-89	1	2	182	Cor.1
10	Thursday	1-Jun-89	1	3	191	Rev.1
11	Friday	2-Jun-89	1	4	196	
12	Saturday	3-Jun-89	2	5	204	
14	Monday	5-Jun-89	1	6	206	Rev.1
14	Monday	5-Jun-89	1	7	214	Cor.1
15	Tuesday	6-Jun-89	1	8	215	Rev.1
16	Wednesday	7-Jun-89	2	9	227	Rev.2
17	Thursday	8-Jun-89	1	10	241	Cor.1
18	Friday	9-Jun-89	1	11	252	Rev.1
19	Saturday	10-Jun-89	2	12	269	Rev.1
21	Monday	12-Jun-89	1	13	270	
22	Tuesday	13-Jun-89	2	14	285	
23	Wednesday	14-Jun-89	1	15	292	Cor.1
23	Wednesday	14-Jun-89	1	16	307	
24	Thursday	15-Jun-89	1	17	308	Cor.1
25	Friday	16-Jun-89	2	18	318	Rev.1
26	Saturday	17-Jun-89	1	19	329	
28	Monday	19-Jun-89	1	20	341	
29	Tuesday	20-Jun-89	1	21	351	
30	Wednesday	21-Jun-89	1	22	396	
31	Thursday	22-Jun-89	1	23	397	Cor.1
32	Friday	23-Jun-89	1	24	433	
33	Saturday	24-Jun-89	1	25	434	
33	Saturday	24-Jun-89	1	26	435	
34	Sunday	25-Jun-89	4	27	436	
35	Monday	26-Jun-89				

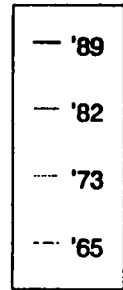
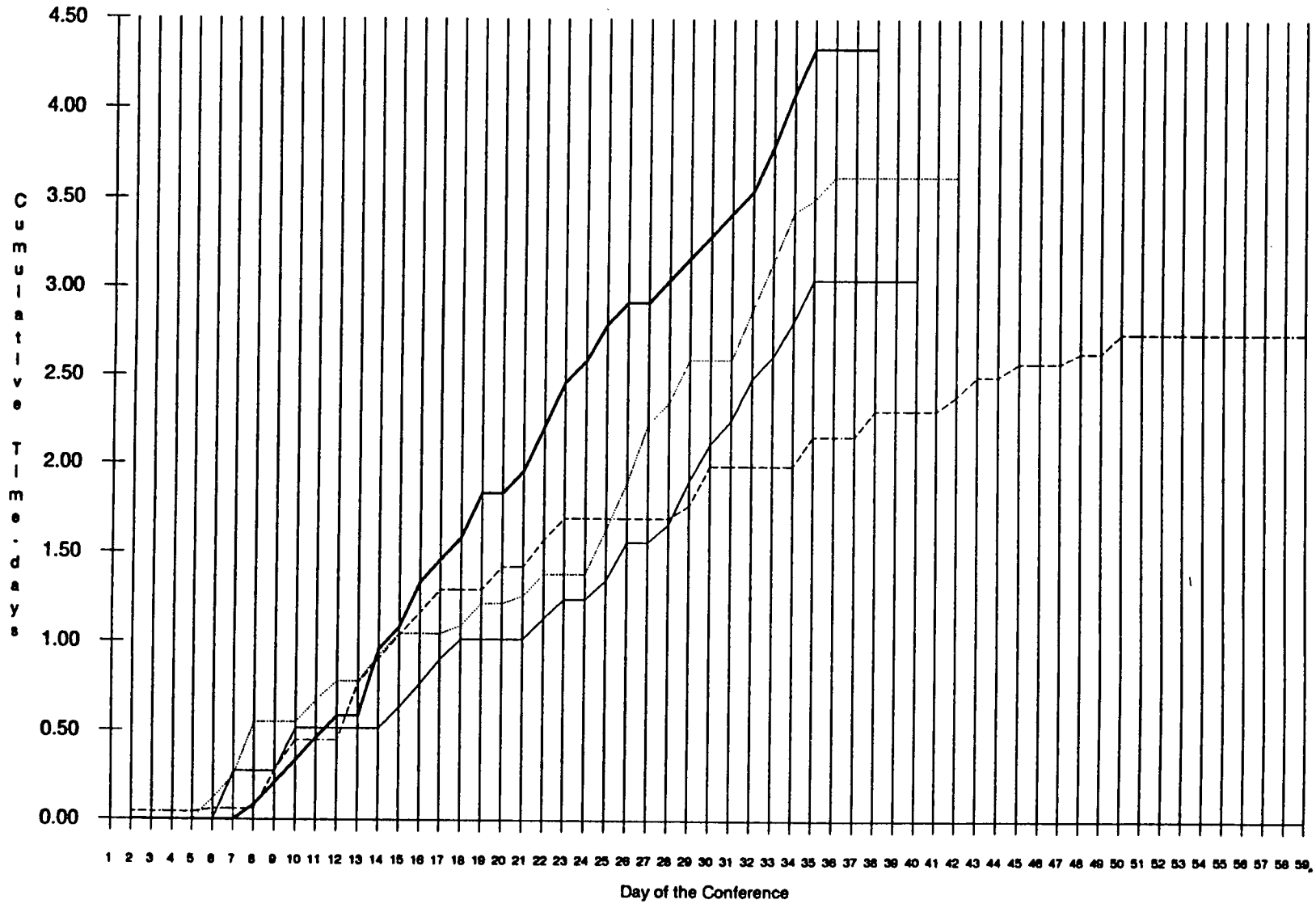
**Text Series Transmitted by Committee 7**

1st					421	
2nd					422	
3rd					437	
4th					444	
5th					445	
6th					462	
7th					467	
8th					475	
9th					492	
10th					493	

**Text Series Transmitted by Working Group 7 AdHoc 5**

1st					497	
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# Committee 7 (Structures) Historical Profile of Work



ANNEX 4

Documents et propositions attribués et préparés par la commission 7 (Structure)  
 Documents & proposals allocated to and prepared by committee 7 (Structures)  
 Documentos y propuestas atribuidas y preparados por la comisión 7 (Estructuras)

proposition-proposal-propuesta			objet-subject-objeto	disposition-provision-disposición					
DDR	6	1	CCIs	CS	11	85	MOD	DT/5	DT/16
DDR	6	3	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
DDR	6	4	IFRB	CS	10	73	MOD	DT/5	DT/17
DDR	6	17	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
DDR	6	18	IFRB	CV	5	110	MOD	DT/5	DT/17
DDR	6	26	Futures conférences	Res			ADD	DT/5	
THA	7	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
THA	7	2	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
TCH	8	1	Conseil Admin	CS	8	57	NOC	DT/5	DT/18
TCH	8	2	IFRB	CS	10	73	NOC	DT/5	DT/17
TCH	9	1	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
TCH	9	2	IFRB	CV	5	110	MOD	DT/5	DT/17
KWT	11	4	Structure-CCIs	CS	5	33 A	ADD	DT/5	DT/14
KWT	11	5	Plenipot	CS	6	46 A	ADD	DT/5	DT/19
KWT	11	6	Conseil Admin	CS	8	58	MOD	DT/5	DT/18
KWT	11	7	Secrétariat général	CS	9	65	MOD	DT/5	DT/15
KWT	11	8	Secrétariat général	CS	9	67	MOD	DT/5	DT/15
KWT	11	9	Secrétariat général	CS	9	68	MOD	DT/5	DT/15
KWT	11	10	Secrétariat général	CS	9	69	MOD	DT/5	DT/15
KWT	11	11	Secrétariat général	CS	9	70	MOD	DT/5	DT/15
KWT	11	12	Secrétariat général	CS	9	71	SUP	DT/5	DT/15
KWT	11	13	Secrétariat général	CS	9	72	MOD	DT/5	DT/15
KWT	11	14	CCIs	CS	11	*	ADD	DT/5	DT/16
KWT	11	15	Comité de coordination	CS	12	98	MOD	DT/5	DT/15
KWT	11	23	Conseil Admin	CV	3	35 A	ADD	DT/5	DT/18
KWT	11	24	Conseil Admin	CV	3	41	MOD	DT/5	DT/18
KWT	11	25	Conseil Admin	CV	3	44	MOD	DT/5	DT/18
KWT	11	26	Conseil Admin	CV	3	68	MOD	DT/5	DT/18
KWT	11	27	Secrétariat général	CV	4	109	MOD	DT/5	DT/15
URS	16	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
URS	16	2	IFRB	CS	10	73	MOD	DT/5	DT/17
URS	16	3	sysinfo, IFRB	CS	10	80	MOD	DT/5	DT/17
SLM	17	10	Structure-CTD	CS	5	33 A	ADD	DT/5	DT/14
SLM	17	11	Plenipot	CS	6	38	(MOD)	DT/5	DT/19
SLM	17	12	Plenipot	CS	6	40	MOD	DT/5	DT/19
SLM	17	13	Conf Admin	CS	7	54	(MOD)	DT/5	DT/20
SLM	17	14	Conf Admin	CS	7	55	(MOD)	DT/5	DT/20
SLM	17	15	Conseil Admin	CS	8	57	NOC	DT/5	DT/18
SLM	17	16	Conseil Admin	CS	8	64	MOD	276	
SLM	17	17	Secrétariat général	CS	9	68	MOD	DT/5	DT/15
SLM	17	18	IFRB	CS	10	75	MOD	DT/5	DT/17
SLM	17	19	CCIs	CS	11	97	MOD	DT/5	DT/16
SLM	17	35	Conseil Admin	CS	8	57	Info	DT/5	DT/18
CHL	19 R1	2	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
CHL	19 R1	3	Conseil Admin	CV	3	31 A	ADD	DT/5	DT/18
CHL	19 R1	4	Conseil Admin	CV	3	31 B	ADD	DT/5	DT/18
CHL	19 R1	6	Conseil Admin	CV	3	31 D	ADD	DT/5	DT/18
CHL	19 R1	1	Conseil Admin	CV	3	57	ADD	DT/5	DT/18
CHL	19 R1	7	Conseil Admin	CV	3	31 E	ADD	DT/5	DT/18
CHL	19 R1	8	Conseil Admin	CV	3	31 F	ADD	DT/5	DT/18
CHL	19 R1	9	Conseil Admin	CV	3	31 G	ADD	DT/5	DT/18
CHL	19 R1	10	Conseil Admin	CV	3	32	MOD	DT/5	DT/18
BUL	20	1	Structure	CS	5	33 bis	ADD	DT/5	DT/14
BUL	20	2	CCIs	CS	11	97	SUP	DT/5	DT/16
BUL	20	8	Conf Admin	CV	2	30	MOD	DT/5	DT/20
BUL	20	9	Conseil Admin	CV	3	52	MOD	DT/5	DT/18
BUL	20	10	CCIs-assemblée plénière	CV	17	202	MOD	DT/5	DT/16
HNG	22	3	Conseil Admin	CS	8	57	MOD	DT/5	DT/18

HNG	22	4	IFRB	CS	10	73	MOD	DT/5	DT/17
HNG	22	5	IFRB	CS	10	74	MOD	DT/5	DT/17
HNG	22	6	CCIs	CS	11	94	MOD	DT/5	DT/16
HNG	22	18	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
HNG	22	19	IFRB	CV	5	110	MOD	DT/5	DT/17
SG	25		.sysinfo-échange d'information	CV	4			DT/5	DT/15
SG	26		.sysinfo-IFRB, accès à distance	CV	4			DT/5	DT/15
SG	27		.sysinfo-IFRB, accès à distance	CV	4			DT/5	DT/15
SG	28		.sysinfo-dept Ordinateur	CV	4			DT/5	DT/15
SG	36		CCIs-CCITT	Gen				DT/5	DT/16
SG	42		.sysinfo-statistiques	Res				DT/5	DT/15
CHL	43	4	Plenipot	CS	6	34	MOD	DT/5	DT/19
CHL	43	5	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
CHL	43	6	Secrétariat général	CS	9	67	MOD	DT/5	DT/15
CHL	43	7	IFRB	CS	10	74	MOD	DT/5	DT/17
CHL	43	8	CCIs	CS	11	96	MOD	DT/5	DT/16
SG	46		CCIs-CCITT Lab	Gen				DT/5	DT/16
SG	47		Rapport à la Plenipot	Gen				DT/5	DT/14
ASEA	51	1	IFRB	CS	10	73	SUP	DT/5	DT/17
ASEA	51	2	IFRB	CS	10	73	ADD	DT/5	DT/17
ASEA	51	3	IFRB	CS	10	74	SUP	DT/5	DT/17
ASEA	51	4	IFRB	CS	10	74	ADD	DT/5	DT/17
ASEA	51	5	IFRB	CS	10	74 A	ADD	DT/5	DT/17
ASEA	51	6	IFRB	CS	10	74 B	ADD	DT/5	DT/17
ASEA	51	7	IFRB	CS	10	75	SUP	DT/5	DT/17
ASEA	51	8	IFRB	CS	10	75	ADD	DT/5	DT/17
ASEA	51	9	IFRB	CS	10	75 A	ADD	DT/5	DT/17
ASEA	51	10	IFRB	CS	10	76	SUP	DT/5	DT/17
ASEA	51	11	IFRB	CS	10	76	ADD	DT/5	DT/17
ASEA	51	12	IFRB	CV	5	110	MOD	DT/5	DT/17
ASEA	51	13	IFRB	CV	5	110 A	ADD	DT/5	DT/17
ASEA	51	14	IFRB	CV	5	111	MOD	DT/5	DT/17
ASEA	51	15	IFRB	CV	5	112	MOD	DT/5	DT/17
ASEA	51	16	IFRB	CV	5	113	SUP	DT/5	DT/17
ASEA	51	17	IFRB	CV	5	114	MOD	DT/5	DT/17
ASEA	51	18	IFRB	CV	5	115	MOD	DT/5	DT/17
ASEA	51	19	IFRB	CV	5	116	MOD	DT/5	DT/17
ASEA	51	20	IFRB	CV	5	116 A	ADD	DT/5	DT/17
ASEA	51	21	IFRB	CV	5	116 B	ADD	DT/5	DT/17
ASEA	51	22	Plenipot	CS	6	43	MOD	DT/5	DT/19
ASEA	51	23	Plenipot	CS	6	44	MOD	DT/5	DT/19
ASEA	51	26	Conseil Admin	CV	3	41	MOD	DT/5	DT/18
ASEA	51	27	Conseil Admin	CV	3	68	MOD	DT/5	DT/18
ASEA	51	28	Conseil Admin	CV	3	69	MOD	DT/5	DT/18
INS	53	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
INS	55	1	Structure-CCIs	CS	5			DT/5	DT/14
INS	55	2	CCIs	CV	6	multi		DT/5	DT/16
INS	55	3	CCIs	CV	6	multi		DT/5	DT/16
TZA	56	4	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
TZA	56	5	Conseil Admin	CS	8	59	SUP	DT/5	DT/18
TZA	56	6	IFRB	CS	10	73	MOD	DT/5	DT/17
TZA	56	7	.Langues	CS	16	133	MOD	DT/5	
TZA	56	23	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
TZA	56	24	Conseil Admin	CV	3	40 A	ADD	DT/5	DT/18
TZA	56	25	IFRB	CV	5	110	MOD	DT/5	DT/17
TZA	56	26	Conf-dispositions générales	CV	8	135	MOD	DT/5	DT/20
ALG	57	3	IFRB	CS	10	73	NOC	DT/5	DT/17
ALG	57	4	IFRB	CS	10	74	MOD	DT/5	DT/17
ALG	57	7	CCIs	CS	11	93	MOD	DT/5	DT/16
ALG	57	8	CCIs	CS	11	94	MOD	DT/5	DT/16
ALG	57	9	Conseil Admin	CV	3	68	MOD	DT/5	DT/18
ALG	57	10	IFRB	CV	5	115	NOC	DT/5	DT/17
B	58	13	Plenipot	CS	6	34	MOD	DT/5	DT/19
B	58	14	Plenipot	CS	6	34 A	ADD	DT/5	DT/19

B	58	15	Plenipot	CS	6	34 B	ADD	DT/5	DT/19
B	58	16	Plenipot	CS	6	34 C	ADD	DT/5	DT/19
B	58	17	Plenipot	CS	6	34 D	ADD	DT/5	DT/19
B	58	18	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
B	58	19	Secrétariat général	CS	9	68	MOD	DT/5	DT/15
B	58	20	Secrétariat général	CS	9	72 A	ADD	DT/5	DT/15
B	58	21	IFRB	CS	10	73	ADD	DT/5	DT/17
B	58	22	IFRB	CS	10	74	ADD	DT/5	DT/17
B	58	23	CCIs	CS	11	84	MOD	DT/5	DT/16
B	59	1	Conf Admin	CV	2	8	MOD	DT/5	DT/20
B	59	2	Conf Admin	CV	2	9	MOD	DT/5	DT/20
B	59	3	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
B	59	4	Conseil Admin	CV	3	72	MOD	DT/5	DT/18
B	59	5	IFRB	CV	5	110	MOD	DT/5	DT/17
B	59	6	IFRB	CV	5	116	(MOD)	DT/5	DT/17
ARS	60	5	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
ARS	60	6	IFRB	CS	10	73	MOD	DT/5	DT/17
ARS	60	7	IFRB	CS	10	74	MOD	DT/5	DT/17
ARS	60	8	CCIs	CS	11	85	MOD	DT/5	DT/16
ARS	61	1	CCIs-standards	Res			ADD	DT/5	DT/16
TUR	65	4	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
TUR	65	5	IFRB	CS	10	73	MOD	DT/5	DT/17
TUR	65	6	IFRB	CS	10	75	MOD	DT/5	DT/17
TUR	65	22	IFRB	CV	5	110	MOD	DT/5	DT/17
ETH	68	1	Structure-DEV	CS	5	33 A	MOD	DT/5	DT/14
ETH	66	2	Bureau (BPDTI)	CS	11 A		ADD	DT/5	DT/15
ETH	66	3	Bureau (BPDTI)	CS	11 A	97 A	ADD	DT/5	DT/15
ETH	66	4	CCIs	CS	11	97 B	ADD	DT/5	DT/16
ETH	67	1	Structure-Confer	CS	5	27	MOD	DT/5	DT/14
ETH	67	2	Conf Admin	CS	7	Title	MOD	DT/5	DT/20
ETH	67	3	Conf Admin	CS	7	48	MOD	DT/5	DT/20
ETH	67	4	Conf Admin	CS	7	50 A	ADD	DT/5	DT/20
ETH	67	5	Conf Admin	CS	7	50 B	ADD	DT/5	DT/20
ETH	67	6	Conf Admin	CS	7	56 A	ADD	DT/5	DT/20
ETH	67	7	Conf Admin	CS	7	56 B	ADD	DT/5	DT/20
ETH	67	8	Conf Admin	CS	7	56 C	ADD	DT/5	DT/20
ETH	68	1	Structure-IR Dir	CS	5	31	MOD	DT/5	DT/14
ETH	68	2	Plenipot	CS	6	43	MOD	DT/5	DT/19
ETH	68	3	IFRB	CS	10	Title	MOD	DT/5	DT/17
ETH	68	4	IFRB	CS	10	72 A	ADD	DT/5	DT/17
ETH	68	5	IFRB	CS	10	73	MOD	DT/5	DT/17
ETH	68	6	IFRB	CS	10	74	MOD	DT/5	DT/17
ETH	68	7	IFRB	CS	10	75	MOD	DT/5	DT/17
ETH	68	8	IFRB	CS	10	75 A	ADD	DT/5	DT/17
ETH	68	9	IFRB	CS	10	76	MOD	DT/5	DT/17
ETH	68	10	IFRB	CS	10	77	MOD	DT/5	DT/17
ETH	68	11	IFRB	CS	10	80	(MOD)	DT/5	DT/17
ETH	68	12	IFRB	CS	10	81	(MOD)	DT/5	DT/17
ETH	68	13	IFRB	CS	10	82	(MOD)	DT/5	DT/17
ETH	68	14	IFRB	CS	10	81	ADD	DT/5	DT/17
ETH	68	15	IFRB	CS	10	78	(MOD)	DT/5	DT/17
ETH	68	16	IFRB	CS	10	79	(MOD)	DT/5	DT/17
ETH	68	17	IFRB	CS	10	83	MOD	DT/5	DT/17
ETH	68	21	Conf Admin	CV	2	9	MOD	DT/5	DT/20
ETH	68	22	Conseil Admin	CV	3	41	MOD	DT/5	DT/18
ETH	68	23	Conseil Admin	CV	3	68	MOD	DT/5	DT/18
ETH	68	24	Conseil Admin	CV	3	69	MOD	DT/5	DT/18
ETH	68	25	Secrétariat général	CV	4	82	MOD	DT/5	DT/15
ETH	68	26	Secrétariat général	CV	4	83	MOD	DT/5	DT/15
ETH	68	27	Secrétariat général	CV	4	90	MOD	DT/5	DT/15
ETH	68	28	Secrétariat général	CV	4	99	MOD	DT/5	DT/15
ETH	68	29	IFRB	CV	5	Title	MOD	DT/5	DT/17
ETH	68	30	IFRB	CV	5	110	ADD	DT/5	DT/17
ETH	68	31	IFRB	CV	5	110	MOD1	DT/5	DT/17

ETH	68	32	IFRB	CV	5	115	MOD	DT/5	DT/17
ETH	68	33	CCIs-relations avec les autres OI	CV	24	245	MOD	DT/5	DT/16
AUS	69	1	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
AUS	69	2	CCIs-méthodes de travail	Gen				DT/5	DT/16
AUS	69	3	CCIs-méthodes de travail	CV	21	226 A	ADD	DT/5	DT/16
AUS	69	4	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
AUS	69	5	CCIs-CA rap à la proch Plenipot	Rec				DT/5	DT/16
AUS	69	6	CCIs-structure	Res			ADD	DT/5	DT/16
AUS	69	7	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
AUS	69	8	CCIs-CA rap à la proch Plenipot	Res			ADD	DT/5	DT/16
AUS	69	9	IFRB	Res			ADD	DT/5	DT/17
AUS	69	13	Conf-dispositions générales	CV				DT/5	DT/20
E	71	1	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
E	71	2	CCIs-méthodes de travail	CV	21	225 A	ADD	DT/5	DT/16
E	71	3	CCIs-méthodes de travail	CV	21	225 B	ADD	DT/5	DT/16
E	71	4	CCIs-méthodes de travail	CV	21	226 B	ADD	DT/5	DT/16
CAN	72	5	Conf Admin	CV	2	9	MOD	DT/5	DT/20
CAN	72	6	Conseil Admin	CS	8	60	MOD	DT/5	DT/18
CAN	72	7	IFRB	CS	10	73	MOD	DT/5	DT/17
CAN	72	8	IFRB	CS	10	74	MOD	DT/5	DT/17
CAN	72	9	IFRB	CS	10	76	MOD	DT/5	DT/17
CAN	72	10	IFRB	CS	10	82	MOD	DT/5	DT/17
CAN	72	11	IFRB	CV	5	110	MOD	DT/5	DT/17
CAN	72	12	IFRB	CV	5	115	MOD	DT/5	DT/17
CAN	72	13	IFRB	CV	5	116 A	ADD	DT/5	DT/17
CAN	72	14	IFRB	CV	5	116 B	ADD	DT/5	DT/17
CAN	72	15	IFRB	CV	5	116 C	ADD	DT/5	DT/17
CAN	72	16	IFRB	CV	5	116 D	ADD	DT/5	DT/17
CAN	72	17	IFRB	CV	5	116 E	ADD	DT/5	DT/17
CAN	72	18	IFRB	CV	5	116 F	ADD	DT/5	DT/17
CAN	72	19	IFRB	CV	5	116 G	ADD	DT/5	DT/17
CAN	72	20	IFRB	CV	5	116 H	ADD	DT/5	DT/17
CAN	72	21	IFRB	CV	5	116 I	ADD	DT/5	DT/17
CAN	72	22	IFRB	CV	5	116 J	ADD	DT/5	DT/17
CAN	72	23	IFRB	CV	5	116 K	ADD	DT/5	DT/17
CAN	72	24	IFRB	CV	5	116 L	ADD	DT/5	DT/17
CAN	72	25	IFRB	CV	5	116 M	ADD	DT/5	DT/17
CAN	72	26	IFRB	CV	5	116 N	ADD	DT/5	DT/17
CAN	72	27	IFRB	Res			ADD	DT/5	DT/17
CAN	72	28	.sysinfo-FMS	Res			ADD	DT/5	DT/17
CAN	72	29	Comité de coordination	CS	12	99	MOD	DT/5	DT/15
CAN	72	30	Comité de coordination	CV	7	129	MOD	DT/5	DT/15
CAN	72	31	CCIs	CS	11	94	MOD	DT/5	DT/16
CAN	72	32	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
CAN	72	33	CCIs-méthodes de travail	CV	21	227	MOD	DT/5	DT/16
CAN	72	36	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
NIG	74	2	Plenipot	CS	6	38	MOD	DT/5	DT/19
NIG	74	3	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
NIG	74	4	IFRB	CS	10	73	MOD	DT/5	DT/17
NIG	74	5	IFRB	CS	10	74	MOD	DT/5	DT/17
NIG	74	6	CCIs	CS	11	94	MOD	DT/5	DT/16
NIG	74	19	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
CHN	78	2	IFRB	CS	10	73	MOD	DT/5	DT/17
CHN	78	3	IFRB	CS	10	74	MOD	DT/5	DT/17
CHN	78	4	CCIs	CS	11	94	MOD	DT/5	DT/17
CHN	79	1	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
CHN	79	2	IFRB	CV	5	110	MOD	DT/5	DT/17
CHN	79	3	CCIs-CCITT Lab	CV	6	121	SUP	DT/5	DT/16
CHN	79	4	CCIs-méthodes de travail	CV	21	223	MOD	DT/5	DT/16
CHN	79	5	CCIs-dir	CV	22	231	MOD	DT/5	DT/16
ETH	80	2 a	Structure-CCIs	CS	5		MOD	DT/5	DT/14
ETH	80	2 b	Structure-IR Dir	CS	5			DT/5	DT/14
ETH	81	1	Structure-IR Dir	CS	5	31	MOD	DT/5	DT/14

ETH	81	2	Structure-CCIs	CS	5	32	SUP	DT/5	DT/14
ETH	81	3	Structure-CCIs	CS	5	33	SUP	DT/5	DT/14
ETH	81	4	Structure-CCIs	CS	5	32 A	ADD	DT/5	DT/14
ETH	81	5	Structure-CCIs	CS	5	33 A	ADD	DT/5	DT/14
ETH	81	6	Plenipot	CS	6	44	MOD	DT/5	DT/19
ETH	81	7	CCIs-CCIT	CS	11	Title	MOD	DT/5	DT/16
ETH	81	8	CCIs	CS	11	84	SUP	DT/5	DT/16
ETH	81	9	CCIs	CS	11	85	SUP	DT/5	DT/16
ETH	81	10	CCIs	CS	11	85 A	ADD	DT/5	DT/16
ETH	81	11	CCIs	CS	11	86	MOD	DT/5	DT/16
ETH	81	12	CCIs	CS	11	87	MOD	DT/5	DT/16
ETH	81	13	CCIs	CS	11	90	MOD	DT/5	DT/16
ETH	81	14	CCIs	CS	11	95	SUP	DT/5	DT/16
ETH	81	15	CCIs	CS	11	96	SUP	DT/5	DT/16
ETH	81	16	CCIs	CS	11	97	MOD	DT/5	DT/16
ETH	81	17	Comité de coordination	CS	12	98	MOD	DT/5	DT/15
G	82	2	IFRB	CS	10	73	(MOD)	DT/5	DT/17
G	82	3	IFRB	CS	10	76	MOD	DT/5	DT/17
G	82	7	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
G	82	8	CCIs-méthodes de travail	Res			ADD	DT/5	DT/16
G	82	9	CCIs-commission	Res			ADD	DT/5	DT/16
G	82	16	.sysinfo-IFRB FMS	Res			ADD	DT/5	DT/15
F	83	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
F	83	2	IFRB	CS	10	73	MOD	DT/5	DT/17
F	83	13	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
F	83	14	IFRB	CV	5	110	MOD	DT/5	DT/17
KEN	86 R1	3	Plenipot	CS	6	34	MOD	DT/5	DT/19
KEN	86 R1	4	Plenipot	CS	6	40	MOD	DT/5	DT/19
KEN	86 R1	5	IFRB	CS	10	79	MOD	DT/5	DT/17
KEN	86 R1	6	Comité de coordination	CS	12	98	SUP	DT/5	DT/15
KEN	86 R1	10	Plenipot	CV	1	6 A	ADD	DT/5	DT/19
KEN	86 R1	11	Conseil Admin	CV	3	40	MOD	DT/5	DT/18
KEN	86 R1	19	Structure-réorganisation UIT	CS	5	multi		DT/5	DT/14
KEN	86 R1	20	IFRB	Gen				DT/5	DT/17
KEN	86 R1	21	.sysinfo-IFRB FMS	Gen				DT/5	DT/15
KEN	86 R1	22	.sysinfo-IFRB, accès à distance	Gen				DT/5	DT/15
KEN	86 R1	23	.Futures conférences	Gen				DT/5	
SG	90		Changing Envir,TZA/FNL	Gen				DT/5	DT/14
SEN	93	1	IFRB	CS	10	multi		DT/5	DT/17
SEN	93	2	.sysinfo-IFRB FMS	Res			ADD	DT/5	DT/15
SEN	93	3	IFRB	CS	10	multi		DT/5	DT/17
SEN	94	2	Secrétariat général	Gen				220	220
SEN	94	5	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
SEN	94	6	Comité de coordination	CS	12	100 A	ADD	DT/5	DT/15
PRG	95	17	Structure	CS	5	25	MOD	DT/5	DT/14
PRG	95	18	Structure	CS	5	26	MOD	DT/5	DT/14
PRG	95	19	Structure-Confer	CS	5	27	NOC	DT/5	DT/14
PRG	95	19	Structure-CA	CS	5	28	NOC	DT/5	DT/14
PRG	95	20	Structure-organes permanents:	CS	5	29	NOC	DT/5	DT/14
PRG	95	21	Structure-SG	CS	5	30	NOC	DT/5	DT/14
PRG	95	22	Plenipot	CS	6	34	NOC	DT/5	DT/19
PRG	95	23	Plenipot	CS	6	35	NOC	DT/5	DT/19
PRG	95	24	Plenipot	CS	6	37	MOD	DT/5	DT/19
PRG	95	25	Plenipot	CS	6	40	NOC	DT/5	DT/19
PRG	95	26	Plenipot	CS	6	41	NOC	DT/5	DT/19
PRG	95	27	Plenipot	CS	6	45	NOC	DT/5	DT/19
PRG	95	27	Plenipot	CS	6	46	NOC	DT/5	DT/19
PRG	95	27	Plenipot	CS	6	47	NOC	DT/5	DT/19
PRG	95	28	Conf Admin	CS	7	Title	NOC	DT/5	DT/20
PRG	95	29	Conf Admin	CS	7	48	NOC	DT/5	DT/20
PRG	95	29	Conf Admin	CS	7	49	NOC	DT/5	DT/20
PRG	95	29	Conf Admin	CS	7	50	NOC	DT/5	DT/20
PRG	95	30	Conf Admin	CS	7	52	NOC	DT/5	DT/20
PRG	95	30	Conf Admin	CS	7	53	NOC	DT/5	DT/20



PRG	95	30	Conf Admin	CS	7	54	NOC	DT/5	DT/20
PRG	95	31	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
PRG	95	32	Conseil Admin	CS	8	58	NOC	DT/5	DT/18
PRG	95	32	Conseil Admin	CS	8	59	NOC	DT/5	DT/18
PRG	95	33	Conseil Admin	CS	8	62	NOC	DT/5	DT/18
PRG	95	33	Conseil Admin	CS	8	63	NOC	DT/5	DT/18
PRG	95	34	Secrétariat général	CS	9	Title	NOC	DT/5	DT/15
PRG	95	35	Comité de coordination	CS	12	Title	NOC	DT/5	DT/15
PRG	95	90	Plenipot	CV	1	1	(MOD)	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	2	NOC	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	3	NOC	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	4	NOC	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	5	NOC	DT/5	DT/19
PRG	95	91	Plenipot	CV	1	6	NOC	DT/5	DT/19
PRG	95	92	Conf Admin	CV	2	Title	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	7	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	8	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	9	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	10	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	11	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	12	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	13	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	14	NOC	DT/5	DT/20
PRG	95	93	Conf Admin	CV	2	15	NOC	DT/5	DT/20
PRG	95	94	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	32	NOC	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	33	NOC	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	34	NOC	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	35	NOC	DT/5	DT/18
PRG	95	95	Conseil Admin	CV	3	36	NOC	DT/5	DT/18
PRG	95	96	Conseil Admin	CV	3	42	NOC	DT/5	DT/18
PRG	95	96	Conseil Admin	CV	3	43	NOC	DT/5	DT/18
PRG	95	97	Conseil Admin	CV	3	45	NOC	DT/5	DT/18
PRG	95	98	Conseil Admin	CV	3	46	MOD	DT/5	DT/18
PRG	95	99	Conseil Admin	CV	3	47	MOD	DT/5	DT/18
PRG	95	100	Conseil Admin	CV	3	53	NOC	DT/5	DT/18
PRG	95	100	Conseil Admin	CV	3	54	NOC	DT/5	DT/18
PRG	95	101	Conseil Admin	CV	3	65	NOC	DT/5	DT/18
PRG	95	102	Conseil Admin	CV	3	66	NOC	DT/5	DT/18
PRG	95	103	Conseil Admin	CV	3	72	NOC	DT/5	DT/18
PRG	95	104	Conseil Admin	CV	3	74	NOC	DT/5	DT/18
PRG	95	105	Secrétariat général	CV	4	75	NOC	DT/5	DT/15
PRG	95	105	Secrétariat général	CV	4	76	NOC	DT/5	DT/15
USA	96	4	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
USA	96	5	IFRB	CS	10	74	NOC	DT/5	DT/17
USA	96	6	IFRB	CS	10	75	NOC	DT/5	DT/17
USA	96	7	IFRB	CS	10	76	MOD	DT/5	DT/17
USA	96	8	CCIs	CS	11	89	MOD	DT/5	DT/16
USA	96	9	CCIs	CS	11	94	MOD	DT/5	DT/16
USA	96	10	CCIs	CS	11	94 A	ADD	DT/5	DT/16
USA	96	12	Conf Admin	CV	2	9	MOD	DT/5	DT/20
USA	96	13	Conf Admin	CV	2	26	MOD	DT/5	DT/20
USA	96	14	Conf Admin	CV	2	30	MOD	DT/5	DT/20
USA	96	15	Comité de coordination	CV	7	129	MOD	DT/5	DT/15
USA	96	20	CCIs-Participation	CV	16	193	MOD	DT/5	DT/16
USA	96	21	CCIs-Participation	CV	16	197	SUP	DT/5	DT/16
USA	96	22	CCIs-Participation	CV	16	198	SUP	DT/5	DT/16
USA	96	23	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
USA	96	24	CCIs-commissions d'études	CV	20	218	MOD	DT/5	DT/16
USA	96	25	CCIs-commissions d'études	CV	20	219	SUP	DT/5	DT/16
USA	96	26	CCIs-méthodes de travail	CV	21	227	MOD	DT/5	DT/16
USA	96	27	CCIs-propositions aux conf adm	CV	23	240 A	ADD	DT/5	DT/16
USA	96	28	Conf Admin	CV	23	241	MOD	DT/5	DT/20
D	97	1	Structure-Comité	Res			ADD	DT/5	DT/14
GRC	98	2	Structure	CS	5	multi		DT/5	DT/14

GRC	98	3	Conseil Admin	CS	8	multi		DT/5	DT/18
GRC	98	4	IFRB	CS	10	multi		DT/5	DT/17
GRC	98	5	CCIs	CS	11	multi		DT/5	DT/16
GRC	98	7	Secrétariat général	CV	4	multi		DT/5	DT/15
GRC	98	8	Comité de coordination	CV	7	multi		DT/5	DT/15
D	108	1	.sysinfo-IFRB	CS	10	80	MOD	DT/5	DT/17
D	108	10	CCIs-assemblée plénière	CV	17	201	MOD	DT/5	DT/16
D	108	11	CCIs-assemblée plénière	CV	17	201 A	ADD	DT/5	DT/16
D	108	12	CCIs-commissions d'études	CV	20	218 A	ADD	DT/5	DT/16
D	108	13	CCIs-CCITT Lab	CV	6	121	SUP	DT/5	DT/16
D	108	22	.sysinfo-IFRB, accès à distance	Res			ADD	DT/5	DT/15
GRC	110	6	Structure-IR Dir	CS	5	31	MOD	DT/5	DT/14
GRC	110	7	Structure-CCIs	CS	5	32	SUP	DT/5	DT/14
GRC	110	8	Structure-CCIs	CS	5	33	MOD	DT/5	DT/14
GRC	110	9	Plenipot	CS	6	44	MOD	DT/5	DT/19
GRC	110	10	Secrétariat général	CS	9	68	MOD	DT/5	DT/15
GRC	110	11	IFRB	CS	10	Title	MOD	DT/5	DT/17
GRC	110	12	IFRB	CS	10	77	MOD	DT/5	DT/17
GRC	110	13	IFRB	CS	10	78	(MOD)	DT/5	DT/17
GRC	110	14	IFRB	CS	10	79	(MOD)	DT/5	DT/17
GRC	110	15	.sysinfo, IFRB	CS	10	80	MOD	DT/5	DT/17
GRC	110	16	IFRB	CS	10	81	(MOD)	DT/5	DT/17
GRC	110	17	IFRB	CS	10	82	MOD	DT/5	DT/17
GRC	110	18	IFRB	CS	10	83	(MOD)	DT/5	DT/17
GRC	110	19	IFRB	CS	10	73	MOD	DT/5	DT/17
GRC	110	20	IFRB	CS	10	74	MOD	DT/5	DT/17
GRC	110	21	IFRB	CS	10	76	MOD	DT/5	DT/17
GRC	110	22	IFRB	CS	10	76 A	ADD	DT/5	DT/17
GRC	110	23	CCIs	CS	11	Title	MOD	DT/5	DT/16
GRC	110	24	CCIs-CCITT Lab	CV	6	121	SUP	DT/5	DT/16
POR	114 C1	5	Conseil Admin	CS	8	57 D	ADD	DT/5	DT/18
POR	114 C1	6	Conseil Admin	CS	8	57 E	ADD	DT/5	DT/18
POR	114 C1	7	Conseil Admin	CS	8	58	(MOD)	DT/5	DT/18
POR	114 C1	8	Conseil Admin	CS	8	59	(MOD)	DT/5	DT/18
POR	114 C1	9	Conseil Admin	CS	8	60	(MOD)	DT/5	DT/18
POR	114 C1	10	Conseil Admin	CS	8	61	(MOD)	DT/5	DT/18
POR	114 C1	11	Conseil Admin	CV	3	31	(MOD)	DT/5	DT/18
POR	114	1	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
POR	114	2	Conseil Admin	CS	8	57 A	ADD	DT/5	DT/18
POR	114	3	Conseil Admin	CS	8	57 B	ADD	DT/5	DT/18
POR	114	4	Conseil Admin	CS	8	57 C	ADD	DT/5	DT/18
ARG	115	8	CCIs	CS	11	85 A	ADD	DT/5	DT/16
ARG	115	10	Structure-Comité de coord	CS	5	33 A	ADD	DT/5	DT/14
ARG	115	11	Comité de coordination	CS	12	100 A	ADD	DT/5	DT/15
ARG	116	1	Secrétariat général	CV	4	87 A	ADD	DT/5	DT/15
IND	124	2	CCIs-commissions d'études	CV	20	218	MOD	DT/5	DT/16
IND	124	3	CCIs-méthodes de travail	CV	21	224 A	ADD	DT/5	DT/16
IND	124	4	CCIs-méthodes de travail	CV	21	224 B	ADD	DT/5	DT/16
MRC	126	2	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
MRC	126	3	IFRB	CS	10	73	MOD	DT/5	DT/17
MRC	126	4	IFRB	CS	10	79	ADD	DT/5	DT/17
MRC	126	10	Conf Admin	CV	2	9	MOD	DT/5	DT/20
MRC	126	11	Conseil Admin	CV	3	31	MOD	DT/5	DT/18
MRC	126	12	IFRB	CV	5	110	MOD	DT/5	DT/17
MRC	127	1	.sysinfo-IFRB, accès à distance	Gen				DT/5	DT/15
MRC	127	2	.sysinfo-IFRB, accès à distance	Gen				DT/5	DT/15
MRC	127	3	.sysinfo-IFRB, accès à distance	Gen				DT/5	DT/15
CTI	132	10	Plenipot	CS	6	34	MOD	DT/5	DT/19
CTI	132	11	Conf Admin	CS	7	51	MOD	DT/5	DT/20
CTI	132	12	Conseil Admin	CS	8	57	MOD	DT/5	DT/18
CTI	132	14	IFRB	CS	10	80	MOD	DT/5	DT/17
IRQ	141	2	Structure-CCIs	CS	5			DT/5	DT/14
IRQ	141	3	IFRB	Gen				DT/5	DT/17
MLI	144	1	Structure-SG	CS	5			DT/5	DT/14

MLI	144	2	Structure-CCIs	CS	5			DT/5	DT/14
MLI	144	3	Structure-IR Dir	CS	5			DT/5	DT/14
MLI	144	5	Structure-TCD	Gen				220	
MLI	144	6	Structure-CTD	Gen				220	
GUI	145	1	Conseil Admin	Gen				DT/5	DT/18
GUI	145	2	Structure	CS	5	multi		DT/5	DT/14
CLM	151	2	Plenipot	CS	6	45	MOD	DT/5	DT/19
CLM	151	3	Conf Admin	CS	7	51	MOD	DT/5	DT/20
CLM	151	4	Conf Admin	CS	7	53	MOD	DT/5	DT/20
CLM	151	5	Conf Admin	CS	7	54	MOD	DT/5	DT/20
ARG	153	4	Secrétariat général	CS	1	5 A	ADD	153	
ARG	154	1	Procédure pour la prise de fonct	CV	N		ADD	154	DT/19
ARG	154	2	Procédure pour la prise de fonct	CV	N	N1	ADD	154	DT/19
ARG	154	3	Procédure pour la prise de fonct	CV	N	N2	ADD	154	DT/19
ARG	155 A1	13 bis	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	1	Procédure pour l'élection	CV	M	Title	ADD	155	
ARG	155	2	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	3	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	4	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	5	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	6	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	7	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	8	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	9	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	10	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	11	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	12	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	13	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	14	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	15	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	16	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	17	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	18	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	19	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	20	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	21	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	155	22	Procédure pour l'élection	CV	M	M1	ADD	155	
ARG	156	1	Régions administratives		N	Title	ADD	156	
ARG	156	2	Régions administratives		N	N1	ADD	156	
CLM	158	1	Plenipot	Res			ADD	DT/5	DT/19
SG	161		.Particip. d'EPR/OSI/OI						
INS	162 A1		IFRB	Gen				DT/5	
INS	162	1	Structure-IR Dir	CS	5			DT/5	DT/14
INS	162		IFRB	Gen				DT/5	
COM7	169		.Compte rendu-1						
CME	180	2	Structure-CTD/TCD	Gen				220	
COM7	182 C1		.Compte rendu-2						
COM7	184		IFRB-rapport	CS	10	multi		DT/5	DT/17
COM7	184		IFRB-rapport	CV	5			DT/5	DT/17
COM7	184		Structure-IFRB rapport	CS	5			DT/5	DT/14
COM7	191 R1		.Compte rendu-3						
COM4	193		.Répercus., les finances	Gen				193	
BFA	194	1	Structure-CCIs-fusion	Gen				194	
BFA	194	2	.sysinfo-FMS	Gen				DT/5	
BFA	194	3	IFRB	Gen				DT/5	
BFA	194	4	IFRB	Gen				DT/5	
COM7	196		.Compte rendu-4						
CHL	199	1	Comité de coordination	CS	12	98	NOC	199	
CHL	199	2	Comité de coordination	CS	12	99	MOD	199	
CHL	199	3	Comité de coordination	CS	12	99 A	ADD	199	
CHL	199	4	Comité de coordination	CS	12	99 B	ADD	199	
CHL	199	5	Comité de coordination	CS	12	99 C	ADD	199	
CHL	199	6	Comité de coordination	CS	12	100	NOC	199	
CHL	199	7	Comité de coordination	CV	7	125	SUP	199	
CHL	199	8	Comité de coordination	CV	7	126	SUP	199	

CHL	199	9	Comité de coordination	CV	7	126	MOD	199	
COM7	204		.Compte rendu-5						
COM7	206 R1		.Compte rendu-6						
COM7	210		.Note du président-sum.					210	
COM7	214 C1		.Compte rendu-7						
COM7	215 R1		.Compte rendu-8						
COM6	220		.Note du président-alloc					220	
COM7	227 R2C1		.Compte rendu-9						
COM7	238		.Conclu. du président					238	
COM7	241 C1		.Compte rendu-10						
USA	247	1	CCIs	CS	11	86 A	ADD	247	
USA	247	1	CCIs	CS	11	86 B	ADD	247	
COM7	252 R1		.Compte rendu-11						
COM7	260		.1er rapport						
COM7	269 R1		.Compte rendu-12						
COM7	270		.Compte rendu-13						
COM6	276 C1		.Note du président-alloc					276	
COM7	285		.Compte rendu-14						
COM7	292 C1		.Compte rendu-15						
COM7	295 C1		.Note - Résumé						
COM7	307 C1		.Compte rendu-16						
COM7	308 C1		.Compte rendu-17						
COM7	310		.Note						
ARG+	311 R1		Bureau de dével.	CS	11 A		ADD	311	
COM7	318 R1		.Compte rendu-18						
COM7	323		.Note						
COM7	329		.Compte rendu-19						
7AH1	330		.Rapport						
ALG+	340 R1	1	Structure-Plenipot	CS	L		ADD	340	
COM7	341		.Compte rendu-20						
7AH1	348		.Rapport final						
SG	349		Transition	CS	47		ADD	349	
COM7	351		.Compte rendu-21						
ALG+	353	1	CCIs	CS	11	93	MOD	353	
ALG+	353	2	CCIs	CS	11	94	MOD	353	
SG	357		.Note						
COM9	362		.Note						
COM9	363		.Note						
USA	364	1	Structure	CS	5	34 A	MOD	364	
USA	364	2	Bureau (BPDTI)	CS	11 A		ADD	364	
COM8	377		.Note						
COM8	378		.Note						
ALG+	385		IFRB	CS	10	74		385	
COM4	393		.Note						
COM7	396		.Compte rendu-22						
COM7	397 C1		.Compte rendu-23						
COM7	408 R1		.Note						
COM7	417 R1		.Note - CA						
7AH3	420 R1		.Rapport						
COM7	421		.1er Serie des textes						
COM7	422		.2ème Serie des textes						
7AH4	423		.Rapport						
7AH2	424		.Rapport						
7AH5	425		.Rapport						
GRC	428	1	Règlement conf	CV	25	267 A	ADD	428	
GRC	428	2	Règlement conf	CV	25	267 B	ADD	428	
COM7	433		.Compte rendu-24						
COM7	434		.Compte rendu-25						
COM7	435		.Compte rendu-26						
COM7	436		.Compte rendu-27						
COM7	437		.3ème Serie des textes						
COM7	444		.4ème Serie des textes						
COM7	445		.5ème Serie des textes						
COM7	462		.6ème Serie des textes						

COM7	467	.7ème Serie des textes			
COM7	475	.8ème Serie des textes			
COM7	479	.note d'information			
COM7	492	.9ème Serie des textes			
COM7	493	.10ème Serie des textes			
COM7	494	.Compte rapport			
7A45	497	.1er Serie des textes			

INTERNATIONAL TELECOMMUNICATION UNION  
**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

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COMMITTEE 7

Note from the Chairman of Committee 7

Please find the summary of the debate of Committee 7 on the general discussions on proposals and associated principles relating to the basic structures of the Union.

A. VARGAS ARAYA  
Chairman

Annexes: 3

#### CHAIRMAN'S SUMMARY

Your Committee 7 on Structures so far had six sittings to organize its work and conducted general discussion on proposals and associated principles relating to basic structures of the Union. It entertained over 90 interventions and listened to the views of the four elected heads of organs, that lead me to propose to you the following general conclusions:

1. Many expressed their general satisfaction on the structure and performance of the ITU, but all agreed that there is room for improvement in one form or another.
2. Many others expressed that the Union does not respond equally well on all its functions, underlining that its development function has not received equitable treatment; all agreed that the technical cooperation function has to be strengthened.
3. All agreed that any structural change that may be proposed should be well considered and should be implemented with minimum disturbance of on-going activities. Accordingly it was suggested that evolutionary methods should be used and no one proposed a revolution.
4. There was a consensus that all came with an open mind and were willing to listen to the views of others, which I personally found a comforting attitude in the very difficult task you have assigned to me.
5. Let me now bring out some points on which I expected to hear more discussion and commentary but unfortunately not enough was said. These are:
  - 5.1 Reference to modern science of management.
  - 5.2 Comparative analysis of structures and management.
  - 5.3 The notion that the structure or management that one recommends to another organization would on the whole be more or less acceptable if it were practiced in one's own set up.

With the above observations and understanding, I have derived or distilled from the debate the following options:

First: The general structure

A. Existing structure

Consisting of four autonomous permanent organs (characterized by some as having a "federal" relationship) headed by nine elected officials, with a Secretary-General having limited overall responsibility and hence accountability, supported by an Advisory Coordination Committee which is composed of the heads of the various organs.

B. A consolidated functional structure

Consisting of four (CCIT, IFRB, Development, General Secretariat) or five (CCIT, CCIR, IFRB, Development, General Secretariat) permanent organs each headed by one elected director, all reporting to one chief executive designated as Secretary-General or Director-General.

In either option A or B there would be an independent, elected full-time or part-time Board of IFRB that will be responsible for all collegiate matters.

Second: The specific structures

A. The CCI's

Option I: Existing structure

Consisting of:

- Two separate Plenary Assemblies (CCIR & CCITT)
- Generating two separate sets of Study Groups
- Supported by two elected Directors each heading a separate Secretariat.

Option II: Revised structure

Consisting of:

- Two separate Plenary Assemblies (CCIR & CCITT)
- Generating two separate sets of Study Groups
- Supported by one elected Director heading a single Secretariat.

Option III: Revised structure

Consisting of:

- One common Plenary Assembly (CCIT)
- Generating one set of Study Groups
- Supported by one Director heading a single Secretariat.

B. The IFRB

Option I: Existing structure

Consisting of:

- A full-time elected Board of five members responsible for all collegiate functions and the direction of the Specialized Secretariat on annual rotation basis.

Option II: Revised structure

Consisting of:

- A part-time elected Board of five or more members responsible for all collegiate functions. The Specialized Secretariat would be headed by an elected Director reporting to the Secretary-General for administrative purposes, and to the Board for substantive matters.



Option III: Revised structure

Consisting of:

- A full-time elected Board of five members responsible for all collegiate functions. It would be assisted by a Director heading the Specialized Secretariat and reporting to the Secretary-General for administrative matters, and to the Board for substantive matters.

C. The General Secretariat

Option I: Existing structure

A General Secretariat and consisting of various departments such as external relations including legal matters, information exchange, computer, common services, personnel, etc., and two units consisting of a Technical Cooperation Department and a Centre for Telecommunications Development. The General Secretariat is headed by a Secretary-General assisted by a Deputy.

Option II: Revised structure

Creation of a separate permanent development organ which will be headed by an elected Director who will report to the Secretary-General and be responsible for all network development and technical cooperation assistance matters.

There will then remain the balance of the General Secretariat headed by a truly chief executive who is empowered to direct the affairs of the Union as a whole retaining its current responsibilities and providing consolidated service to all the permanent organs.

Those are the options I have so far derived from the general discussion on principles. To come back to the analogy I used at the beginning of our session of this committee those are the contours of the different forests that I have identified.

I should like you to tell me whether I have left out other possible options that we could have described.

Our next step would then be to go to each specific structure and select one option that will obtain the consensus of all parties. Once you agree on one option, I shall go back to the detailed proposals submitted and provide you with a menu of alternatives or trees to choose from in order to create the forest of your choice.

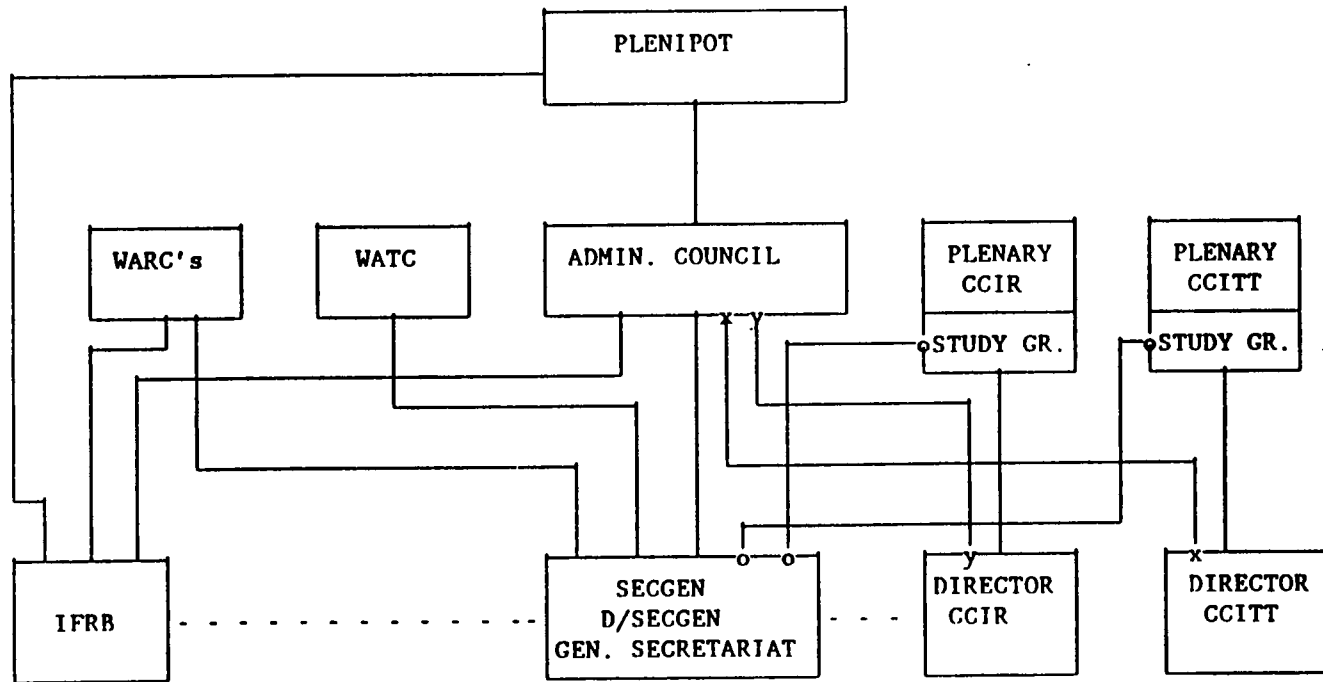
As required by certain delegations, I shall provide you this summary along with a block diagram presentation of various options.

As regards to the method on how to go about any agreed restructuring, there were different ways indicated that range from decisions to be made now and implemented, to the proposal of setting up a panel of experts, committee, management study, etc., and present it to a further conference. I suggest that we note these proposals for the time being and consider them after we have gone through all the articles assigned to us.

I hope the above will meet with your approval and I invite you now for any comments that you may have.

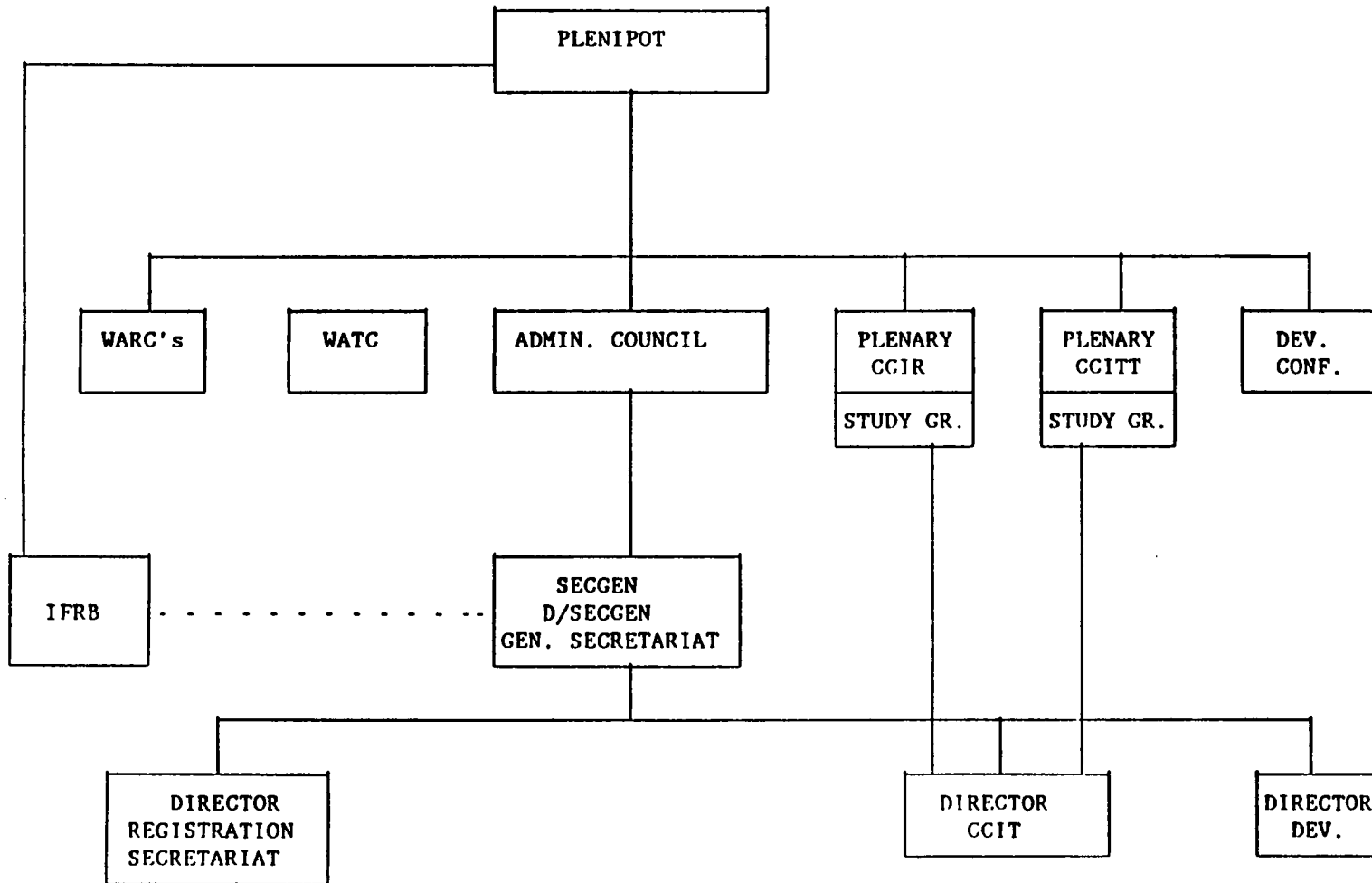
ANNEX 1

EXISTING RELATIONSHIP OF LEGISLATIVE ORGANS WITH SECRETARIATS



ANNEX 2

ONE POSSIBLE REVISED RELATIONSHIP OF LEGISLATIVE ORGANS WITH SECRETARIAT

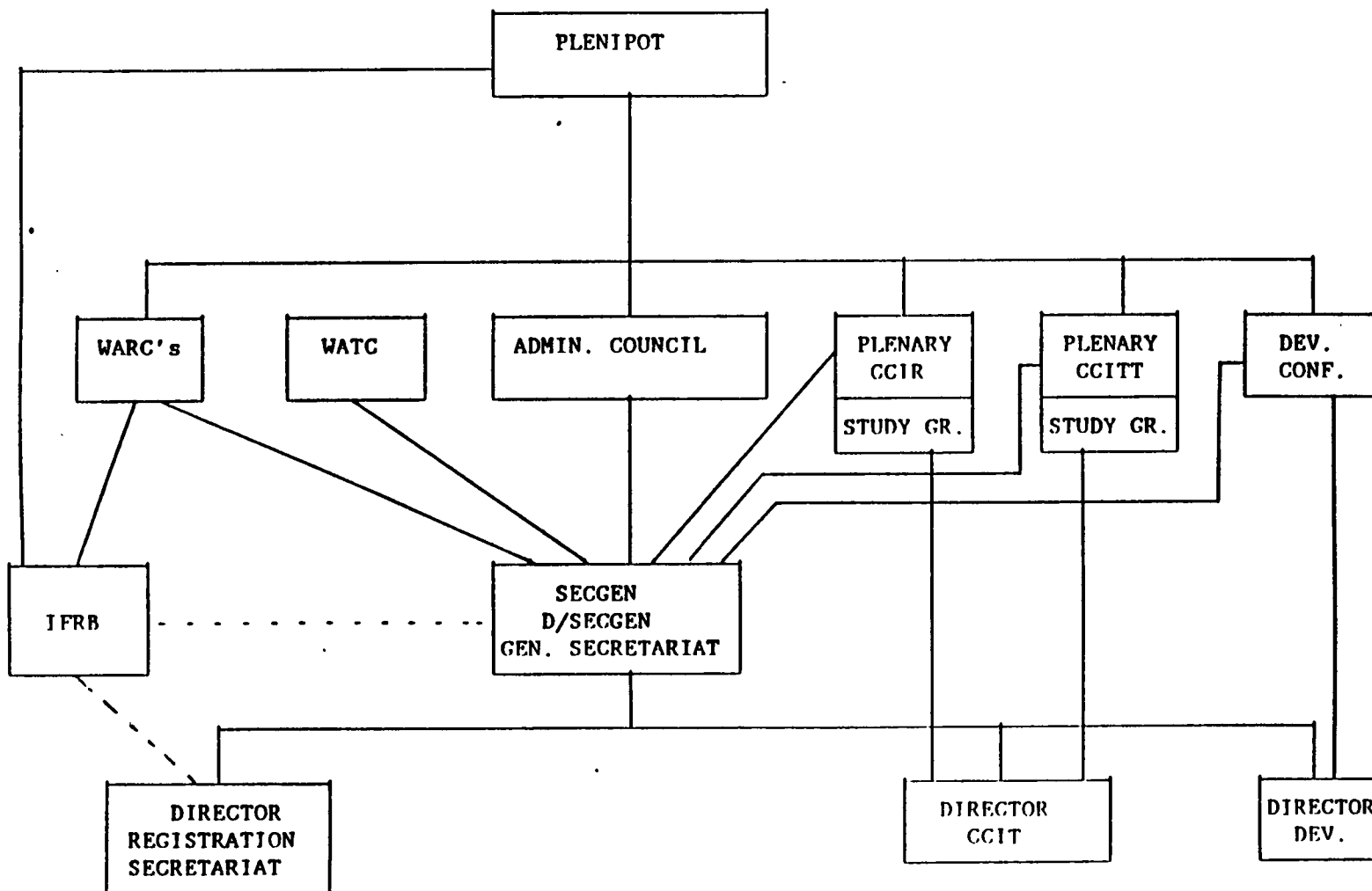


- 6 -  
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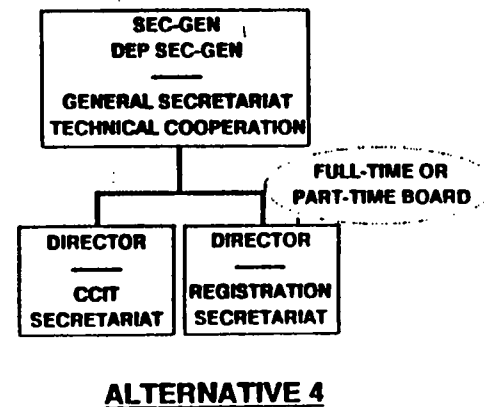
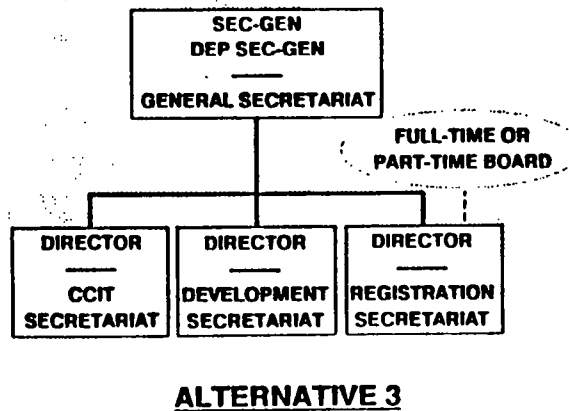
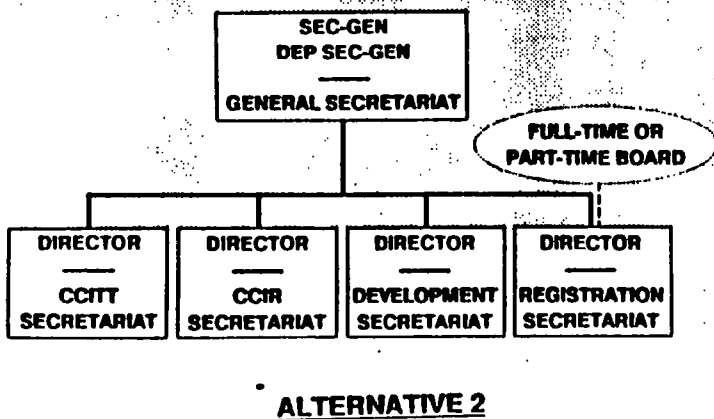
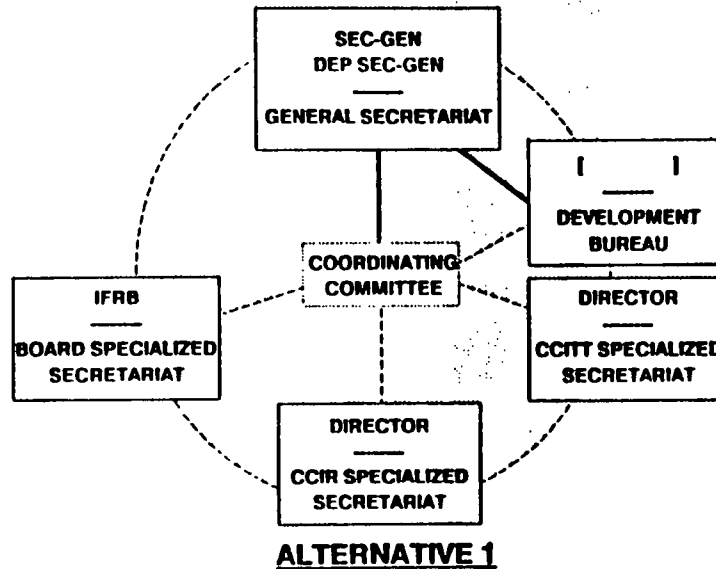
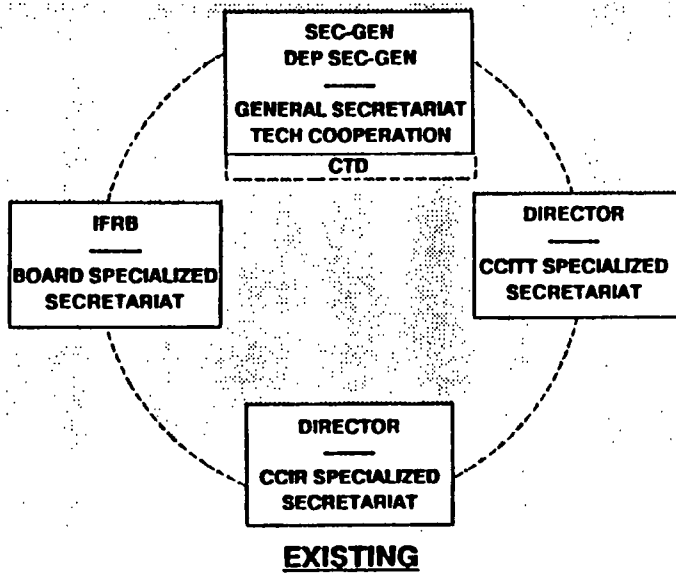
- 22 -  
PP-89/494-E

ANNEX 2

ONE POSSIBLE REVISED RELATIONSHIP OF LEGISLATIVE ORGANS WITH SECRETARIAT



# ALTERNATIVE STRUCTURAL MODELS FOR ITU SECRETARIATS



INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 295-E  
14 June 1989  
Original: English

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COMMITTEE 7

## NOTE BY THE CHAIRMAN OF COMMITTEE 7 (STRUCTURES)

The following summary of the Chairman was accepted by the majority of Committee 7. The written views of other delegations are contained in the annex.

### SUMMARY OF THE CHAIRMAN

After an extensive debate on the general principles to follow with regard to the general structure of the Union, the Committee reached the following conclusions.

1. The type of structure that the Union adopts should be geared to deliver the basic functions in an efficient and effective manner to the satisfaction of the totality of the membership.
2. While many Members expressed a sentiment of satisfaction with the existing structure, many also regretted the absence of a mechanism that enhances a more cohesive and unified approach towards the fulfillment of the purposes of the Union.
3. There was support for the enhancement of the role of the Secretary-General as the chief executive officer, who as the leader of the Union has a responsibility for overall policy matters and the management of the resources.
4. It was recognized that the various organs are units having their own specific identities which justify a special status and a measure of autonomy for their operation in their respective fields of competence.
5. There was full recognition of the absolute necessity for good coordination between organs, however, there was divergence of views on the means of achieving it. Some suggested a strong Coordination Committee with authority for making decision, while others proposed that this be done by reinforcing the authority of the Secretary-General, with appropriate advice from the Coordination Committee.
6. It was reaffirmed that the newly created permanent organ for development should have adequate budgetary resources and should be established on a footing of equality with the other organs.

7. The Committee recognized the need for an independent, in-depth study for reviewing the fundamental structure and methods of work of the Union and agreed on the need for a clear cut plan of action to be formulated in the form of a resolution, with a time frame to enable decisions and implementation at an Extraordinary Conference to be convened at the earliest practicable time. In this context Alternative Model 3 was foreseen by some as the final structure to be aimed at. In the meantime, the structural model designated as Alternative Model 1 is supported for implementation by this Conference.
8. The conclusion of the above debate refers to the general structure of the Union as a whole without prejudice to the follow up discussions that have been agreed to be held with respect to the individual organs.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 495-E  
28 June 1989  
Original: French

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PLENARY MEETING

Report of the Chairman of Committee 4  
to the Plenary Meeting

LIMITS ON UNION EXPENDITURE FOR THE PERIOD 1990-1994

At its last six meetings, the Finance Committee has discussed the question of the limits to be set on expenditure for the period from 1990 to 1994.

For this purpose, it considered among other things the notes by the Secretary-General circulated in Documents DT/58, 68, 71, 72, 77 and 80, which contain a list of the subjects considered by the various Committees of the Conference with an indication of their financial implications for the Union's ordinary budget.

The Committee also had before it three proposals regarding tables that might be used in setting the limits on expenditure. These tables were submitted by the Delegations of Australia, the Netherlands and the Federal Republic of Germany.

The Committee considered the following points in particular:

- a) level of the limit for 1990;
- b) future trend in expenditure limits over the years after 1990;
- c) total expenditure under the expenditure limits for the years 1990 to 1994.

Level of the limit for 1990

There was a great variety of opinion on the subject of the 1990 limit.

A few delegations were of the opinion that the Union's provisional budget for 1990 adopted by the Administrative Council and adjusted as at 1 April 1989, amounting to 107,346,000 Swiss francs, should be maintained, on the understanding that new expenditure decided on by the Conference would have to be covered by savings on other items.

A substantial proportion of delegations agreed that the expenditure limit should be fixed for 1990 at 115,000,000 Swiss francs, as in the proposal by the Federal Republic of Germany. It should be noted that the proposal in question calls for a reduction in recurrent expenditure in the secretariats of the four permanent organs of the Union of 7% between 1990 and 1994. As non-staff expenditure (i.e., computer, premises, etc.) cannot be reduced, the staff expenditure would have to be reduced by 12 %.

The delegations which supported an expenditure ceiling for 1990 of 115,000,000 Swiss francs said that their Administrations could not afford too great an increase in contributions. The provisional contributory unit for 1990 had been fixed at 240,000 Swiss francs taking into account a payment into the Reserve Account; with a limit of 115,000,000 Swiss francs, the contributory unit could be expected to amount to 265,000 Swiss francs.



Some ten or so delegations considered that the expenditure limit could be fixed for 1990 at an amount between 115,000,000 and 118,000,000 Swiss francs.

On the other hand, a substantial proportion of delegations considered that the total expenditure foreseen, taking into account decisions by the different conference Committees, i.e., 118,409,000 Swiss francs, should be fixed as the expenditure limit for 1990. Those delegations considered that there was no justification for agreeing to additional expenditure in the different Committees of the Conference and then refusing to bear the cost.

It may be noted that all delegations without exception agreed that the credits for technical cooperation and assistance (Document 338, paragraph 4.2) and the establishment of a permanent organ for telecommunication development should be maintained in full.

As regards the credits for all working languages, there seems to have been a consensus to increase the present credit of 1,425,000 Swiss francs in the budget for Arabic, Chinese and Russian to 3,000,000 Swiss francs, which many delegations considered could be further increased to 5,000,000 Swiss francs during the period 1990-1994.

#### Future trend in expenditure limits from 1990 to 1994

The three options for expenditure limits for 1990-1994 submitted by Australia, the Netherlands and the Federal Republic of Germany call for a reduction in expenditure under the operating budget amounting, in the case of the Australian proposal, to 16% in five years. As material items cannot be reduced, this involves a reduction of about 25% on staff expenditure.

Several delegations declared themselves in favour of a progressive reduction in operating expenditure to be achieved through re-organization and rationalization of some services. This is unlikely to be substantial until the review of the structure is completed.

#### Total expenditure from 1990-1994

The delegations present at the last meetings of Committee 4 were invited to take a position on the maximum limit they could accept for the next five years.

A substantial proportion of delegations expressed the opinion that the sum of 600,000,000 Swiss francs for five years should not be exceeded. Other delegations could agree to an amount that would not on any account exceed 639,000,000 Swiss francs, as indicated in Document DT/80.

\* \* \*

As can be seen from the above account, it was not possible to arrive at a solution acceptable to all delegations attending the proceedings of Committee 4.

The Chairman of the Committee therefore considered that it might be helpful to put forward an expenditure limit proposal intermediate between the one covering the Conferences decisions and the one by the Federal Republic of Germany, which, of the three proposals put forward, had won the widest support.

The Chairman would like to support this intermediate solution, which has not been considered by the Committee. It is as follows:

Expenditure limit for 1990	117,000,000 Swiss francs
Reduction in operating expenditure from 1990 to 1994 (sections 0 - 6)	5%
Total expenditure for the period 1990-1994	615,000,000 Swiss francs
Maintenance of credits for technical cooperation and assistance at the level given in Document 388	

\* \* \*

This report includes the following supporting material:

- Annex 1 Table of expenditure prepared by the Secretary-General covering the expenditure expected for the period 1990 to 1994;
- Annex 2 Recapitulation of the Conferences decisions and conclusions, in accordance with Document DT/80;
- Annex 3 Proposal by Australia on expenditure limits for 1990-1994 - Document DL/57, Annex 1;
- Annex 4 Proposal by the Netherlands on expenditure limits for 1990-1994 - DL/57, Annex 2;
- Annex 5 Proposal by the Federal Republic of Germany on expenditure limits for 1990-1994 - Document DL/57, Annex 3;
- Annex 6 Compromise proposal by the Chairman of Committee 4 on expenditure limits for 1990-1994.

\* \* \*

Since the Committee was unable for lack of time to settle the question of the expenditure limits to be fixed for the period 1990-1994, the matter is referred to the Plenary Meeting for decision.

M. GHAZAL  
Chairman of Committee 4

EVALUATION OF EXPENDITURE CEILING								
No.		1990	1991	1992	1993	1994	1990 94	
		- Thousand Swiss francs -						
	<b>I. SECTIONS 0 TO 6</b>							
	Provisional budget for 1990 approved by the Administrative Council and adjusted at 1 April 1989	83.320	83.320	83.320	83.320	83.320	416.600	
	Various Increases/decreases							
I.1	Administrative Council - increase from 41 to 43 Members	15	15	15	15	15	75	
I.2	Extraordinary session of the Administ. Council (1989)	500					500	
I.3	PL-B/3 : Voluntary Group of Experts		120	60	120		300	
I.4	Installation/Repatriation - Elected officials	495					495	
I.5	Study of the structure of the Union	850	850				1.700	
I.6	Contribution to the Technical Cooperation Programme - Administrative support (credit to be cancelled in 1991)		-765	-765	-765	-765	-3.060	
I.7	Reimbursement of income tax for officials of United States nationality	40					40	
I.8	Human resources Doc. 347	75	75				150	
I.9	Step increases in the same grade		300	600	900	1.200	3.000	
I.10	Adjustment of credits for interest rates on FIPOI loans		141	141	141	141	564	
I.11	Maintenance of simultaneous interpretation installations	15	15	15	15	15	75	
I.12	Classification of posts (creation of 3 posts)	247	250	253	256	259	1.265	
I.13	Adjustment of credits for in-service training (Res. Com5/2)	246	246	246	246	246	1.230	
I.14	Credit for long-service steps for professional category staff	65	70	70	70	70	345	
I.15	Remuneration and representation allowances of elected officials (Res. Com5/4)	12	12	12	12	12	60	
I.16	Staffing and financial requirements :							
I.17	Transfer of credits for certain posts from Section 17 to Sections 2 & 3 (These expenses are compensated by an equivalent reduction of conferences and meetings costs)	1.470	1.495	1.520	1.545	1.570	7.600	
I.18	Transfer of credits for upkeep of office machines from Section 6 to Sections 2 and 3 : no repercussions							

No.		1990	1991	1992	1993	1994	1990/94
		- Thousand Swiss francs -					
I.19	Transfer of credits from Section 18	1.061	1.061	1.061	1.061	1.061	5.305
I.20	Re-establishment of credits for frozen posts	500	1.500	1.500	1.500	1.500	6.500
I.21	Future evolution 0.5 %						
	- General Services staff	-150		150	300	450	750
	- Professional staff	135	300	465	630	795	2.325
I.22	Decisions of PL-C						
	Transfer from Section 9 to Sections 0 to 6	2.504	2.504	2.504	2.504	2.504	12.520
	Telecommunications information exchange services *)						
	Remote Access Doc. 26 *)		1.507	967	967	967	4.408
	Computer resources Doc. 28 *) **)					442	442
I.23	Transfer of 3 posts charged to Section 2 to Section 7 (Bureau)	-250	-250	-250	-250	-250	-1.250
	<b>TOTAL</b>	<b>91.150</b>	<b>92.766</b>	<b>91.884</b>	<b>92.587</b>	<b>93.552</b>	<b>461.939</b>

\*) Committee 4 did not have time to consider the Report of Working Group PL-C to the Plenary Meeting (Doc. 431). Some important messages in Document 431 which would have to be considered by Committee 4 in fixing budgetary ceilings were the provision of minimum sufficient resources for the maintenance and limited development of the Frequency Management System (para. 6), the resources for the Telecom Information Exchange Services which could be considered by the Administrative Council (para. 11), the resources that could be devoted for the development and implementation of the remote access (para. 15), and the resources for the Computer Department that the Administrative Council would have to balance with other competing demands (para. 19). For appropriate consideration by the Administrative Council, the related costs are shown in DT/72 and DT/80 (para. I.22).

\*\*\*) Existing capacity in HFBC budget (1990-1993).

No.		1990	1991	1992	1993	1994	1990/94
	<b>- Thousand Swiss francs -</b>						
	<b>II. SECTION 7</b>						
	<b>Provisional budget for 1990 approved by the Administrative Council and adjusted at 1 April 1989</b>	7.707	7.707	7.707	7.707	7.707	38.535
II.1	Transfer of 3 posts charged to Section 2 to Section 7 (Bureau)	250	250	250	250	250	1.250
II.2	Seminars Administrations	200	200	200	200	200	1.000
II.3	Service of the Group of Engineers :						
	- Increase in staff	225	228	231	234	237	1.155
	- Missions	100	100	100	100	100	500
II.4	Training	160	162	164	166	168	820
II.5	Strengthening of ITU regional presence :						
	- Increase in staff :						
	. Regional experts	1.320	1.340	1.360	1.380	1.400	6.800
	. ITU representatives	320	325	330	335	340	1.650
	- Other resources	150	150	150	150	150	750
II.6	Conference on regional development	325	325	325	325	325	1.625
II.7	Specialized agency rôle	3.850	3.850	3.850	3.850	3.850	19.250
	- Updated to 01.04.1989	71	71	71	71	71	355
II.8	Fellowship Programme	680	680	680	680	680	3.400
II.9	Special assistance to least developed countries	1.800	1.800	1.800	1.800	1.800	9.000
II.10	Establishment of a permanent organ for telecommunications development		500	500	500	500	2.000
II.11	Difference according to DT/71	-2.158	-813	1.032	2.877	4.722	5.660
	<b>T O T A L according to Doc. 388, para. 4.2</b>	15.000	16.875	18.750	20.625	22.500	93.750

No.		1990	1991	1992	1993	1994	1990/94
	<b>III. SECTION 8</b>  <b>Provisional budget for 1990 approved by the Administrative Council and adjusted at 1 April 1989</b>	- Thousand Swiss francs -					
		1.425	1.425	1.425	1.425	1.425	7.125
III.1	Working languages (DL/25)	1.575	1.575	1.575	1.575	1.575	7.875
	<b>TOTAL</b>	<b>3.000</b>	<b>3.000</b>	<b>3.000</b>	<b>3.000</b>	<b>3.000</b>	<b>15.000</b>

No.		1990	1991	1992	1993	1994	1990/94
	<p><b>IV. SECTION 9</b></p> <p>Provisional budget for 1990 approved by the Administrative Council and adjusted at 1 April 1989</p>						
IV.1	Transfer from Section 9 to Sections 0 to 6	-2.904	-2.504	-2.504	-2.504	-2.504	-12.920
	<b>TOTAL</b>						

No.		1990	1991	1992	1993	1994	1990/94
	<b>- Thousand Swiss francs -</b>						
	<b>V. SECTIONS 11 TO 18</b>						
	Provisional budget for 1990 approved by the Administrative Council and adjusted at 1 April 1989	11.990					11.990
	Cancellation	-11.990					-11.990
V.1	Cost of conferences and meetings (Document 379) *)						
	- CCITT meetings	5.832	7.272	9.260	4.299	6.124	32.787
	- CCIR meetings	1.651	4.000	4.001	6.204	1.654	17.510
	- WARC Frequency Allocation			5.125			5.125
	- WARC HFBC	1.380	1.380	1.380	4.313		8.453
	- Plenipotentiary Conference					**) 4.232	4.232
	- Seminars :						
	. IFRB	100		100		100	300
	. Administrations	200	200	200	200	200	1.000
	. Transfer to Section 7	-200	-200	-200	-200	-200	-1.000
V.2	Post-conference work for conferences held between 1984 and 1989 :						
	- Plenipotentiary Conference	35					35
	- WARC MOB-87	261					261
	- Implementation by the IFRB on the decisions of administrative conferences	1.061	1.061	1.061	1.061	1.061	5.305
V.3	Expenditure currently charged to Section 18, to be transferred to Sections 2 and 3	-1.061	-1.061	-1.061	-1.061	-1.061	-5.305
V.4	Additional Plenipotentiary Conference **)						
	<b>TOTAL</b>	<b>9.259</b>	<b>12.652</b>	<b>19.866</b>	<b>14.816</b>	<b>12.110</b>	<b>68.703</b>

\*) In establishing the cost of conferences and meetings, account has been taken of the transfer of credits for certain posts from Section 17 to Sections 2 and 3 (see point I.17 above).

\*\*) Covered by the financial provision shown under point V.1 for a Plenipotentiary Conference in 1994. See Resolution Com4/ . If the special Conference is held before 1994 (1,500,000 Sw.frs.), these expenditure would be deferred indefinitely.



ANNEX 2

STATUS OF CONFERENCE DECISIONS AND CONCLUSIONS						
DT/80	1990	1991	1992	1993	1994	1990   94
	- Thousand Swiss francs -					
<b>RECAPITULATION</b>						
Sections 0 to 6	91.150	92.766	91.884	92.587	93.552	461.939
Section 7	15.000	16.875	18.750	20.625	22.500	93.750
Section 8	3.000	3.000	3.000	3.000	3.000	15.000
Sections 11 to 18						
- CCITT meetings	5.832	7.272	9.260	4.299	6.124	32.787
- CCIR meetings	1.651	4.000	4.001	6.204	1.654	17.510
- WARC Frequency Allocation			5.125			5.125
- WARC HFBC	1.380	1.380	1.380	4.313		8.453
- Plenipotentiary Conference					4.232	4.232
- Seminars IFRB	100		100		100	300
- Post-conference work 1984 to 1989	296					296
<b>GENERAL TOTAL</b>	<b>118.409</b>	<b>125.293</b>	<b>133.500</b>	<b>131.028</b>	<b>131.162</b>	<b>639.392</b>

Evolution of the contributory unit  
(Base : 1990 provisional budget)

272      288      307      301      301

ANNEX 3

DL/57 - ANNEX 1	1990	1991	1992	1993	1994	1990   94
	- Thousand Swiss francs -					
<b>RECAPITULATION</b>						
Sections 0 to 6	84.500	79.800	77.200	74.800	71.900	388.200
Section 7	14.000	15.000	16.000	20.000	21.000	86.000
Section 8	1.500	1.500	2.000	2.500	3.000	10.500
Sections 11 to 18						
- CCITT meetings	5.500	7.500	8.800	4.200	5.700	31.700
- CCIR meetings	1.500	3.500	3.300	5.800	1.500	15.600
- WARC Frequency Allocation						
- WARC HFBC						
- Plenipotentiary Conference					4.200	4.200
- Seminars	200	200	200	200	200	1.000
- Post-conference work 1984 to 1989	300					300
<b>GENERAL TOTAL</b>	<b>107.500</b>	<b>107.500</b>	<b>107.500</b>	<b>107.500</b>	<b>107.500</b>	<b>537.500</b>

Evolution of the contributory unit  
(Base : 1990 provisional budget)

247      247      247      247      247

ANNEX 4

DL/57 - ANNEX 2	1990	1991	1992	1993	1994	1990 94
- Thousand Swiss francs -						
<b>RECAPITULATION</b>						
Sections 0 to 6 *)	86.200	82.320	76.300	78.200	79.400	402.420
Section 7	14.500	16.800	18.700	20.600	22.500	93.100
Section 8	1.000	1.500	2.000	2.500	3.000	10.000
Sections 11 to 18						
- CCITT meetings	5.800	5.700	8.900	4.700	6.800	31.900
- CCIR meetings	1.650	3.700	3.500	6.200	1.800	16.850
- WARC Frequency Allocation			5.100			5.100
- WARC HFBC	1.400	1.400	1.400	4.300		8.500
- Plenipotentiary Conference					4.200	4.200
- Seminars	300	200	300	200	300	1.300
- Post-conference work 1984 to 1989	300					300
<b>GENERAL TOTAL</b>	111.150	111.620	116.200	116.700	118.000	573.670

Evolution of the contributory unit  
(Base : 1990 provisional budget)

256      257      267      268      271

\*) Study of the structure of the Union included in Sections 0 to 6.

\*\*\*) Total according to DL/57 : 113.400

ANNEX 5

DL/57 - ANNEX 3	1990	1991	1992	1993	1994	1990   94
<b>- Thousand Swiss francs -</b>						
<b>RECAPITULATION</b>						
Sections 0 to 6	87.900	84.800	83.700	82.700	82.000	421.100
Section 7	15.000	16.800	18.700	20.600	22.500	93.600
Section 8	3.000	3.000	3.000	3.000	3.000	15.000
Sections 11 to 18						
- CCITT meetings	5.800	7.800	9.800	4.500	5.900	33.800
- CCIR meetings	1.600	4.000	4.000	6.200	1.600	17.400
- WARC Frequency Allocation			5.100			5.100
- WARC HFBC	1.400	1.400	1.400	4.300		8.500
- Plenipotentiary Conference					4.200	4.200
- Seminars	300	200	300	200	300	1.300
- Post-conference work 1984 to 1989						
<b>GENERAL TOTAL</b>	<b>115.000</b>	<b>118.000</b>	<b>126.000</b>	<b>121.500</b>	<b>119.500</b>	<b>600.000</b>

Evolution of the contributory unit  
(Base : 1990 provisional budget)

265      271      290      279      275

ANNEX 6

Proposition of the President	1990	1991	1992	1993	1994	1990   94
<b>- Thousand Swiss francs -</b>						
<b>RECAPITULATION</b>						
<b>Sections 0 to 6</b>	<b>90.000</b>	<b>89.425</b>	<b>87.250</b>	<b>85.575</b>	<b>85.500</b>	<b>437.750</b>
<b>Section 7</b>	<b>15.000</b>	<b>16.875</b>	<b>18.750</b>	<b>20.625</b>	<b>22.500</b>	<b>93.750</b>
<b>Section 8</b>	<b>3.000</b>	<b>3.000</b>	<b>3.000</b>	<b>3.000</b>	<b>3.000</b>	<b>15.000</b>
<b>Sections 11 to 18</b>						
- CCITT meetings	5.800	7.300	9.300	4.300	6.100	32.800
- CCIR meetings	1.600	4.000	4.000	6.200	1.600	17.400
- WARC Frequency Allocation			5.200			5.200
- WARC HFBC	1.300	1.400	1.400	4.300		8.400
- Plenipotentiary Conference					4.200	4.200
- Seminars IFRB	100		100		100	300
- Post-conference work 1984 to 1989	200					200
<b>GENERAL TOTAL</b>	<b>117.000</b>	<b>122.000</b>	<b>129.000</b>	<b>124.000</b>	<b>123.000</b>	<b>615.000</b>

Evolution of the contributory unit  
(Base : 1990 provisional budget)

269      280      296      285      283

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 496-E

28 June 1989

Original: Spanish

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## Cuba

### STATEMENT IN REPLY TO DOCUMENT 335 OF THE UNITED STATES DELEGATION AND TO ITS STATEMENT AT THE TWELFTH PLENARY MEETING

José Martí, our national hero, said "Words should be used to speak the truth and not to cover it up".

Cuba has never made the least complaint against international broadcasts when they comply with the Union's Radio Regulations on the frequency bands intended for those shortwave services.

It must be made absolutely plain that Cuba has no intention of politicizing the work of this Conference, but that it cannot avoid denouncing the growing use by the United States of radio services as means of political aggression against our country and its frequent violations of regional agreements, the Radio Regulations and the Convention itself for that purpose.

The reference, in a mutilated form, to Article 19 of the Universal Declaration of Human Rights, which contains the statement cited by the United States Delegation, deliberately distorts the Article, which relates to the right of the individual, as a person, not to be harassed because of his opinions, in other words, the United States' present and future broadcasts against Cuba are not the opinion of an individual but are the opinions of a Government directed against another Government of a sovereign State.

The Government of the United States should also remember in this connection that if it is going to invoke the rights set forth in the Universal Declaration of Human Rights, it cannot do so without taking into account the provisions of Article 29, to the effect that these rights cannot be exercised in a manner contrary to law, morality, public order and the general welfare, a condition sine qua non being recognition and respect for the rights and freedoms of others in accordance with the purposes and principles of the United Nations.

The United States, claiming that it complies with its international obligations, states that the VOA has been broadcasting on medium wave for many decades, but does not say that, like Radio Swan, it was never regarded as complying with the NARBA agreements, having submitted notices for the first time in 1980, when the IFRB was preparing the basic list of medium-wave broadcasting stations in Region 2.

This station has been the subject of a request by our Administration to the IFRB to review its findings, which is pending; we have been able to establish by adequate technical facilities that it is violating Nos. 1240 and 2666 of the Radio Regulations, causing very severe harmful interference to two Cuban stations duly registered with the IFRB.

The United States says in its statement that its broadcasting does not cause interference with registered Cuban stations. It would seem that it does not read the documentation put out on the subject by the IFRB itself, since according to the Board's theoretical calculations, there are dozens of Cuban stations whose services are affected by interference from United States stations. Not to mention the interference already entailed by the introduction, without any frequency authorization from the Cuban Government, of MW, FM and television broadcasting at the naval base occupied against the wishes of our people on a portion of Cuban territory in the province of Guantánamo.

The United States Government itself has barefacedly announced a step fraught with grave and unpredictable consequences in this area; namely, that it is going to try to start television broadcasts to Cuba involving an enormous waste of technology and expenditure, such as the United States, unfortunately, has never devoted to technical cooperation in the field of telecommunications, which has been the subject of such urgent and passionate debate at this very Conference.

This plan, apart from constituting gross interference in our country's internal affairs and a means of using telecommunications and national broadcasting services for political aggression against Cuba, will also cause interference with our existing radio services and place a further restriction on their development.

It is the United States which is contravening the principles of the ITU, a fact which it recognized in statement 111 on the Nairobi Convention and recognizes again now when it unilaterally arrogates to itself the right to transmit to Cuba on appropriate frequencies and, presumably, although it does not say so explicitly, it has also given itself the right to determine which are the appropriate frequencies, regardless of the provisions of the Convention and the Radio Regulations, and even the Table of Frequency Allocations, which establishes quite clearly the frequencies that can be used in shortwave bands by international broadcasting services.

Apart from the fact that in many cases frequencies have been used which are meant solely for national broadcasting services, for nearly 30 years stations have been proliferating which broadcast against Cuba from the territory of Florida on amateur, maritime mobile and aeronautical mobile bands, with astonishing impunity, except on a few occasions, when they have been fleetingly silenced, as on the occasion to which the United States refers, one day before the opening of this Conference, and we should like to know how many days it will be before it starts up again after the closure of the Conference. We have had similar experiences in the past with this station, which has been discovered and closed down in the same way after years of continuous operation just when preparations were being made for other Union conferences.

As regards the reports of spies using FLETSATCOM satellite networks, Cuba has more than adequate proof of the fact and is perfectly willing to make it available to any delegation that asks for it, including of course the United States. In the face of such situations, Cuba has not remained passive.

It is not the way of our people to fail to respond to any provocation or aggression against it, and that, you may be sure, will continue to be the case.

We confirm once more that insofar as the United States persists in attacking us, in violation of existing international agreements, Cuba will respond and will not feel any obligation to apply those agreements in its relations with the United States. It is up to the United States Government to decide on the next move.

In conclusion, we should like this Conference to take note of these repeated violations by the United States, on the understanding that any kind of action our country takes to make an adequate response on the basis of its most sacred right to defend its national sovereignty is the entire responsibility of those who have used two natural resources of mankind - the geostationary-satellite orbit and the radio-frequency spectrum - as a means of aggression against a peace-loving developing country whose only desire is to build the society most suited to its interests.

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INTERNATIONAL TELECOMMUNICATION UNION

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 497-E  
28 June 1989  
Original: Spanish

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COMMITTEE 10

Drafting Group 7 ad hoc 5

FIRST AND LAST SERIES OF TEXTS OF  
DRAFTING GROUP 7 AD HOC 5 TO THE EDITORIAL COMMITTEE

Herewith are the results of the discussions of Drafting Group 7 ad hoc 5.

F. MOLINA NEGRO  
Chairman of Drafting Group 7 ad hoc 5

Attachment: 1

CONSTITUTION

NOC

ARTICLE 6

NOC

Plenipotentiary Conference

- NOC 34 1. The Plenipotentiary Conference shall be composed of delegations representing Members. It shall normally be convened every five years and, in any case, the interval between successive Plenipotentiary Conferences shall not exceed six years.
- NOC 35 2. The Plenipotentiary Conference shall:
- NOC 36 a) determine the general policies for fulfilling the purposes of the Union prescribed in Article 4 of this Constitution;
- NOC 37 b) consider the report by the Administrative Council on the activities of all the organs of the Union since the previous Plenipotentiary Conference;
- NOC 38 c) establish the basis for the budget of the Union and determine a fiscal limit for the expenditure of the Union until the next Plenipotentiary Conference after considering all relevant aspects of the work of the Union in that period, including the programme of conferences and meetings and any medium-term plan submitted by the Administrative Council;
- NOC 39 d) provide any general directives dealing with the staffing of the Union and, if necessary, fix the basic salaries, the salary scales and the system of allowances and pensions for all the officials of the Union;
- NOC 40 e) examine the accounts of the Union and finally approve them, if appropriate;
- NOC 41 f) elect the Members of the Union which are to serve on the Administrative Council;
- NOC 42 g) elect the Secretary-General and the Deputy Secretary-General and fix the dates of their taking office;
- NOC 43 h) elect the members of the International Frequency Registration Board and fix the dates of their taking office;
- NOC 44 i) elect the Directors of the International Consultative Committees and fix the dates of their taking office;
- NOC 45 j) consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention;
- NOC 46 k) conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded, on behalf of the Union, by the Administrative Council, and take such measures in connection therewith as it deems appropriate;

NOC 47 l) deal with such other telecommunication questions as may be necessary.

NOC **ARTICLE 7**

NOC **Administrative Conferences**

NOC 48 1. Administrative conferences of the Union shall comprise:

NOC 49 a) world administrative conferences;

NOC 50 b) regional administrative conferences.

NOC 51 2. Administrative conferences shall normally be convened to consider specific telecommunication matters. Only items included in their agenda may be discussed by such conferences. The decisions of such conferences must in all circumstances be in conformity with the provisions of this Constitution and the Convention. When adopting resolutions and decisions, administrative conferences should take into account the foreseeable financial implications and shall try to avoid adopting resolutions and decisions which might give rise to expenditure in excess of the upper limits on credits laid down by the Plenipotentiary Conference.

NOC 52 3. (1) The agenda of a world administrative conference may include:

NOC 53 a) the partial revision of the Administrative Regulations referred to in Article 36 of this Constitution;

NOC 54 b) exceptionally, the complete revision of one or more of those Regulations;

NOC 55 c) any other question of a worldwide character within the competence of the conference.

NOC 56 (2) The agenda of a regional administrative conference may provide only for specific telecommunication questions of a regional nature, including instructions to the International Frequency Registration Board regarding its activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Furthermore, the decisions of such a conference must in all circumstances be in conformity with the provisions of the Administrative Regulations.

NOC **ARTICLE 8**

NOC **Administrative Council**

NOC 58 (2) Each Member of the Council shall appoint a person to serve on the Council who may be assisted by one or more advisers.

NOC

ARTICLE 9

NOC

General Secretariat

NOC 65 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

NOC 66 (2) The Secretary-General shall act as the legal representative of the Union.

NOC 67 (3) The Secretary-General and the Deputy Secretary-General shall take up their duties on the dates determined at the time of their election. They shall normally remain in office until dates determined by the following Plenipotentiary Conference, and they shall be eligible for re-election once only.

NOC 68 (4) The Secretary-General shall take all the action required to ensure economic use of the Union's resources and he shall be responsible to the Administrative Council for all the administrative and financial aspects of the Union's activities. The Deputy Secretary-General shall be responsible to the Secretary-General.

NOC 69 2. (1) If the post of Secretary-General falls vacant, the Deputy Secretary-General shall succeed to it and shall remain in office until a date determined by the following Plenipotentiary Conference. He shall be eligible for election to that office subject to the provisions of No. 67 of this Constitution. When under these conditions the Deputy Secretary-General succeeds to the office of the Secretary-General, the post of Deputy Secretary-General shall be considered to fall vacant on that same date and the provisions of No. 70 of this Constitution shall be applied.

NOC 70 (2) If the post of Deputy Secretary-General falls vacant more than 180 days prior to the date set for the convening of the next Plenipotentiary Conference, the Administrative Council shall appoint a successor for the balance of the term.

NOC 71 (3) If the posts of the Secretary-General and the Deputy Secretary-General fall vacant simultaneously, the elected official who has been longest in office shall discharge the duties of Secretary-General for a period not exceeding 90 days. The Administrative Council shall appoint a Secretary-General and, if the vacancies occur more than 180 days prior to the date set for the convening of the next Plenipotentiary Conference, a Deputy Secretary-General. An official thus appointed by the Administrative Council shall serve for the balance of the term for which his predecessor was elected. Such officials shall be eligible for election as Secretary-General and/or Deputy Secretary-General at the Plenipotentiary Conference.

NOC 72 3. The Deputy Secretary-General shall assist the Secretary-General in the performance of his duties and undertake such specific tasks as may be entrusted to him by the Secretary-General. He shall perform the duties of the Secretary-General in the absence of the latter.

ARTICLE 13

Elected Officials and Staff of the Union

- NOC 101 1. (1) In the performance of their duties, neither the elected officials nor the staff of the Union shall seek or accept instructions from any government or from any other authority outside the Union. They shall refrain from acting in any way which is incompatible with their status as international officials.
- NOC 102 (2) Each Member shall respect the exclusively international character of the duties of the elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.
- NOC 103 (3) No elected official or any member of the staff of the Union shall participate in any manner or have any financial interest whatsoever in any enterprise concerned with telecommunications, except as part of their duties. However, the term "financial interest" is not to be construed as applying to the continuation of retirement benefits accruing in respect of previous employment or service.
- NOC 104 (4) In order to ensure the efficient operation of the Union, any Member, a national of which has been elected Secretary-General, Deputy Secretary-General, member of the International Frequency Registration Board, or Director of an International Consultative Committee shall refrain, as far as possible, from recalling that person between two Plenipotentiary Conferences.
- NOC 105 2. The Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees and the members of the International Frequency Registration Board shall all be nationals of different Members. At their election, due consideration should be given to the principles embodied in No. 106 of this Constitution and to equitable geographical distribution amongst the regions of the world.
- NOC 106 3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CONVENTION  
OF THE  
INTERNATIONAL TELECOMMUNICATION UNION

CHAPTER I [VIII]

Functioning of the Union

NOC ARTICLE 1

NOC Plenipotentiary Conference

NOC 1 1. (1) The Plenipotentiary Conference shall be convened in accordance with the relevant provisions of Article 6 of the Constitution of the International Telecommunication Union (hereinafter referred to as "the Constitution").

NOC 2 (2) If practicable, the date and place of a Plenipotentiary Conference shall be set by the preceding Plenipotentiary Conference; failing this, they shall be fixed by the Administrative Council with the concurrence of the majority of the Members of the Union.

NOC 3 2. (1) The date and place of the next Plenipotentiary Conference, or either one of these, may be changed:

NOC 4 a) when at least one-quarter of the Members of the Union have individually proposed a change to the Secretary-General; or

NOC 5 b) on a proposal of the Administrative Council.

NOC 6 (2) In either case a new date or place or both shall be fixed with the concurrence of a majority of the Members of the Union.

NOC ARTICLE 2

NOC Administrative Conferences

NOC 7 1. (1) The agenda of an administrative conference shall be established by the Administrative Council with the concurrence of a majority of the Members of the Union in the case of a world administrative conference, or of a majority of the Members belonging to the region concerned in the case of a regional administrative conference, subject to the provisions of No. 29 of this Convention.

NOC 8 (2) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.

- NOC 9 (3) A world administrative conference dealing with radio-communication may also include in its agenda an item concerning instructions to the International Frequency Registration Board regarding its activities and a review of those activities. A world administrative conference may include in its decisions instructions or requests, as appropriate, to the permanent organs.
- NOC 10 2. (1) A world administrative conference shall be convened:
- NOC 11 a) by a decision of a Plenipotentiary Conference which may fix the date and place of its meeting;
- NOC 12 b) on the recommendation of a previous world administrative conference if approved by the Administrative Council;
- NOC 13 c) at the request of at least one-quarter of the Members of the Union, who shall individually address their requests to the Secretary-General; or
- NOC 14 d) on a proposal of the Administrative Council.
- NOC 15 (2) In the cases specified in Nos. 12, 13 and 14 and, if necessary, in the case specified in No. 11 of this Convention, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union, subject to the provisions of No. 29 of this Convention.
- NOC 16 3. (1) A regional administrative conference shall be convened:
- NOC 17 a) by a decision of a Plenipotentiary Conference;
- NOC 18 b) on the recommendation of a previous world or regional administrative conference if approved by the Administrative Council;
- NOC 19 c) at the request of at least one-quarter of the Members belonging to the region concerned, who shall individually address their requests to the Secretary-General; or
- NOC 20 d) on a proposal of the Administrative Council.
- NOC 21 (2) In the cases specified in Nos. 18, 19 and 20 and, if necessary, in the case specified in No. 17 of this Convention, the date and place of meeting shall be determined by the Administrative Council with the concurrence of a majority of the Members of the Union belonging to the region concerned, subject to the provisions of No. 29 of this Convention.
- NOC 22 4. (1) The agenda, or date or place of an administrative conference may be changed:

- NOC 23 a) at the request of at least one-quarter of the Members of the Union in the case of a world administrative conference, or of at least one-quarter of the Members of the Union belonging to the region concerned in the case of a regional administrative conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Administrative Council for approval; or
- NOC 24 b) on a proposal of the Administrative Council.
- NOC 25 (2) In cases specified in Nos. 23 and 24 of this Convention the changes proposed shall not be finally adopted until accepted by a majority of the Members of the Union, in the case of a world administrative conference, or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional administrative conference, subject to the provisions of No. 29 of this Convention.
- NOC 26 5. (1) A Plenipotentiary Conference or the Administrative Council may deem it advisable for the main session of an administrative conference to be preceded by a preparatory session to draw up and submit a report on the technical bases for the work of the Conference.
- NOC 27 (2) The convening of such a preparatory session and its agenda must be approved by a majority of the Members of the Union in the case of a world administrative conference, or by a majority of the Members of the Union belonging to the region concerned, in the case of a regional administrative conference, subject to the provisions of No. 29 of this Convention.
- NOC 28 (3) Unless the plenary meeting of a preparatory session of an administrative conference decides otherwise, the texts finally approved by it will be assembled in a report which will also be approved by a plenary meeting and signed by the Chairman.
- NOC 29 6. In the consultations referred to in Nos. 7, 15, 21, 25 and 27 of this Convention, Members of the Union who have not replied within the time limits specified by the Administrative Council shall be regarded as not participating in the consultations, and in consequence shall not be taken into account in computing the majority. If the number of replies does not exceed one-half of the Members consulted, a further consultation shall take place, the results of which shall be decisive regardless of the number of votes cast.
- MOD 30 7. If invited by a Plenipotentiary Conference, the Administrative Council or a preceding administrative conference to draw up and submit the technical bases for a forthcoming administrative conference, subject to budgetary provision being made available by the Administrative Council, an International Consultative Committee may convene a conference preparatory meeting to be held in advance of that administrative conference.



The report of such a conference preparatory meeting shall be submitted by the Director of the International Consultative Committee concerned through the Secretary-General for use as an input document to the administrative conference.

### ARTICLE 3

#### Administrative Council

MOD 41 5. The Secretary-General and the Deputy Secretary-General, the Chairman and the Vice-Chairman of the International Frequency Registration Board, the Directors of the International Consultative Committees and the Director of the Telecommunications Development Bureau may participate as of right in the deliberations of the Administrative Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to the representatives of its own Members.

NOC

### ARTICLE 4

NOC

#### General Secretariat

NOC 75 1. The Secretary-General shall:

NOC 76 a) coordinate the activities of the different permanent organs of the Union taking into account the views of the Coordination Committee referred to in the relevant provisions of Article 12 of the Constitution with a view to assuring the most effective and economical use of personnel and of the financial and other resources of the Union;

NOC 77 b) organize the work of the General Secretariat and appoint the staff of that Secretariat in accordance with the directives of the Plenipotentiary Conference and the rules established by the Administrative Council;

NOC 78 c) undertake administrative arrangements for the specialized secretariats of the permanent organs of the Union and appoint the staff of those secretariats on the basis of the choice and proposals of the Head of each permanent organ, although the final decision for appointment or dismissal shall rest with the Secretary-General;

NOC 79 d) report to the Administrative Council any decisions taken by the United Nations and the specialized agencies which affect Common System conditions of service, allowances and pensions;

NOC 80 e) ensure the application of the financial and administrative regulations approved by the Administrative Council;

- NOC 81 f) provide legal advice to the organs of the Union;
- NOC 82 g) supervise, for administrative management purposes, the staff of the Headquarters of the Union with a view to assuring the most effective use of personnel and the application of the Common System conditions of employment for the staff of the Union. The staff appointed to assist directly the Directors of the Consultative Committees and the International Frequency Registration Board shall work under the direct orders of those senior officials concerned but in accordance with general administrative directives of the Administrative Council and of the Secretary-General;
- NOC 83 h) in the interest of the Union as a whole and in consultation with the Chairman of the International Frequency Registration Board or the Director of the Consultative Committee concerned, temporarily reassign staff members from their appointed position as necessary to meet fluctuating work requirements at Headquarters. The Secretary-General shall report such temporary reassignments, including the financial implications thereof, to the Administrative Council;
- NOC 84 i) undertake secretarial work preparatory to, and following conferences of the Union;
- NOC 85 j) prepare recommendations for the first meeting of the Heads of delegations referred to in No. 248 of this Convention, taking into account the results of any regional consultation;
- NOC 86 k) provide, where appropriate in cooperation with the inviting government, the secretariat of conferences of the Union, and provide the facilities and services for meetings of the permanent organs of the Union in collaboration with their respective Heads, drawing from the Union's staff as he deems necessary in accordance with No. 83 [283] of this Convention. The Secretary-General may also when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;
- NOC 87 l) keep up to date the official lists, compiled from data supplied for this purpose by the permanent organs of the Union or by administrations, with the exception of the master registers and such other essential records as may be related to the duties of the International Frequency Registration Board;
- NOC 88 m) publish the principal reports of the permanent organs of the Union, the recommendations and the operating instructions derived from such recommendations for use in the international telecommunication services;
- NOC 89 n) publish international and regional telecommunication agreements communicated to him by the parties thereto, and keep up-to-date records of these agreements;

- NOC 90 o) publish the technical standards of the International Frequency Registration Board and any other data concerning the assignment and utilization of frequencies and geostationary satellite orbit positions prepared by the Board in the performance of its duties;
- NOC 91 p) prepare, publish and keep up to date with the assistance, where appropriate, of the other permanent organs of the Union:
- MOD 92 1. a record of the composition of the Union, including the situation of Members with respect to the deposit of the instrument of ratification, acceptance, approval of or accession to the Constitution and the Convention and amendments thereto and revisions of the Administrative Regulations.
- NOC 93 2. the general statistics and the official service documents of the Union as prescribed by the Administrative Regulations;
- NOC 94 3. such other documents as conferences or the Administrative Council may direct;
- NOC 95 q) collect and publish, in suitable form, data, both national and international, regarding telecommunication throughout the world;
- NOC 96 r) assemble and publish, in cooperation with the other permanent organs of the Union, both technical and administrative information that might be especially useful to developing countries in order to help them to improve their telecommunication networks. Their attention shall also be drawn to the possibilities offered by the international programmes under the auspices of the United Nations;
- NOC 97 s) collect and publish such information as would be of assistance to Members regarding the development of technical methods with a view to achieving the most efficient operation of telecommunication services and specially the best possible use of radio frequencies so as to diminish interference;
- NOC 98 t) publish periodically, with the help of information put at his disposal or which he may collect, including that which he may obtain from other international organizations, a journal of general information and documentation concerning telecommunication;
- NOC 99 u) determine, in consultation with the Director of the International Consultative Committee concerned or, as appropriate, the Chairman of the International Frequency Registration Board, the form and presentation of all publications of the Union, taking into account the nature and the contents as well as the most suitable and economical means of publication;

- NOC 100 v) arrange the timely distribution of the published documents;
- NOC 101 w) after consultation with the Coordination Committee and making all possible economies, prepare and submit to the Administrative Council an annual draft budget and a preliminary budget for the following year covering the expenditures of the Union within the limits laid down by the Plenipotentiary Conference and comprising two versions. One version shall be for zero growth of the contributory unit, the other for a growth less than or equal to any limit fixed by the Plenipotentiary Conference, after any drawing on the reserve account. The draft budget and the annex containing a cost analysis, after approval by the Council, shall be sent for information to all Members of the Union;
- NOC 102 x) after consultation with the Coordination Committee and taking into account their views, prepare and submit to the Administrative Council future work plans comprising the main activities at the seat of the Union in accordance with the instructions of the Administrative Council;
- NOC 103 y) prepare and submit to the Administrative Council plans covering several years for recruitment and the reclassification and abolition of posts;
- NOC 104 z) taking into account the views of the Coordination Committee, prepare and submit to the Administrative Council cost analyses of the main activities at the seat of the Union during the year immediately prior to the session, taking into account in particular results obtained by rationalization;
- NOC 105 aa) with the assistance of the Coordination Committee, prepare a financial operating report and accounts to be submitted annually to the Administrative Council and a recapitulative account immediately preceding each Plenipotentiary Conference; these documents, after verification and approval by the Administrative Council, shall be circulated to all Members and submitted to the next Plenipotentiary Conference for examination and final approval;
- NOC 106 ab) with the assistance of the Coordination Committee, prepare an annual report on the activities of the Union which, after approval by the Administrative Council, shall be sent to all Members;
- NOC 107 ac) perform all other secretarial functions of the Union;
- NOC 108 ad) perform any other functions entrusted to him by the Administrative Council.
- NOC 109 2. The Secretary-General or the Deputy Secretary-General should participate, in a consultative capacity, in Plenipotentiary and administrative conferences of the Union and in Plenary Assemblies of the International Consultative Committees; their participation in the meetings of the Administrative Council is governed by

Nos. 41 and 42 of this Convention; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union.

NOC

**ARTICLE 7**

NOC

**Coordination Committee**

- NOC 124 1. (1) The Coordination Committee shall assist and advise the Secretary-General on all matters mentioned under the relevant provisions of Article 12 of the Constitution and shall assist the Secretary-General in the duties assigned to him under Nos. 76, 98, 101, 102, 105 and 106 of this Convention.
- NOC 125 (2) The Committee shall be responsible for ensuring coordination with all the international organizations mentioned in Articles 34 and 35 of the Constitution as regards representation of the permanent organs of the Union at conferences of such organizations.
- NOC 126 (3) The Committee shall examine the progress of the work of the Union in technical cooperation and submit recommendations, through the Secretary-General, to the Administrative Council.
- NOC 127 2. The Committee shall endeavour to reach conclusions unanimously. In the absence of the support of the majority in the Committee, its Chairman may in exceptional circumstances take decisions, on his own responsibility, provided he judges that the decision of the matters in question is urgent and cannot await the next session of the Administrative Council. In such circumstances he shall report promptly in writing on such matters to the Members of the Administrative Council, setting forth his reasons for such action together with any other written views submitted by other members of the Committee. If in such circumstances the matters are not urgent, but nevertheless important, they shall be submitted for consideration by the next session of the Administrative Council.
- NOC 128 3. The Committee shall meet when convened by its Chairman at least once a month; it may also be convened when necessary at the request of two of its members.
- NOC 129 4. A report shall be made of the proceedings of the Coordination Committee and will be made available on request to Members of the Administrative Council.

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 498-E  
13 October 1989  
Original: English

PLENARY MEETING

MINUTES

OF THE

TWENTY-FOURTH PLENARY MEETING

Wednesday, 28 June 1989, at 1425 hrs

Chairman: Mr. J. GRENIER (France)

Subjects discussed:

Documents

- |    |   |              |
|----|---|--------------|
| 1. | Seventeenth series of texts submitted by the Editorial Committee for first reading (B.17) (continued) | 466 + Corr.1 |
| 2. | Eighteenth series of texts submitted by the Editorial Committee for first reading (B.18)              | 487          |
| 3. | Nineteenth series of texts submitted by the Editorial Committee for first reading (B.19)              | 488          |

PP-89\DOC\400\498V2E.TXS

1. Seventeenth series of texts submitted by the Editorial Committee for first reading (Series B.17) (Document 466 + Corr.1) (continued)

Constitution - Article 11A - Telecommunications Development Bureau (continued)

1.1 The Secretary-General elect observed that, since agreement seemed to have been reached on the substance of the Article with the exception of No. 97K (paragraph 3.a)), the outstanding problem might be solved by adding to that provision a sentence reading "These conferences are not administrative conferences".

1.2 The delegates of Tanzania and Indonesia said that, in view of the detailed explanations already given and recorded, it would be best not to add anything to the text and to approve it as amended at the previous meeting.

1.3 The Chairman of Committee 7 said that it was inappropriate to insert negative texts in the Constitution. The hierarchy of the permanent and non-permanent organs of the Union was set out in Article 5 and comprised administrative conferences; the fact that world and regional development conferences did not appear in that Article clearly demonstrated their place in the hierarchy and their subsidiary character in relation to administrative conferences. Moreover, an affirmative definition of development conferences appeared in "resolves" of Resolution No. COM6/9, recently approved on first reading, and details of the discussions on those conferences would be reflected in the summary records of Committee 6 and the minutes of the relevant Plenary Meetings.

1.4 The Chairman suggested that the text of Article 11A agreed upon at the end of the previous Plenary Meeting should be approved.

It was so agreed.

Article 11A was approved as amended.

Constitution - Article 12 - Coordination Committee

Article 12 was approved.

Constitution - Article 40 - Administrative Regulations

1.5 The Chairman of Committee 9 said that the Article as presented reflected the regime of the Nairobi Convention with respect to the Administrative Regulations, but with changes to eliminate some ambiguities that had been noted concerning the entry into force of the Regulations, by which Members were currently bound only when they ratified the Convention or when they expressly notified the Secretary-General of their consent to be bound. It had been agreed in Committee 9 that the system could be improved by adopting a concept which would satisfy both those who believed that some legal refinement was needed and those who were in favour of maintaining the practical advantages of the existing regime: the concept chosen was that of provisional applications. Under that concept, Members which signed the Final Acts of an administrative conference revising the Regulations would, as of the date specified by the conference, apply the revised Regulations in a provisional manner, i.e. to the extent permitted under their domestic law, and would continue to do so for a specified period, during which they could notify the Secretary-General either that they did not wish to be bound by the revisions, in which case the revisions would cease to be applicable to them, or that they intended to be bound by the revisions, in which case they would become thus legally bound from the moment of notification. If a signatory Member had not notified the Secretary-General of either intention within the period of thirty-six months stipulated in No. 181B, that Member would be deemed to have consented to be bound by the revisions. The three year period should leave ample time for administrations to carry out all the necessary procedures and to take the relevant

decisions. Members which had not signed the revisions would not be in a position to apply them provisionally, but they too, if they had not indicated consent or refusal to be bound, would become bound by the revisions on the expiry of the three year period, and would have a long time to make up their minds, since the period between the signature of the Final Acts and the date specified therein would also be included. Thus the Article, while retaining the advantages of the existing practice, was adapted to the new system of a permanent Constitution by eliminating the mechanism of acceptance of revisions through ratification of the subsequent Convention or express notification.

Finally, he pointed out that Committee 9 had spent a considerable amount of time on the wording of No. 179, and had forwarded to the Editorial Committee a text in which the last phrase read "and shall be subject to the provisions of this Constitution and the Convention", which clearly defined the hierarchical position of the Administrative Regulations vis-à-vis the other two instruments. It would be advisable to revert to that text.

1.6 The Chairman invited the meeting to consider the Article provision by provision.

No. 179

1.7 The delegate of the Philippines, drawing attention to No. 168 in Article 36 of the Constitution, agreed that the text of the last phrase of No. 179 should be that agreed upon in Committee 9. That view was endorsed by the delegates of Australia, Canada, Kenya and Brazil.

1.8 The Chairman of the Editorial Committee said that his Committee had worked on the French version of No. 179, without the benefit of advice from Committee 9, which had been meeting at the time when the text was discussed.

1.9 The Legal Adviser confirmed that the French version of the words "shall be subject to the provisions" was "doivent être conformes aux dispositions".

It was agreed to revert to the English version submitted by Committee 9.

1.10. The delegate of Japan said that his Delegation understood the Administrative Regulations to be complementary to the Constitution and the Convention, which comprised the international agreement binding on all Member States. On the other hand, Article 36 of the Constitution stipulated that the Administrative Regulations were binding on all Members, and his Delegation therefore proposed that the words "international agreements" in No. 179 be replaced by "binding international instruments".

1.11 The delegate of the Philippines supported that proposal.

1.12 The delegate of Greece, speaking on a point of order, drew attention to Document 429, which Committee 9 had not had time to discuss and which contained a proposal for the insertion in the Constitution of an Article on reservations.

1.13 The Chairman said that the document could be introduced only if it related to Article 40.

1.14 The delegate of Greece said that his Delegation wished the provisions to be inserted as Article 39A or 43A of the Constitution. Since such an Article should clearly take hierarchical precedence over Article 40, the document could perhaps be discussed at that point.



1.15 The Chairman of Committee 9 said that during his Committee's discussion on Article 25 of the Convention, dealing with reservations, the Greek Delegation had announced that it intended to submit a proposal which at that time had not yet been processed by the Secretariat. Nevertheless, the Committee had been aware of the contents of the proposal, which would inherently change the existing system by enabling Member States to file reservations to ITU instruments at the time of ratification, or at the time when they indicated their definitive consent to be bound.

1.16 The delegate of Greece, again speaking on a point of order, said that it was for his Delegation, not for the Chairman of Committee 9, to present the substance of the proposal.

1.17 The Chairman said that he would be prepared to give the floor to the Greek Delegation on Article 40, but that Document 429 seemed to relate to other provisions.

1.18 The delegate of Canada, speaking on a point of order, suggested that the meeting should complete discussion of Article 40 before dealing with the Greek proposal.

1.19 The delegate of Greece said that Member States, especially small ones sending small delegations to ITU meetings found it difficult to cover all the deliberations of Committees and Working Groups at large administrative conferences, and were thus unable to form a clear general idea of the detailed contents of the Final Acts. That was a practical problem where reservations were concerned, since in ITU practice so-called declarations and additional declarations were formulated at the time of signature of the Final Acts, whereas small delegations were usually comprised entirely of technicians, so that a voluminous set of technico-legal provisions had to be submitted to the Ministry of Foreign Affairs for jurists to study in preparation for ratification. Recognizing the importance of the implementation of the Administrative Regulations, his Delegation at the Nairobi Conference had orally proposed that the Final Acts of conferences should remain open for signature for some time after the conference, and it was now unable to support Nos. 180 and 181 in Article 40 which disregarded the right of every Member to make reservations.

1.20 The delegate of Algeria supported those views.

1.21 The delegate of the Netherlands, speaking on a point of order, urged the meeting to return to the item that it had begun to discuss, namely the version of Article 40 submitted by Committee 9.

1.22 The delegate of Norway, speaking on a point of order, fully agreed with the previous speaker. The Greek Delegation had had months in which to submit its proposal, and such a substantive question could not be considered in Plenary on the penultimate day of the Conference. Document 429 should be referred back to Committee 9.

1.23 The Secretary-General said that he had always been very concerned by the legal aspects of the operation of the ITU, which had peculiarities developed over the 125 years of the Union's existence. As Secretary-General elect in Nairobi and as Secretary-General at WATTC-88, he had drawn attention to the historical evolution of international law within the framework of ITU legislative provisions in respect of the relationship between the Administrative Regulations and the Convention. He was also mindful of the difficulties encountered by Japan at the World Broadcasting Satellite Conference of 1977, owing to the complexity of the agenda of that Conference and, perhaps, to some lack of foresight on the part of the Administrative Council. Retention of the description that the Administrative Regulations were international agreements

might indeed be regarded by some as a complete innovation, rendering the process of approval extremely difficult for some countries. The Administrative Regulations were in fact a complementary part of a binding instrument at a higher hierarchical level, known as the Convention and, in the future, as the Constitution and the Convention; accordingly, the Regulations must be subject to the provisions of the other two instruments and could not be contradictory to them. In those circumstances, the Japanese proposal was quite understandable.

There was, however, another historical issue, namely the fact that delegations of Member States entered into negotiations and signed the results subject to the approval of their Governments. Those results constituted an amalgam of technical, procedural and regulatory texts, which had to stand the test of time. In the first place, they involved directives for the Union's internal procedural arrangements, and secondly, there were arrangements negotiated between States subject to the approval of governments and to any reservations filed at the time of signature of the Final Acts. Any departure from that system which would enable delegations to leave an administrative conference and then think of questions they should have thought of long before, would cast doubt on the value of the Administrative Regulations in the future. As Deputy Secretary-General and Secretary-General, he had been extremely firm in not receiving post-conference reservations different from those agreed and presented at the time of signature of the Final Acts, since acceptance of such reservations would allow all the issues raised at administrative conferences to be reopened. It was true that that strict practice had been slightly relaxed with respect to one point of the Convention because of certain delays during the last two days of the Nairobi Conference, and also that the Vienna Convention on the Law of Treaties opened up possibilities of post-conference reservations. On the other hand the Vienna Convention on Relations between States and International Organizations made it clear that the traditional arrangements operating in specialized agencies should not be disturbed. He therefore warned the Conference against opening the door to post-conference reservations different from those entered at the time of signature of the Final Acts, and strongly urged it not to depart from a practice which had operated in the Union for over a hundred years and had proved to be sound.

1.24 The delegate of Japan said that, whereas his Delegation was aware of the traditional practices developed in the Union over many years, it also recognized that those practices had occasionally caused considerable difficulties. At a time when a new era was being inaugurated by the adoption of the Constitution and the Convention, it was indeed advisable to eliminate the provisions which had led to such difficulties.

1.25 The delegate of Canada said that his Delegation had proposed in Committee 9 that No. 179 should contain a reference to Article 36, which defined the instruments of the Union. Since that Article specifically referred to instruments, Canada could agree to the Japanese proposal. With regard to reservations, his Delegation fully supported the Secretary-General's comments. The delegate of Brazil endorsed those views, and the delegates of Kenya and Cameroon also supported the Japanese proposal.

1.26 The delegate of Algeria said that his Delegation, which had already found it difficult to accept the compromise wording of No. 179 approved in Committee 9, could not agree to a further change which would upset the balance of the provision. The delegate of Syria associated his Delegation with that statement.

No. 179 was approved as amended, with two reservations.

#### No. 180

1.27 The delegate of Japan observed that, by concluding the Constitution, Members of the Union would be bound by the existing Administrative Regulations under that new instrument, and no longer by the Nairobi Convention. Accordingly, since Members could

enter reservations to the Constitution at the time of signature, it was reasonable to assume that they could also enter reservations to the Administrative Regulations. Moreover, there were examples of partial reservations being made to the Administrative Regulations, as had been the case at the Nairobi Plenipotentiary Conference. His Delegation therefore proposed that the words "at the time of signature of" in the eighth line of No. 180 be replaced by "to", an amendment which would also make it possible for Members to make reservations at the time of indication of final consent to be bound by the Administrative Regulations or the Constitution and Convention.

1.28 The Chairman of Committee 9 said that the text of No. 180 had been provisionally agreed upon in his Committee prior to the consideration of Article 25 of the Convention on reservations. With respect to that Article, it had been decided to retain the reservations system of the Nairobi Convention, as described by the Secretary-General, and that decision was reflected in the final version of No. 180.

1.29 The delegate of Greece supported the Japanese proposal.

1.30 The delegate of Japan said that his Delegation would not press its proposal, but reserved its position on No. 180.

1.31 The delegate of the Islamic Republic of Iran pointed out that the date in parentheses in the sixth line should be changed to 30 June 1989.

No. 180, as amended, was approved with two reservations, namely those of Japan and Greece.

#### Nos. 181, 181A and 181B

Approved.

#### No. 181C

1.32 The delegate of the Islamic Republic of Iran said that his Delegation reserved its position on that provision.

No. 181C was approved with that reservation.

#### No. 181D

Approved.

Article 40 as a whole was approved, as amended.

#### Convention - Article 25, section 16 - Reservations

Approved.

The seventeenth series of texts submitted by the Editorial Committee (B.17), as amended, was approved on first reading.

2. Eighteenth series of texts submitted by the Editorial Committee for first reading (Series B.18) (Document 487)

#### Constitution - Article 10 - International Frequency Registration Board

2.1 The Chairman of Committee 7 drew attention to the square brackets at the end of No. 80.

2.2 The Vice-Chairman of the IFRB observed that during the discussions in Committee 7 a number of delegations had expressed the wish to insert a separate provision along the lines of the text in question and to amplify it in order not to restrict the data to be exchanged to machine-readable information. He therefore suggested that a new sub-paragraph be introduced which should read "and to exchange, as appropriate, with the Members of the Union IFRB data in machine-readable or other forms".

2.3 The delegate of the Islamic Republic of Iran proposed that that text be inserted as No. 83A.

It was so agreed.

Article 10 was approved as amended.

Constitution - Article 11 - International Consultative Committees

Nos. 84 and 85

2.4 The Chairman of Committee 7, observing that the wording of No. 84 would depend on decisions concerning the many passages in square brackets in No. 85, said that those decisions might be facilitated by first settling on the text now reading "to study and issue recommendations [and standards\*] on technical, operating and tariff questions relating to telecommunication services [for global application to all Member administrations]". He suggested that that text might be condensed to read "to study and issue recommendations facilitating standardization of telecommunications on a world-wide basis".

2.5 The Secretary-General said it was important to specify the subjects of study and recommendations, and suggested that the phrase should read "to study and issue recommendations on technical, operating and tariff questions relating to telecommunication services to facilitate world-wide standardization".

2.6 The Director of the CCITT pointed out that most but not all CCITT Recommendations related to technical, operating and tariff questions, and that in any case the latter group was confined to tariff principles. More important still, those Recommendations were concerned not only with telecommunication services but also with networks, equipment and so forth. The addition suggested by the Secretary-General might therefore be unnecessarily restrictive.

2.7 The Chairman observed that the Secretary-General's suggestion might be amplified by adding references to tariff principles and networks in the appropriate places.

2.8 The delegate of Saudi Arabia said that his Delegation considered the text read out by the Chairman of Committee 7 to be the most appropriate for insertion in the Constitution, which must contain general provisions.

2.9 The Secretary-General said that the omission of references to the relevant areas of the CCITT's most important function and the absence of any such references elsewhere in the basic instrument might suggest that one or all of those categories did not require study by a permanent organ of the Union.

2.10 The delegate of the Islamic Republic of Iran endorsed that statement and pointed out that the Director of the CCITT had originally referred to equipment, which might also be mentioned. The delegate of Japan suggested that reference might also be made to terminals.

2.11 The Director of the CCITT observed that those suggestions were typical of the kind of complication that arose when attempts were made to go into too much detail. Equipment and terminals were probably covered by the term "networks", but it was important to keep the provisions of the Constitution as simple as possible.

2.12 The delegate of Algeria said he could not see why the use of the term "standards" raised such serious problems. Surely, standards for world-wide application ensured the right of every State to remain in the international community and also met the Secretary-General's often-expressed concern for smooth interworking between all the members of that community.

2.13 The Director of the CCITT pointed out that, whereas recommendations were generally acknowledged to be non-binding texts relating to technical, operating and tariff principle aspects, the term "standards" had a mandatory connotation in some parts of the world. Moreover, the term "standardization" now appeared in Article 4 of the Constitution, which set out the purposes of the Union. It was true that technicians among themselves used the term "standards" in the non-binding sense of specifications, but in a legal instrument such as the Constitution it was important to avoid the use of any wording which was open to misinterpretation.

He suggested that the passage should read "to study technical, operating and tariff questions and issue recommendations facilitating standardization of telecommunications on a world-wide basis"; which was in line with other provisions of the basic instrument, such as No. 122 in Article 6 of the Convention, and thus provided a link between the Constitution and the Convention. The Chairman of Committee 7 said that the suggested text seemed to be most likely to gain general support.

2.14 The delegate of Algeria observed that the wording now suggested could make it possible to use the word "standards", for if reference was made to recommendations on standards, any mandatory connotation of that term would be eliminated. Moreover, the phrase would be weakened by the use of the word "facilitating", and he therefore suggested it should read "to issue recommendations on operating standards, technical studies and tariff principles". The delegate of Romania endorsed that statement.

2.15 The Secretary-General pointed out that another connotation of the word "standards" was that they were established nationally, whereas it was certainly not for the CCITT to interfere with that process, its function being to ensure international interworking. The text suggested by the Director of the CCITT seemed to be acceptable, with the insertion of the word "thereon" after "recommendations".

2.16 The delegate of Algeria said that he could accept that compromise text, provided the word "facilitating" was replaced by "with a view to the".

It was so agreed.

2.17 The Chairman invited the meeting to consider the text in square brackets in the second to fourth lines of No. 85.

2.18 The delegate of Romania proposed that the text be deleted since it served no useful purpose.

2.19 The delegate of the German Democratic Republic opposed that proposal.

2.20 The Director of the CCITT agreed that the text should be deleted, in the interests of alignment between No. 85 and No. 84.

- 2.21 The delegates of New Zealand, Paraguay and Italy having supported the Romanian proposal, it was agreed to delete the text.
- 2.22 The Chairman then invited the meeting to consider the remaining texts in square brackets.
- 2.23 The Director of the CCITT suggested that there was no need to include either of the alternatives, since the duties of the CCIR with respect to radiocommunications were clearly set out in No. 84.
- 2.24 The Director of the CCIR observed that the breadth of the definition of telecommunication in the Constitution could give rise to difficulties, since it included all radiocommunication services. While the intention of the wording approved for the first part of No. 85 was reasonably clear, many radiocommunication services were in fact telecommunication services, and unless a brief reference to the exclusion of radiocommunications and to No. 84 was retained in that provision, the possibility of duplication of work between the two CCIs might arise, unlike the past when the terms of reference of those organs had been clear.
- 2.25 The delegate of Paraguay considered that all the remaining text in square brackets should be deleted, since the Constitution should not contain provisions which properly belonged in the Administrative Regulations.
- 2.26 The delegate of Italy said that such a deletion would create a flagrant contradiction between Nos. 84 and 85, since the definition of telecommunications in the Radio Regulations included radiocommunications. Unless explicit exclusion of radiocommunications from the terms of reference of the CCITT was retained in No. 85, the inference would be that that organ dealt with all telecommunications, including radiocommunications, while the CCIR dealt with radiocommunications only.
- 2.27 The delegate of Luxembourg proposed that the text in question should simply be replaced by the words "without prejudice to the competence of the CCIR".
- 2.28 The delegate of Finland proposed the placing of a semi-colon after the words "on a world-wide basis", followed by "however" and the phrase in the last three lines of No. 85. The reason for that amendment was that the CCITT was responsible for all questions relating to tariff principles, irrespective of the means of telecommunication involved.
- 2.29 The delegate of Spain considered that that amendment was inadequate and that the explicit wording of No. 84 of the Nairobi Convention was preferable.
- 2.30 The delegate of the Federal Republic of Germany said that he could not agree with the Finnish delegate's proposal, since it would necessitate the insertion of similar wording in No. 84, to show that the CCITT also studied certain radio matters, such as questions relating to signalling systems. In his statement to Committee 7 at the outset of the Conference (Document 206), the Director of the CCIR had said that there were practically no problems with the interface between the two CCIs, and he had confirmed that statement at the current meeting. The suggestion of the Director of the CCITT that the text be kept as simple as possible should therefore be heeded.
- 2.31 The delegate of Italy observed that the previous speaker's proposal implied the introduction of a single International Consultative Committee. On the other hand, if two CCIs were to be retained, the terms of reference of the CCITT should either be confined to telephony and telegraphy or, if the term "telecommunications" was kept, should refer expressly to the exclusion of radiocommunications.

2.32 The Chairman suggested that No. 85 be kept in square brackets until the second reading, on the understanding that No. 84 would be aligned on the text of No. 85 finally decided upon.

It was so agreed.

No. 86

Approved.

No. 86A

2.33 The delegate of Colombia said that his Delegation had considerable difficulties with the provision, which was not only ambiguous but also seemed to restrict the activities of the CCIs. He therefore proposed that it be deleted. The delegates of Romania, Indonesia, Cameroon, Venezuela and Brazil supported that proposal.

2.34 The Director of the CCITT pointed out that the provision was in effect an exhortation to the CCIs to limit their Recommendations to what was strictly necessary: since that was a constant concern of CCI Study Groups, No. 86A might usefully be retained.

2.35 The delegate of Japan agreed that the provision should be retained, since it provided useful guidance to the CCIs. The Colombian delegate's concern about the possible restriction imposed on CCI activities might be met by inserting the words "in particular" after "address" in the third line. The delegates of Canada and the Islamic Republic of Iran supported that proposal.

2.36 The delegate of the United States also supported the Japanese proposal. In the current period of economic stringency, the CCIs must concentrate on the most important items, and it was appropriate to exhort them to do so.

2.37 The delegate of the Federal Republic of Germany said that his Delegation was in favour of deleting No. 86A, which erroneously implied that special priorities were to be set for the tasks of the CCIs. The Japanese amendment would only serve to highlight that implication. Moreover, the principles governing the use of the radio frequency spectrum and the geostationary-satellite orbit were already set out in Article 29 of the Constitution, which required Members to take specific measures.

2.38 The Chairman noted that the majority of speakers were in favour of deleting No. 86A.

It was so agreed.

Nos. 87 to 97

Nos. 87 to 97 were approved.

Article 11 was approved as amended, subject to review of Nos. 84 and 85 on second reading.

Convention - Article 5 - International Frequency Registration Board

Approved.

Resolution No. COM3/1

Approved.

The eighteenth series of texts submitted by the Editorial Committee (B.18), as amended, was approved on first reading.

3. Nineteenth series of texts submitted by the Editorial Committee for first reading (Series B.19) (Document 488)

Constitution - Article 8 - Administrative Council

3.1 The Chairman of the Editorial Committee said that the text of No. 58 was still being processed and would be submitted later.

No. 57

3.2 The delegate of New Zealand said that, although his Delegation had no objection to the number of Members of the Council, it considered it advisable to express that number in such a way that it could grow with the membership of the Union. He therefore proposed that the words "forty-three" in the second line be replaced by "not more than twenty-six per cent of the". That proposal was supported by the delegates of the Islamic Republic of Iran, Chile, Senegal, the United States and Brazil.

3.3 The delegates of France, Cameroon, Portugal and Uruguay, while supporting the proposal in principle, considered that the percentage should be specified without any qualification.

3.4 The delegate of Kenya said that his Delegation shared the concern expressed by the New Zealand delegate. Moreover, in view of the explicit wording of resolves 1.1 and 1.2 of Nairobi Resolution No. 62, the numerical composition of the Council should appear in the Convention rather than the Constitution.

3.5 The delegate of Indonesia agreed that the number of Members should be placed in Article 3 of the Convention and suggested that the words "forty-three" in No. 57 be replaced by "such".

3.6 The delegate of Switzerland said that his Delegation was in favour of inserting a percentage, but considered that the provision should be made more flexible by using the term "approximately twenty-five per cent".

3.7 The delegates of Romania, Venezuela, Spain, Australia and the German Democratic Republic considered that the text should remain unchanged. The number given in No. 57 was large enough for practical purposes; the introduction of a percentage made the provision ambiguous; the United Nations had encountered no difficulties in, for example, increasing the number of members of the Economic and Social Council stated in the Charter; ratification of the Constitution would take a long time, during which increases or even reductions in the membership of the Union could not be foreseen; and flexibility was not a factor to be taken into account with respect to a stable basic instrument.

3.8 The delegate of Kenya reiterated that Resolution No. 62, which was recognized as the basis of all discussions on the Constitution and the Convention, clearly stipulated that the Constitution should contain provisions of a fundamental character and that the



Convention should comprise other provisions which by definition might require revision at periodic intervals. Accordingly, the crucial issue was whether the specific figure or percentage could be easily changed in a routine manner. With that criterion in mind, he proposed that the number "forty-three" be transferred to Article 3 of the Convention.

3.9 The Chairman of Committee 9 said that, although the insertion of a percentage had not been suggested in his Committee, the question whether the number of Members should appear in the Constitution or the Convention had been discussed at length, in relation to Article 10 on the IFRB as well as to Article 8. The Group of Experts had also considered the question and had submitted two alternative texts in its report. An informal sounding of opinion in Committee 9 had shown a majority in favour of retaining specific figures in Articles 8 and 10 of the Constitution; if the Plenary decided otherwise, appropriate wording was available in the report of the Group of Experts.

3.10 The Chairman called for an informal show of hands on the New Zealand proposal.

3.11 The delegate of Kenya, speaking on a point of order, said that the basic issue of whether the number should appear in the Constitution or in the Convention took precedence over the New Zealand proposal.

3.12 The Chairman said that the meeting must deal with the proposal before it, which had been supported.

3.13 After an informal show of hands was taken, the Chairman observed that the majority was against the New Zealand proposal and invited the meeting to vote on the whole of Article 8 as presented.

It was so agreed.

3.14 The delegate of Canada, speaking on a point of order, said that there might have been more support for the New Zealand proposal if "twenty-six per cent" had been specified without qualification.

3.15 The delegate of Kenya, also speaking on a point of order, said that delegations such as his own which wished the number of Members to appear in the Convention would be placed in the difficult position of having to vote against Article 8 for that reason alone. The delegate of Benin endorsed that statement.

3.16 The delegate of Spain, speaking on a point of order, observed that the text of Article 8 had been submitted by Committee 7, not by Committee 9 and it was the latter which was competent to deal with issues relating to the apportionment of provisions between the Constitution and the Convention and had already taken the relevant decision.

3.17 The Secretary-General said that the word "especially" in the third line of No. 64 should be replaced by "including", to align the provision with No. 20 of Article 4, Purposes of the Union.

3.18 After further procedural discussion, the delegate of the USSR moved the closure of the debate under No. 520 of the Nairobi Convention.

The motion was carried unanimously.

3.19 The Chairman called for a vote on Article 8 as amended.

Article 8, as amended, was approved by 59 votes to 20, with 10 abstentions.

Convention - Article 3 - Administrative Council

3.20 The delegate of Chile observed that No. 31 merely repeated No. 57 of the Constitution without the number of Members, and suggested that it be deleted.

3.21 The delegate of Mexico, supported by the delegate of Benin, agreed that the provision had little significance, but pointed out that the Article needed a brief preamble.

3.22 The Chairman of Working Group 7 ad hoc 5 said that a proposal by his Group to include a reference to the Director of the Telecommunications Development Bureau in No. 41 had been transmitted to the Editorial Committee, and suggested that the provision be left in square brackets pending incorporation of the Group's text in the version submitted for second reading.

It was so agreed.

Article 3 of the Convention was approved, subject to the insertion of additional wording in No. 41.

The nineteenth series of texts submitted by the Editorial Committee (B.19), as amended, was approved on first reading.

The meeting rose at 2015 hours.

The Secretary-General:

R. E. BUTLER

The Chairman:

J. GRENIER

# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 499(Rev.2)-E  
29 June 1989  
Original: English

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PLENARY MEETING

Afghanistan, Algeria, Antigua and Barbuda, Saudi Arabia, Bahamas,  
Bahrain, Barbados, Bhutan, Cameroon, Colombia, Costa Rica, Egypt,  
United Arab Emirates, Ethiopia, India, Indonesia, Iran (Islamic Republic of),  
Iraq, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Libya, Malaysia, Mali, Morocco,  
Nepal, Nigeria, Oman, Uganda, Pakistan, Qatar, Syria, Somalia, Sudan, Suriname,  
Tanzania, Trinidad and Tobago, Tunisia, Venezuela, Yemen A.R., Zambia, Zimbabwe

DRAFT RESOLUTION NO. PLEN/...

**Interim Arrangements to Enable Commencement of the Work  
of the Telecommunications Development Bureau**

The Plenipotentiary Conference of the International Telecommunications Union  
(Nice, 1989),

considering

a) the decision of this Conference to set up a new permanent organ - the  
Telecommunications Development Bureau (TDB) with the same status as the other permanent  
organs of the Union and headed by a Director;

b) that the Nice (1989) Constitution and Convention incorporate necessary  
provisions in respect of the TDB;

c) that, however, in accordance with the decision of this Conference, the  
Director of the TDB is to be elected at the next Plenipotentiary Conference,

recognizing

that it was essential to ensure that the TDB begins to function with immediate  
effect, to enable the Union to fulfil its responsibilities in respect of technical  
cooperation and telecommunications development in a more satisfactory manner,

recognizing also

the understanding of the Members that the implementation of the TDB should begin  
immediately after the Nice Plenipotentiary Conference under the responsibility of the  
Secretary-General,

resolves

a) that the TDB should become operational, in practical terms, immediately;

b) that the Secretary-General be authorized to institute all the measures  
necessary to make this possible, within the resources earmarked for the TDB;

c) that during the period up to the election, and assumption to office, of the Director of the TDB, the Secretary-General should discharge the duties of the Director in addition to his other responsibilities;

instructs the Secretary-General

a) to take all necessary measures towards the operationalization of the TDB using the staff and resources of the Technical Cooperation Department as a nucleus;

b) to submit a progress report along with his recommendations to the extraordinary and the subsequent sessions of the Administrative Council;

c) to circulate his report together with the considerations of the Administrative Council to all Members;

requests the Administrative Council

to consider the report of the Secretary-General and to make necessary decisions to give effect to the intent of this Resolution. )

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**PLENIPOTENTIARY  
CONFERENCE**

NICE, 1989

Document 499(Rev.1)-E

28 June 1989

Original : English

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PLENARY MEETING

DRAFT RESOLUTION No. PLEN/...

(This revised version concerns the Spanish text only.)

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 499-E

28 June 1989

Original: English

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PLENARY MEETING

Afghanistan, Algeria, Antigua and Barbuda, Saudi Arabia, Bahamas,  
Bahrain, Barbados, Bhutan, Cameroon, Colombia, Costa Rica, Egypt,  
United Arab Emirates, Ethiopia, India, Indonesia, Iran (Islamic Republic of),  
Iraq, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Libya, Malaysia, Morocco, Nepal,  
Nigeria, Oman, Uganda, Pakistan, Qatar, Syria, Somalia, Sudan, Suriname, Tanzania,  
Trinidad and Tobago, Tunisia, Venezuela, Yemen A.R., Zambia, Zimbabwe

DRAFT RESOLUTION NO. PLEN/...

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of the Telecommunications Development Bureau

The Plenipotentiary Conference of the International Telecommunications Union  
(Nice, 1989),

considering

a) the decision of this Conference to set up a new permanent organ - the  
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a) that the TDB should become operational, in practical terms, immediately;

b) that the Secretary-General be authorized to institute all the measures  
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instructs the Secretary-General

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b) to submit a progress report along with his recommendations to the extraordinary and the subsequent sessions of the Administrative Council;

c) to circulate his report together with the considerations of the Administrative Council to all Members;

requests the Administrative Council

to consider the report of the Secretary-General and to make necessary decisions to give effect to the intent of this Resolution.

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# PLENIPOTENTIARY CONFERENCE

NICE, 1989

Document 500-E  
10 August 1989

## LIST OF DOCUMENTS (Documents 451 to 500)

No.	Origin	Title	Destination
451	C.4	Summary Record of the thirteenth meeting of Committee 4	C.4
452	PL	Minutes of the nineteenth Plenary Meeting	PL
453	PL	Minutes of the twentieth Plenary Meeting	PL
454	PL	Minutes of the twenty-first Plenary Meeting	PL
455	C.4	Sixth Report by the Chairman of Committee 4 to the Plenary Meeting	PL
456	C.9	Summary Record of the seventeenth meeting of Committee 9	C.9
457	C.9	Summary Record of the eighteenth meeting of Committee 9	C.9
458	C.9	Summary Record of the nineteenth meeting of Committee 9	C.9
459	C.9	Summary Record of the twentieth meeting of Committee 9	C.9
460	C.9	Summary Record of the twenty-first meeting of Committee 9	C.9
461	C.7	Summary Record of the twenty-eighth meeting of Committee 7	C.7
462	C.7	Sixth Series of texts from Committee 7 to the Editorial Committee	C.10,9
463	CLM	Proposal relating to Document 379 - Draft Resolution No. [PL-B/3]	PL
464	C.10	B.15	PL
465	C.10	B.16	PL
466 +Corr. 1	C.10	B.17	PL
467	C.7	Seventh Series of texts from Committee 7 to the Editorial Committee	C.10
468	C.9	Note by the Chairman of Committee 9 : Draft Resolution - Measures to enable the United Nations to fully carry out any Mandate under Art. 75 of the Charter of the United Nations	PL



No.	Origin	Title	Destination
469	*)	Draft Resolution No. .. - Strengthened cooperation between the ITU and the Regional Broadcasting Unions	PL
470	**)	Draft Resolution on Worldtel	PL
471	GRC	Transfer of Document 428 to the Plenary	PL
472	Chairman	Transmission of a letter from the Director General of Telecommunications of the Ministry of Transport, Tourism and Communications of Spain	-
473	SG	Transmission of a telegram from the Head of the Delegation of the Republic of Cape Verde	-
474	F	Article 11A - The Telecommunications Development Bureau	PL
475	C.7	Eighth Series of texts from Committee 7 to the Editorial Committee	C.10
476 + Add.1	SG	Review of Resolutions of the Plenipotentiary Conference (Nairobi, 1982)	PL
477	C.3	Report of Committee 3 to the Plenary Meeting	PL
478	WG PL-A	Report of Working Group PL-A to the the Plenary	PL
479	C.7	Information Note - Extract from the Minutes of Committee 7 - Debate on World and Regional Development conferences	
480	PL	Minutes of the twenty second Plenary Meeting	PL
481	C.4	Summary Record of the fourteenth meeting of Committee 4	C.4
482	C.9	Summary Record of the twenty-second meeting of Committee 9	C.9
483	C.9	Summary Record of the twenty-third meeting of Committee 9	C.9

\*) ALG, ARS, BRB, BEN, BFA, CLM, CTR, ETH, GRC, IND, INS, JMC, MLA, MLI, NIG, PAK, POR, TZA, ZMB, ZWE

\*\*\*) ARS, BHR, UAE, ETH, IND, INS, IRQ, KWT, LBN, QAT

No.	Origin	Title	Destination
484	PL	Minutes of the twenty-third Plenary Meeting	PL
485	C.9	Summary Record of the twenty-fourth meeting of Committee 9	C.9
486	C.10	R.1	PL
487	C.10	B.18	PL
488	C.10	B.19	PL
489 (Rev.1)	C.9	New structures of the Constitution and the Convention adopted by the 26th Plenary Meeting	PL
490	C.9	Note by the Chairman of Committee 9 on transitional provisions	PL
491	GRC	Transfer of Document 429 to the Plenary	PL
492	C.7	Ninth series of texts from Committee 7 to the Editorial Committee	C.10
493	C.7	Tenth series of texts from Committee 7 to the Editorial Committee	C.10
494 (Rev.1)	C.7	Report of the Chairman of Committee 7 to the Plenary - Limits on Union expenditures for period 1990 - 1994	
495	C.4	Report of the Chairman of Committee 4 to the Plenary Meeting	PL
496	CUB	Statement in reply to Document 335 of the United States Delegation and to its statement at the twelfth Plenary Meeting	-
497	DG 7ADHoc5	First and last series of texts of Drafting Group 7 Ad Hoc 5 to the Editorial Committee	C.10
498 499 (Rev.2)	PL *)	Minutes of the twenty-fourth Plenary Meeting Draft Resolution No. PLEN/... - Interim Arrangements to Enable Commencement of the Work of the Telecommunications Development Bureau	PL PL
500	SG	List of Documents (451 to 500)	-

\*) AFG, ALG, ATG, ARS, BAH, BHR, BRB, BTN, CME, CLM, CTR, EGY, UAE, ETH, IND, INS, IRN, IRQ, JMC, JOR, KEN, KWT, LSO, LBY, MLA, MLI, MRC, NPL, NIG, OMA, UGA, PAK, QAT, SYR, SOM, SDN, SUR, TZA, TRD, TUN, VEN, YEM, ZMB, ZWE